

## ARTICLE 7 GENERAL PROVISIONS

### SECTION 7-1: CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

### SECTION 7-2: SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

### SECTION 7-3: SPECIFIC PROVISIONS TO PREVAIL

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

### SECTION 7-4: NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

### SECTION 7-5: DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

- (a) **Charter** - The word “charter” shall mean this charter and any amendments to it which may hereafter be adopted.
- (b) **Days** - The word “days” shall refer to business days, not including Saturday, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) **Emergency** - The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) **general laws** - The words “general laws” (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Grafton is a member.
- (e) **General Laws** - The words “General Laws” (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

- (f) **Local Newspaper** - The words “local newspaper” shall mean a newspaper of general circulation in the town of Grafton.
- (g) **Majority vote** - The words “majority vote” shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.
- (h) **Multiple Member Body** - The words “multiple member body” shall mean any town body consisting of two or more persons and whether styled board, commission, committee, sub-committee, or otherwise and however elected or appointed or otherwise constituted.
- (i) **Quorum** - The word “quorum”, unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body than in office, not including any vacancies which might then exist.
- (j) **Town** - The word “town” shall mean the Town of Grafton.
- (k) **Town Agency** - The words “town agency” shall mean any board, commission, committee, department division or office of the town government.
- (l) **Town Bulletin Board** - The words “town bulletin board” shall mean the bulletin board in the municipal center on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by by-law, or by vote of the board of selectmen.
- (m) **Town Officer** - The words “town officer” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town.
- (n) **Voters** - The word “voters” shall mean registered voters of the town of Grafton.

#### **SECTION 7-6: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten days following the date it has been so filed in the office of the town clerk.

#### **SECTION 7-7: PERIODIC REVIEW, CHARTER AND BY-LAWS**

- (a) **Charter Review** - At least once in every ten years, in each year ending in a six, a special committee shall be appointed by the town moderator for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable.

- (b) **By-Law Review** - The board of selectmen shall at five (5) year intervals, in each year ending in a two, or in a seven, cause to be prepared by a special committee appointed for that purpose, a proposed revision or re-codification of all by-laws of the town which shall be presented to the town meeting for reenactment at the fall town meeting in the year following the year in which it is appointed. The said committee in its final or in an interim report shall include recommendations for such substantiate change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with the town counsel, or if the board of selectmen so direct by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published all as required by general laws. Copies of the revised by-laws shall be made available for distribution to the public.

### **SECTION 7-8: REMOVALS AND SUSPENSIONS**

Any appointed officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed by them to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen (15) days. Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by registered mail to the last known address of the person sought to be removed.
- (b) Within five (5) days of delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
- (c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this

section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

## **SECTION 7-9: PROCEDURES GOVERNING MULTIPLE MEMBER BODIES**

- (a) Meetings** - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairman or by one-third of the members thereof by suitably written notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin boards(s). Special meetings of any multiple member body shall also be called within one (1) week after the date of the filing with the town clerk of a petition signed by at least fifty (50) voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public.
- (b) Agendas** - At least twenty-four hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts by a separate vote a resolution declaring that an emergency exists and that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.
- (c) Rules and Journal**- Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by law and shall provide for keeping a journal of their proceedings. These rules and journals shall be public records, and certified copies shall be kept available in the office of the town clerk and at the main branch of the Grafton public library for the convenience of the public.
- (d) Voting** - Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the ayes and nays shall be recorded in the journal provided, however, that if the vote is unanimous only that fact need be recorded.
- (e) Quorum** - A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.

- (f) Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.
- (g) Composition of Multiple Member Bodies** - All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

### **SECTION 7-10: NOTICE OF VACANCIES**

Whenever a vacancy occurs in any town office, position or employment or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

### **SECTION 7-11: LOSS OF OFFICE, EXCESSIVE ABSENCE**

If any person appointed to serve as a member of a multiple member body shall fail to attend six or more consecutive meetings, or one-half or more of all of the meetings of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.