



# Town of Grafton Home Rule Charter

Amended  
Annual Town Meeting  
May 13, 2019

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## **FINAL REPORT GRAFTON CHARTER COMMISSION**

### **Introduction**

The Grafton Charter Review Committee is pleased to present its final report of recommended changes to the Grafton Home Rule Charter as amended May 5<sup>th</sup> 2008. We want to thank all of the Town Boards and Committees and Town Citizens for their input during this process.

The committee was appointed by Town Moderator Raymond Mead in accordance with Article 7 Section 7-7 (a) of the existing charter. Our charge was to review each article of the Charter to insure that it conforms to the current Massachusetts General Laws and By-Laws of the Town of Grafton. To check for spelling and capitalization errors as well as sentence structure in order to insure correctness. To receive input and suggestions from Town Boards, Committees and Town Citizens for changes to the Charter and to present our final report to Town meeting.

The Committee's first meeting was held on June 9, 2016. During the course of the next several months, we reviewed the Charter, section by section; discussing any perceived deficiencies and need for amendment of each section. The Committee also held a public hearing where we received verbal as well as written input from Town Officials, Committees and citizens. All meetings were open to the public and recorded by the Grafton Cable Committee. Recordings were made available for viewing on demand. In addition, meeting minutes were posted on the Town website.

Our recommendations for changes to the Charter are based on requests received by the Select Board, Town Moderator and Town Citizens. A large portion of those changes are routine spelling, capitalization and sentence structure changes as well as changes made to bring the charter into compliance with existing Town Bylaws and current Massachusetts General Laws. However, there were three major changes requested as follows:

1. To change the position of Town Clerk from an elected to an appointed position. The Town Clerk position has become a complicated and technical position. It was recommended that the

position should be appointed rather than elected. After hearing input during the public meetings, the Charter Review Committee concluded unanimously that Town Clerk position should be appointed by the Select Board. This can be found in the proposed Charter under Article 5 section 5-7.

2. To change the position of Planning Board from an elected to an appointed position. There was a great deal of discussion about this proposed change at the public hearing as well as at the public meeting held with the Planning Board and the Select Board. While the Charter Review Committee was not unanimously in favor of this change, after careful consideration & discussion by the committee, it was voted unanimously to approve that this proposed change be presented at Town Meeting so that it could be discussed and voted on by the voters in an open forum. This change can be found in the proposed Charter under Article 5 Section 5-8.
3. To change the form of Government from Open Town Meeting to Representative Town meeting. This proposal was made in an attempt to increase attendance at Town meeting and in an attempt to strike a balance between the ideals of participatory and representative democracy. By having elected voters from each precinct it was thought that there is a greater chance of having a true representation of the town at the meetings. This change would also help prevent special interests or single issues from dominating a meeting. Electing representatives can actually boost meeting attendance, and meeting members are more likely to form committees and formulate legislation than an open town meeting. However, after discussions at several meetings, we received information from Town Counsel that changing the form of government can only be made by a Charter Committee of nine members elected by the Town by ballot just as the original Charter Committee was in 1986. Therefore, this request was tabled by the committee.

### **Summary of Changes**

The following is a summary of the proposed changes to the Town of Grafton Charter as amended May 5, 2008:

- 1) Amend the Charter by correcting capitalization of various words throughout the Charter, all as shown on a draft of the Charter dated January 12, 2017.

## ARTICLE 2- LEGISLATIVE BRANCH

- 1) Amend Section 2-3(b) Finance Committee by deleting the current Section 2-3(b) Finance Committee in its entirety and adding a new Section 2-3(b) Finance Committee to read as follows:

**Finance Committee** - There shall be a Finance Committee, the members of which shall be appointed by the Moderator. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by by-law. The subject matter of all proposals to be submitted to a Town Meeting by warrant articles shall be referred to the Finance Committee by the Select Board at the earliest practicable time following the closing of the Warrant by the Select Board. The Finance Committee shall report its recommendations on every article contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Before preparing its recommendations the Finance Committee shall hold one or more public hearings to permit public discussion of the subject matter of all articles contained in the Warrant.

- 2) Amend Section 2 by adding a new Section 2-6 **Town Election** to read as follows:

**Town Election** - The Annual Election for the election of Town Officers and for the determination of all other matters to be referred to the voters shall be held in May, or on a date fixed by by-law, and renumbering the remaining sections of Section 2 to reflect the insertion of a new Section 2-6.

