

ARTICLE 3 ELECTED OFFICIALS

SECTION 3-1: GENERAL PROVISION

- (a) **Elective offices** - The town offices to be filled by ballot of the whole town shall be a board of selectmen, a school committee, a planning board, a board of library trustees, a town moderator, and a town clerk. In addition, members of a housing authority, and such members of regional authorities or districts as may be established by statute, inter-local agreement or otherwise shall also be elected at town elections.
- (b) **Eligibility** - Any voter shall be eligible to hold any elective town office; but no elected town official shall simultaneously hold any other elected town office.
- (c) **Election** - The regular elections for town office shall be held annually on such date as may from time to time be fixed in the by-laws of the town.
- (d) **Compensation** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.
- (e) **Coordination** - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen, or of the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
- (f) **Filling of Vacancies**
 - (1) **Town officer** - If there is a failure to elect, or if a vacancy occurs in the office of town clerk, the board of selectmen shall, in writing, appoint some suitable person to serve until the next town election.
 - (2) **Multiple-Member Body** - If there is a failure to elect, or if a vacancy occurs in the membership of any elected multiple member body, unless the provisions of a will or trust provide for a different method, the remaining members of the multiple member body shall give notice to the board of selectmen of such vacancy and to the public in accordance with the provisions of section 7-10; the board of selectmen, with the remaining members of such multiple member body shall, after one week's notice of the date on which the vote is to be taken, fill such vacancy, until the next town election, by a joint vote. The votes of a majority of the persons entitled to vote shall be necessary for such election.
 - (3) **Board of Selectmen** - If there is a failure to elect, or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may call a special election to fill such vacancy and shall call such special election upon the written request of two hundred or more voters.

(g) Recall of Elected Officers

- (1) Who can be Recalled** - Any holder of an elective office, as defined in section 3-1 (a), with more than six months remaining of the term for which elected, may be recalled there from by the voters as herein provided.
- (2) Recall Petition** - Any one hundred (100) voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall; provided, however, not more than fifty (50) such names shall be from any one precinct of the town. The town clerk shall thereupon delivery to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which shall be kept available. The blanks when issued shall be signed by the town clerk and shall have the official town seal attached thereto and may be completed by printing or typewriting. They shall be dated, shall be addressed to the board of selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within thirty (30) days after the filing of the affidavit and shall have been signed by at least fifteen (15) per cent of the voters who shall add to their signatures the street and number, if any, of their residences. The town clerk shall within twenty-four (24) hours of receipt submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters.
- (3) Selectmen's Action Upon Receiving Petition** - If the petition shall be found and certified by the registrars of voters to be sufficient the town clerk shall submit the same with a certificate so stating to the board of selectmen without delay, and the selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five (5) days thereafter order an election to be held on a date fixed by it not less than sixty (60) days nor more than ninety (90) days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however that if any other town election is to occur within ninety (90) days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
- (4) Nomination of Candidates** - An officer whose recall is sought may not be a candidate to succeed to the office in the event the vote on the recall is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

- (5) **Incumbent Holds Office until Election** - The incumbent shall continue to perform the duties of the office until the recall election. If than not recalled the incumbent shall continue in office for the remainder of the unexpired term. If recalled at the recall election such person shall be deemed removed upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.
- (6) **Propositions on Ballot** - Ballots used in a recall election shall submit the following propositions in the order indicated

For the recall (name of officer)
Against the recall of (name of officer)

- Immediately at the right of each proposition there shall be a place to vote for either of said propositions.* Under the proposition shall appear the word “candidates”, the directions to voters required by section 42 of chapter 54 of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not to be counted
- (7) **Repeat recall petition** - No recall petition shall be filed against an officer within six (6) months neither after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of such officer’s than current term of office.
- (8) **Appointment of Person Recalled** - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against them, shall be appointed to any town office within two (2) years after such recall or such resignation.

