

ARTICLE 8 TRANSITIONAL PROVISIONS

SECTION 8-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

SECTION 8-2: CONTINUATION OF GOVERNMENT

All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.

SECTION 8-3: CONTINUATION OF ADMINISTRATIVE PERSONNEL

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency.

SECTION 8-4: TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

SECTION 8-5: TIME OF TAKING EFFECT

This charter shall take effect upon its adoption by the voters of Grafton, except as is hereinafter provided:

- (a) Forthwith following the election at which this charter is adopted each town agency shall designate some person to represent it at all sessions of the town meeting to be held in this calendar year, in accordance with the provisions of section 2-8.
- (b) Forthwith following the election at which this charter is adopted a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of town administrator.

The screening committee shall consist of nine persons who shall be chosen as follows: the board of selectmen, the school committee, the planning board and the board of library trustees shall each designate one person, the finance committee shall designate two persons and three persons shall be chosen by the town moderator. Persons chosen by the said agencies may, but need not, be members of the agency by which they are designated: appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership

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base of the committee to be most representative of the demographic and occupational base of the town.

Not more than thirty days following the election at which the charter is adopted the several persons chosen as aforesaid shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than one hundred and fifty days following the date on which the committee meets the to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town administrator. The appointment of the first town administrator shall not be considered by the board of selectmen, however, until after the qualification of the two members elected at the special election in September of the year in which the charter is adopted.

Within thirty days following the date the list of nominees is submitted to it, the board of selectmen shall choose one of the said nominees to serve as town administrator. In the event the board of selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the town administrator.

Upon the appointment of a town administrator the committee established hereunder shall be considered discharged.

Until such time as some other provision is made, by by-law for another screening committee a committee as above shall be established whenever the office of town administrator shall become vacant. For such purpose, references in this section to the date of the election at which this charter is adopted shall be understood to mean the date a vacancy, or pending vacancy, in the office of town administrator becomes known.

- (a) Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town administrator shall, in addition to the qualifications as stated in 4-1, have the following specific qualifications, (a) have at least an earned bachelor's level degree from a recognized, accredited college or university, (b) have served full time as the chief administrative officer of a city or town for not less than five years.
- (b) Until such time as the salary of the town administrator is otherwise established, and to provide a range within which candidates can be recruited, the salary range for the office is hereby determined to be not less than forty-two thousand five hundred nor more than fifty-three thousand dollars per year.
- (c) A special election for the purpose of increasing the number of members of the board of selectmen from three to five shall be held on the third Monday in September in the year in which this charter is adopted. Candidates shall be nominated and the election shall be held for two separate offices: (1) to serve as a member of the board of selectmen for the term of three

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years, expiring at the town election to be held in the third year following the year in which this charter is adopted and (2) to serve as a member of the board of selectmen for the term of two years, expiring at the town election to be held in the second year following the year in which this charter is adopted.

- (d) Until such time as the town meeting may act, by by-law, to amend, repeal or revise them, the following provisions shall have the force of town by-laws:
- 1) **Date of Town Meetings** - The spring session of the annual town meeting shall be held on the second Monday in May and the fall session of the town meeting shall be held on the third Monday in October.
 - 2) **Date of Town Elections** - The annual town election for the election of town officers and for the determination of all other matters to be referred to the voters shall be held on the first Monday in May.
 - 3) **Town Administrative Organization** - Until such time as a different form of organization shall be provided, in accordance with the provisions of article 5 of this charter, the following outline of organization shall be operative:

The Board of Selectmen shall appoint:

- a town administrator to serve for an indefinite term;
- a board of health to consist of three members appointed for terms of three years each;
- a conservation commission to consist of nine members appointed for terms of three years each;
- a board of registrars of voters in the manner provided by general law;
- a board of appeals to consist of five regular members, appointed for terms of three years each, and two associate members, appointed for terms of three years each;
- a council on aging, as provided by by-law;
- a development and industrial commission, as provided by by-law;
- a industrial development financing authority in the manner provided by general law;
- a cable television oversight committee;
- a cemetery commission;
- constables;
- a civil defense director and related civil defense personnel;
- an arts lottery council;
- a Grafton Historical Commission;
- the McNamara Memorial Committee
- the municipal center renovations committee;
- a board of trustees of soldier's memorials;
- a board of trustees of the South Grafton Community House;

The town administrator shall appoint:

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- a director of public works (if any) and all other employees of a department of public works;
 - a police chief and other police officers to serve for indefinite terms;
 - a board of fire engineers, a fire chief, forest wardens and other firefighters, to serve for indefinite terms;
 - a board of assessors to consist of a principal assessor, who shall serve full time and two associate assessors, who shall serve part time; the term of all members shall be for three years;
 - a board of sewer commissioners to consist of three members, appointed for terms of three years each;
 - a town collector/ treasurer to serve for a term of three years;
 - a town accountant to serve for the term of three years;
 - an inspector of buildings to serve for an indefinite term;
 - a wire inspector to serve for an indefinite term;
 - an inspector of gas appliances and gas fittings to serve for an indefinite term;
 - a plumbing inspector to serve for an indefinite term;
 - an animal control officer to serve for an indefinite term;
 - a sealer of weights and measures in accordance with the civil service law and rules;
 - a board of trustees of Nelson Park and Memorial;
 - a recreation commission;
 - a parking clerk;
 - a town counsel;
 - a town engineer;
 - a town forest committee;
 - a traffic safety committee;
 - a veteran's services director, veteran's agent, veteran's graves officer and burial agent;
 - a health agent, animal inspector and other personnel of a department of public health.
- (e) All town officers and all members of all boards, commissions and committees who have here to before been elected and who will henceforth be appointed under the provisions of this charter, shall serve for the balance of the term for which they were elected, (subject to their retirement or resignation) but their successors shall be appointed.
- (f) The position of executive secretary to the board of selectmen created by vote of the 1982 annual town meeting under article 33 is hereby abolished. Nothing contained in the charter shall be construed as to grant to the incumbent of that office at the time the charter is adopted any right or privilege to be retained in the employment of the town. It is the specific intention of this provision that such person not automatically be continued in office under the designation of town administrator, which office is created by Article 4 of the charter. There shall be a wide-spread search for candidates to be considered for appointment to the office of town administrator. The incumbent executive secretary may be such a candidate.

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- (g) The provisions of the charter which relate to the establishment of a combined department of public works shall not become effective until the first day of July in the year following the year in which this charter is adopted; provided, however, that no further elections to any offices to be included under the said department shall be held.
- (h) Forthwith following the election at which this charter is adopted a special committee of seven members shall be appointed by the board of selectmen to revise the by-laws of the town in order to fully implement the provisions of this charter. The said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article at a session of the town meeting held not more than one year following the election at which the charter is adopted. At least two members of the said committee shall have been members of the charter commission.
- (i) The offices of town treasurer and town collector shall be combined into a single office, to be appointed by the town administrator, effective on the first day of July in the year following the year in which this charter is adopted. The terms of office of the persons serving as town treasurer and as town collector shall be terminated upon the appointment of a treasurer-collector. Nothing in this section shall be construed to prevent either of said persons from being a candidate for appointment, or from being appointed to the combined office. If a vacancy shall occur in either office prior to the said July first effective date of the merger it shall be filled, pending such consolidation of the offices, by vote of the board of selectmen if it occurs before the appointment of a town administrator, or, by the town administrator if it occurs after such appointment.
- (l) Notwithstanding any provision of this charter to the contrary, it is not expected that the first person to serve as town administrator shall forthwith upon appointment begin at once to perform all of the duties and exercise all of the powers, duties and responsibilities assigned by this charter to the office. It is recognized that in the best long-range interest of the town of Grafton, that such assumption must be gradual and on a phased-in basis.
- (m) The provisions of section 6-2 and section 6-6 of the charter shall not become effective until the year following the year in which the charter is adopted.
- (n) The following provisions of existing by-laws are hereby amended, repealed or revised, as indicated:

ARTICLE 1

- by deleting section 8A
- by deleting section 9

ARTICLE 2

- By deleting section 8 and substituting in its place, the following: On substitute motions and proposed amendments involving sums of money, the votes shall be taken in descending order, the largest sum proposed shall be taken up first and voting shall continue until an affirmative vote on a sum is reached. Any lesser amounts proposed not then voted upon shall be deemed to have been defeated.

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- By deleting section 10 and substituting in its place, the following: A motion to reconsider any prior vote shall not be accepted. All votes taken shall be deemed to be final.
- By inserting into article 2 a new section 20, as follows:

In all matters not covered by these by-laws the town moderator shall be guided by the rules of parliamentary procedures as applied to Town Meetings in “Town Meeting time, A Practical Handbook of Parliamentary Law”.

ARTICLE 3

- By inserting in article 3 a new section 3A as follows:

The report of the finance committee shall be printed and copies shall be made available for distribution to every person who shall request a copy thereof at the office of the town clerk, at the public library and at its branches, at the police station and at other places in the town for the convenience of the voters. The reports shall be available at least seven days before the town meeting is to act on any article contained in the warrant for the said town meeting.

ARTICLE 22

- By striking out section 1 of said article and substituting in its place, the following:

The town administrator shall be the personnel director of the town of Grafton. The term “personnel Board” or “Board” as used in this by-law shall be construed to mean the town administrator. Provided, however, the town administrator may, from time to time, as said town administrator deems to be necessary, desirable or expedient, appoint a personnel advisory committee of such number of members, to serve for such length of term as said town administrator may deem appropriate, to assist in the performance of the duties and functions related to personnel as are assigned by the Grafton Home Rule Charter.

- (o) Notwithstanding any provision of this charter to the contrary, during the first calendar year following the appointment of the first town administrator the votes of four members of the board of selectmen shall be necessary to remove said town administrator from office.