## ARTICLE 3 - ELECTED OFFICIALS

- 1) Amend Section 3-1 by deleting the current Section 3-1(a) **Elective offices** in its entirety and adding a new Section 3-1(a) **Elective Offices** to read as follows:

**Elective offices** - The Town offices to be filled by ballot of the whole town shall be a Select Board, a School Committee, a Board of Library Trustees, and a Town Moderator. 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.

- 2) Amend Section 3-1 by deleting Section 3-1(f)(1) **Town Officer** in its entirety and renumbering the remaining Sections of Section 3-1(f) to reflect this deletion.

- 3) Amend Section 3-2 by deleting Section 3-2(d) **Appointment** in its entirety and adding a new Section 3-2(d) **Appointment** to read as follows:

**Appointment** - The Select Board shall appoint a Town Administrator, Town Clerk, the members of the Planning Board, Constables, the members of the Board of Appeals, the Registrars of Voters 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. See section 8-5 ( c ) for a complete list of current Select Board appointees.

- 4) Amend Section 3-4 by deleting Section 3-4 **School Committee** in its entirety and adding a new Section 3-4 to read as follows:

### SECTION 3-4: SCHOOL COMMITTEE

- (a) **Composition, term of Office** - There shall be a 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.

- 5) Amend Article 3 – **ELECTED OFFICIALS**, by deleting Section 3-5: **TOWN CLERK** in its entirety and renumber the remaining sections of Article 3 to reflect the deletion of Section 3-5.
- 6) Amend Article 3 – **ELECTED OFFICIALS**, by deleting Section 3-6: **PLANNING BOARD** in its entirety and renumber the remaining sections of Article 3 to reflect the deletion of Section 3-5.



## ARTICLE 4 –TOWN ADMINISTRATOR

- 1) Amend Article 4 – **TOWN ADMINISTRATOR**, by deleting the first sentence of Section 4-1: **APPOINTMENT; QUALIFICATION; TERM** in its entirety and adding a new first sentence to Section 4-1: **APPOINTMENT; QUALIFICATION; TERM** to read as follows:

The Select Board shall appoint a Town Administrator from a list prepared by a Screening Committee as outlined in Section 4-6.

- a. Amend Article 4 – **TOWN ADMINISTRATOR**, by adding a Section 4-6: **SCREENING COMMITTEE** to read as follows:

The Screening Committee shall consist of nine persons who shall be chosen as follows: the Select Board, 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 base of the Committee to be most representative of the demographic and occupational base of the Town.

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 Select Board 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.

Within forty-five days following the date the list of nominees is submitted to it, the Select Board shall choose one of the said nominees to serve as Town Administrator. In the event the Select Board shall fail to make an appointment within the said forty-five 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.

The Town Administrator shall, in addition to the qualifications as stated in 4-1, have the following specific qualifications; having a Master's degree in public administration or related field from an accredited college or university is preferred and any combination of education and experience with 2-5 years demonstrated progressive responsibilities in Municipal Government.

## ARTICLE 5- ADMINISTRATIVE ORGANIZATION

- 1) Amend Section 5-6: **BOARD OF SEWER COMMISSIONERS** by deleting the current Section 5-6(a) **Composition, Term of Office** in its entirety and adding a new Section 5-6(a) **Composition, Term of Office** to read as follows:

**Composition, Term of Office** - There shall be a Board of Sewer Commissioners made up of three (3) members appointed by the Town Administrator for terms of three years each, so arranged that the term of office of one member shall expire each year.

- 2) add a new Section 5-7: **TOWN CLERK** to Article 5 – **ADMINISTRATIVE ORGANIZATION** to read as follows:

### SECTION 5-7: TOWN CLERK

- (a) **Term of Office** - There shall be a Town Clerk appointed by the Select Board for a term of three years. The Town Clerk shall be a person especially fitted by education, training, or previous experience to perform the duties of the office. The Town Clerk must have a working knowledge of Mass General Laws, be proficient in the State voter registration system and State vitals registration system, must know the election laws and how to conduct elections legally, and must have the ability to establish and maintain effective and harmonious working relationships with Town Officials and Departments, State Agencies and the general public.
- (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.