SECTION 3-2: BOARD OF SELECTMEN

- (a) **Composition, Term of Office** - There shall be a board of selectmen consisting of five (5) members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties in General** - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies, the development and promulgation of policy guidelines designed to bring all town agencies into harmony; provided, however, that nothing in this section shall be construed to authorize any

member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

- (c) **Licensing Authority** - The board of selectmen shall be the licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any licenses.
- (d) **Appointment** - The board of selectmen shall appoint a town administrator, constables, the members of the board of appeals, the registrars of voters (but not the town clerk) and other election officers, the conservation commission, the industrial development finance authority, other members of multiple members bodies the functions of which do not involve direct operating responsibilities, but, are primarily policy making or advisory in nature, and individuals who are to serve as representatives or delegates of the town to the governing or advisory boards of regional or district authorities.
- (d) **Investigations** - The board of selectmen may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the board of selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report.

SECTION 3-3: TOWN MODERATOR

- (a) **Term of Office** - A town moderator shall be elected to serve for the term of three years.
- (b) **Powers and Duties** - The town moderator shall be the presiding officer of the town meeting, shall regulate its proceedings, decided all questions of order and shall have such other powers and duties as may be provided for that office by general law, by this charter, by by-law and by other vote of the town meeting.

SECTION 3-4: SCHOOL COMMITTEE

- (a) **Composition, term of Office** - There shall be no school committee consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The school committee shall have all of the powers and duties school committees may have under the constitution and general laws of the commonwealth, and it shall have such additional powers and duties as may be authorized by this charter or by by-law. The powers of the school committee shall include, but are not intended to be limited to the following.

- 1 To appoint a superintendent of the schools and all other officers and employees connected with the schools, to fix their compensation, define their duties, make rules concerning their tenure of office and to discharge them;
- 2 To make all reasonable rules and regulations consistent with law for the administration and management of the public schools and for the conduct of its own business and affairs.

SECTION 3-5: TOWN CLERK

- (a) **Term of Office** - There shall be a town clerk elected for a term of three years.
- (b) **Powers and Duties** - The town clerk shall be the keeper of vital statistics for the town; the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed to any town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and all other matters relating to elections be the clerk of the town meeting, keep its records and in the absence of the town moderator or deputy town moderator to preside pending the election of a temporary town moderator. The town clerk shall have such other powers and duties as are given to town clerks by general law, by this charter, by by-law or by other vote of the town meeting.

SECTION 3-6: PLANNING BOARD

- (a) **Composition Term of Office** - There shall be a planning board consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall have the power to make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the town. The board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations. The planning board shall make recommendations to the town meeting on all proposed warrant articles which affect land use and development, including but not limited to proposals to amend the zoning by-law and zoning map. The planning board shall make an annual report, giving information regarding the condition of the town and any plans or proposals for its development and estimates of their costs. The planning board shall have all of the other powers and duties which are given to planning boards by general law, by this charter, by by-law or by other town meeting vote.

SECTION 3-7: BOARD OF LIBRARY TRUSTEES

- (a) **Composition, Term of Office** - There shall be a board of library trustees consisting of seven members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

- (b) **Powers and Duties** - The board of library trustees shall have the custody and management of the public library and of all property of the town related to the said library. All funds of money and property that the town may receive by gift or bequest for the purpose of library support or maintenance shall be administered by the board in accordance with the provisions of any such gift or bequest. The board shall have all of the other powers and duties which are given to boards of library trustees by general law, by this charter, by by-law or by other town meeting vote.

SECTION 3-8: GRAFTON HOUSING AUTHORITY

- (a) **Composition, Term of Office** - There shall be a housing authority consisting of five (5) members, four (4) of these members shall be elected by the voters and one shall be appointed in the manner provided by general law. All of the members shall serve for five- year terms, so arranged that the term of office of one member shall expire each year.
- (b) **Powers and Duties** - The housing authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The housing authority shall have such other powers and duties as are given to housing authorities by general law.