- a. Add a new Section 5-8: **PLANNING BOARD** to Article 5 – **ADMINISTRATIVE ORGANIZATION** to read as follows:

**SECTION 5-8: PLANNING BOARD**

- (a) **Composition Term of Office** – There shall be a Planning Board consisting of five members appointed by the Select Board 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 proposal 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, or By-law or by other Town Meeting vote.

**ARTICLE 6 – FINANCE AND FISCAL PROCEEDURES** *(no changes are recommended in this article)*

## ARTICLE 7 – GENERAL PROVISIONS

- 1) Amend Section 7-5: **DEFINITIONS** by adding the words “*and the Town’s website*” to the end of Section 7-5(f) **Local Newspaper**.
- 2) Amend Section 7-9: **PROCEDURES GOVERNING MULTIPLE MEMBER BODIES** by -changing the words “*twenty-four*” to the words “*forty-eight*” in the first sentence of Section 7-9(b) **Agendas**.

## ARTICLE 8 – TRANSITIONAL PROVISIONS

- 10) Amend Article 8 – **TRANSITIONAL PROVISIONS** by deleting Section 8-5: **Time Taking Effect** in its entirety and replacing it with a Section 8-5, entitled “**Town Administrative Organization**” to read as follows:

### **SECTION 8-5: Town Administrative Organization**

***(a) The Select Board shall appoint:***

- a Town Administrator to serve for an indefinite term;
- a Town Clerk for a term of three years;
- a Planning Board to consist of five members appointed for terms of three years each;
- a Board of Health to consist of five members appointed for terms of three years each;
- a Conservation Commission to consist of five 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;
- an Industrial Development Financing Authority in the manner provided by general law;
- a Cable Television Oversight Committee;
- a Cemetery Commission;
- Constables;
- an Emergency Management Director and related Emergency Management 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;

**(b)The town administrator shall appoint:**

- 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 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, and other personnel of a Department of Public Health.



(c) 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.

Respectfully submitted

Grafton Charter Review Committee  
Dennis Perron – Chairman  
Mark Haddad- Vice Chairman  
Daryl Rynning- Clerk  
Donald Clark- Member  
Robert DeToma- Member  
Timothy McInerney- Member  
J. Roger Currier, Jr. - Member

## **ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS**

### **SECTION 1-1: INCORPORATION**

The inhabitants of the Town of Grafton within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Grafton".

### **SECTION 1-2: SHORT TITLE**

This instrument shall be known and may be cited as the Grafton Home Rule Charter.

### **SECTION 1-3: POWERS OF THE TOWN**

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the commonwealth, it is the intent and the purpose of the voters of Grafton to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the Constitution and laws of the Commonwealth.

### **SECTION 1-4: DIVISION OF POWERS**

The administration of all of the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Select Board. The legislative powers of the Town shall be vested in a town meeting open to all voters.

### **SECTION 1-5: CONSTRUCTION**

The powers of the Town of Grafton under this Charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Grafton as stated in section 1-3.

## **SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject to the applicable requirements of any provision of the Constitution or statutes of the Commonwealth, the Town of Grafton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or agency thereof.

## **ARTICLE 2 LEGISLATIVE BRANCH**

### **SECTION 2-1: TOWN MEETING**

The legislative powers of the Town shall continue to be exercised by a Town Meeting open to all voters.

### **SECTION 2-2: PRESIDING OFFICER**

The Moderator, elected as provided in section 3-3, shall preside at all sessions of the Town Meeting. Annually, at the first session of the Spring Town Meeting, the Moderator shall appoint a Deputy Moderator to serve as acting moderator in the event of the temporary absence or disability of the Moderator. The appointment of a Deputy Moderator shall be subject to ratification by the Town Meeting.

The Moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this Charter by by-law or by other vote of the Town Meeting.

### **SECTION 2-3: COMMITTEES**

- (a) In General** - Subject to the provisions of this Charter and such by-laws or other Town Meeting votes regarding committees as may be provided, the Moderator shall appoint for fixed terms the members of such committees of the Town Meeting, special or standing, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be provided to a Town Meeting committee by the by law or vote establishing it, each such committee when acting within the scope of its authority shall have a right to examine the pertinent records of any Town agency and to consult with, at reasonable times, any Town officer, employee or agent.

- (b) Finance Committee-** There shall be a Finance Committee, the members of which shall be appointed by the Moderator. The number of members, the term of office, and any other conditions established by by-law. The subject matter of all proposals to be submitted to a Town Meeting by warrant articles shall be referred to the Finance Committee by the Select Board. The Finance Committee shall report its recommendations on every article contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Before preparing its recommendations, the Finance Committee shall hold one or more public hearings to permit public discussion of the subject matter of all articles contained in the Warrant.

#### **SECTION 2-4: TIME OF MEETING**

The Town Meeting shall meet in regular session at least twice in each calendar year. The first such meeting, to be held during March, April or May, on a date fixed by by-law, shall be primarily concerned with the determination of matters involving the expenditure of Town funds, including, but not limited to the adoption of an annual operating budget for all town agencies, and for the purpose of electing officers and for the determination of all other matters to be decided by ballot of the voters and which shall be deemed to be the annual town meeting. The second such meeting, the powers of which shall also be deemed to be those of an Annual Town Meeting, except that it shall not include the election of officers or the determination of other matters to be decided by ballots of voters, shall be held during the last four calendar months, on a date fixed by by-law.

#### **SECTION 2-5: SPECIAL MEETINGS**

Special town meetings may be held at the call of the Select Board at such times as they deem necessary, or desirable, in order to transact the legislative business of the town in an orderly manner. Special town meetings may also be held on the petition of two hundred or more voters, in the manner provided by general law.

## SECTION 2-6: TOWN ELECTIONS

The Annual Election for the election of Town Officers and for the determination of all other matters to be referred to the voters shall be held in May, or on a date fixed by by-law.

## SECTION 2-7: WARRANTS

Every Town Meeting shall be called by a warrant issued by the Select Board which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the Warrant for every town meeting shall be in accordance with a Town by-law governing such matters.

## SECTION 2-8: INITIATION OF WARRANT ARTICLES

- (a) **Initiation** - The Select Board shall receive at any time all petitions addressed to it and which request the submission of any matter to the Town Meeting and which are filed by: (1) any elected Town Officer, (2) any multiple member body acting by a majority of its members, (3) any ten voters for a regular town meeting and any one hundred voters for a special town meeting.
- (b) **Referral** - Forthwith following receipt of any proposed warrant article the Select Board shall cause ***a copy of the proposal be delivered to the office of the Finance Committee***, a copy to be posted on the town bulletin board and shall cause such other distribution to be made of each such proposal as may be required by by-law.
- (c) **Inclusion on Warrant** - The Select Board shall include on the Warrant for a regular town meeting the subject matter of all petitions which have been received by it forty-five or more days prior to the date fixed by by-law for the Town Meeting to convene. Whenever a special town meeting is to be called the Select Board shall give notice by publication in a local newspaper of such intention and shall include in the Warrant for such special town meeting the subject matter of ***all petitions which are received at its office on or before the end of***

*business hours on the fifth business day* following such publication.

## **SECTION 2-9: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS**

Every Town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the Town Meeting for the purpose of providing the Town Meeting with information pertinent to matters appearing in the Warrant.

In the event any Town officer, chairperson of a multiple member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the Town Meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

## **SECTION 2-10: CLERK OF THE MEETING**

The Town Clerk shall serve as clerk of the Town Meeting, give notice of all adjourned sessions thereof, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this Charter, by by-law or by other town meeting vote.

## **SECTION 2-11: RULES OF PROCEDURE**

The Town Meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all town meetings.

## **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 Select Board, a School Committee, a Board of Library Trustees, and a Town Moderator Planning Board, 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 election.
- (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 Select Board, 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 Select Board 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 Select Board of such vacancy and to the public in accordance with the provisions of section 7-10; the Select Board, 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) Select Board** - If there is a failure to elect, or if a vacancy occurs in the membership of the Select Board, the remaining members of the Select Board 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 Select Board 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) Select Board'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 Select Board without delay, and the Select Board 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 Select Board 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: SELECT BOARD

- (a) **Composition, Term of Office** - There shall be a Select Board 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 Select Board which shall be deemed to be the Chief Executive Office of the Town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board 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 Select Board, 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 Select Board 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 Select Board 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 Select Board shall appoint a Town Administrator, Constables, the members of the Board of Appeals, the Registrars of Voters 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. See Section 8-5 (a) for a complete list of current Select Board appointees.

- (c) **Investigations** - The Select Board 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 Select Board 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 a 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) **Power 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.
  - 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.



## **ARTICLE 4 TOWN ADMINISTRATOR**

### **SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM**

The Select Board shall appoint a Town Administrator from a list prepared by a Screening Committee outlined in Section 4-6. The Select Board shall appoint the Town Administrator to serve for an indefinite term and shall fix the compensation for such person, annually, within the amount appropriated by the town. The Town Administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town Administrator shall be a person especially fitted by education, training and previous experience in public administration to perform the duties of the office. A Town Administrator need not be a resident of the Town or of the Commonwealth at the time of appointment, or at any time during the period of such service. The Town Administrator shall not have served in an elective office in the town government for at least twelve months prior to appointment. The Town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

The Town Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during such service, unless such action is approved in advance and in writing by the Select Board.

The Select Board shall provide for an annual review of the job performance of the Town Administrator which shall, at least in summary form be a public record.

Any vacancy in the office of the Town Administrator shall be filled as soon as possible by the Select Board, and meanwhile they shall appoint a qualified town administrative officer or employee to serve as temporary Town Administrator to perform the duties of the office. Such temporary appointment may not exceed three (3) months but one renewal may be voted by the Select Board not to exceed a second three (3) months. Compensation for such person shall be set by the Select Board.

## **SECTION 4-2: POWERS AND DUTIES**

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Select Board for the administration of all town affairs for which the Office of Town Administrator is given responsibility by or under this Charter. The powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the Office of Town Administrator is given authority, responsibility or control by this Charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.
- (b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided by this charter. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the Select Board, unless the Select Board shall within that period by a majority of all of its members vote to reject such appointment, or has sooner voted to affirm it. Copies of the notices of all such appointments shall be posted on the town bulletin board when submitted to the Select Board.
- (c) To be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including, provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town agency, except the School Department.

- (d) To attend all regular and special meetings of the Select Board, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.
- (e) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the Select Board, but not less than once in each year, a full report of all Town administrative operations during the period reported on, which report shall be made available to the public.
- (f) To keep the Select Board fully advised as to the needs of the Town and shall recommend to the Select Board and to other elected Town officers and agencies for adoption such measures requiring action by them or by the Town Meeting as the Town Administrator may deem necessary or expedient.
- (g) To have full jurisdiction over the rental and use of all town facilities and property except school property and property under the control of the Conservation Commission. The Town Administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the Town Administrator's control by this Charter, by by-law, by vote of the Town or otherwise.
- (h) The Town Administrator shall prepare and present, in the manner provided in Article 6, an annual operating budget for the town and a proposed capital outlay program for the five fiscal years next ensuing.
- (i) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the School Committee.
- (j) To negotiate all contracts involving any subject within the jurisdiction of the Office of Town Administrator, including contracts with town employees, except employees of the School Department, involving wages, hours and other terms and conditions of employment.

- (k) To be responsible for purchasing all supplies, material and equipment for all departments and activities of the Town, but not including food for schools, school books and other instructional material, supplies and equipment, unless otherwise specifically requested by the School Committee. The Town Administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency, except schools. The Town Administrator shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any Town agency.
- (l) To see that all of the provisions of the general laws, of this Charter, Town bylaws and other votes of the Town Meeting, and votes of the Select Board which require enforcement by the Town Administrator or officers subject to the direction and supervision of the Town Administrator are faithfully executed, performed or otherwise carried out.
- (m) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other Town agency.
- (n) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.
- (o) To reorganize, consolidate or abolish, in the manner provided in Article 5, Town agencies serving under the supervision of the town administrator, in whole or in part, provide for new Town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.
- (p) To coordinate the activities of all Town agencies serving under the Office of Town Administrator and the Office of Select Board with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the Town Administrator shall have authority to require the persons so elected, or their representatives, to meet with the

Town Administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the Town.

- (q) To perform any other duties as are required to be performed by the Town Administrator by by-laws, administrative code, votes of the Town Meeting, or votes of the Select Board, or otherwise.

### **SECTION 4-3: DELEGATION OF AUTHORITY**

The Town Administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the Office of Town Administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Administrator.

### **SECTION 4-4: ACTING TOWN ADMINISTRATOR**

- (a) **Temporary Absence** - By letter filed with the Town Clerk, the Town Administrator shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of Town Administrator during a temporary absence. During temporary absence a Select Board may not revoke such designation until at least ten (10) working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the Town Administrator shall return.
- (b) **Vacancy** - Any vacancy in the Office of Town Administrator shall be filled as soon as possible by the Select Board, but, pending such regular appointment the Select Board shall appoint a qualified town administrative officer or employee to perform the duties of the Office on an acting basis.
- (c) **Powers and Duties** - The powers of temporary or acting Town Administrator, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to Town office or employment but not to make permanent appointments or designations.

## **SECTION 4-5: REMOVAL AND SUSPENSION**

The Select Board may, by a majority vote of the full Board, terminate and remove, or suspend, the Town Administrator from Office in accordance with the following procedure.

- (a) The Select Board shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the Town Administrator for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Administrator forthwith.
- (b) Within five (5) days after receipt of the preliminary resolution the Town Administrator may request a public hearing by filing a written request for such hearing with the Select Board. This hearing shall be held at a meeting of the Select Board not later than thirty (30) days after the request is filed or earlier than twenty (20) days. The Town Administrator may file a written statement responding to the reasons stated in the resolution of removal with the Select Board provided the same is received at its office more than forty eight (48) hours in advance of the public hearing.
- (c) The Select Board may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all of its members not less than ten (10) nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the Town Administrator, if the Town Administrator has not requested a public hearing; or, within (10) days following the close of the public hearing if the Town Administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Administrator shall, at the expiration of said time, forthwith resume the duties of the office.

The Town Administrator shall continue to receive a salary until the effective date of a final resolution of removal.

The action of the Select Board in suspending or removing the Town Administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the Select Board.

## **SECTION 4-6: SCREENING COMMITTEE**

The Screening Committee shall consist of nine persons who shall be chosen as follows: The Select Board, 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 after each agency has designated an appointee. The Moderator shall consider appointing persons who will broaden the membership based of the committee to be most representative of the demographic and occupational base of the town.

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 to organize, the Committee shall submit to the Select Board 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.

Within forty-five days following the date of the list of nominees is submitted to it, the Select Board shall choose one of the said nominees to serve as Town Administrator. Upon the appointment of a Town Administrator, the Committee established hereunder shall be considered discharged.

The Town Administrator shall, in addition to the qualifications as stated in 4-1, have the following specific qualifications; a Master's Degree in Public Administrator, or related field from an accredited

college or university (preferred) and any combination of education and experience with 2-5 years demonstrated progressive responsibilities in Municipal Government.



## **ARTICLE 5 ADMINISTRATIVE ORGANIZATION**

### **SECTION 5-1: ORGANIZATION OF TOWN AGENCIES**

The organization of the Town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

- (a) By-Laws** - Subject only to express prohibitions in a general law or the provisions of this Charter, the Town Meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this Charter to a particular Town agency may be discontinued, or unless this Charter specifically so provides, assigned to any other.
- (b) Administrative Code** – The Town Administrator, after consultation with the Select Board, may from time to time prepare and submit to the Town Meeting plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town.

Whenever the Town Administrator prepares such a plan the Select Board shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held not later than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date of the Town Meeting at which the proposal is submitted unless the Town

Meeting shall, by a majority vote within that time, vote to disapprove the plan. The Town Meeting may vote only to approve or disapprove the plan and may not vote to amend to alter it.

The Town Administrator may, through the administrative code, and subject only to express prohibitions in a general law, or this Charter, reorganize, consolidate or abolish any Town agency, in whole or in part; establish such new Town agencies as is deemed necessary to the same extent as is provided in section 5-1 (a), above, for by-laws; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriation of one Town agency to another; provided, however, that no function assigned by this Charter to a particular Town agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

## **SECTION 5-2: PUBLICATION OF ADMINISTRATIVE CODE AND PERSONNEL PLAN**

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of the by-laws of the Town of Grafton. The personnel and staffing plan as prepared by the Town Administrator, in conformity with section 4-2 (c), shall be published annually in the town report.

## **SECTION 5-3: MERIT PRINCIPLE**

All appointments and promotions of Town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

## **SECTION 5-4: DEPARTMENT OF PUBLIC WORKS**

There shall be a Department of Public Works, headed by a Director of Public Works, who shall be either the Town Administrator or a Director of Public works appointed by the Town Administrator. The appointment of a Director of Public Works by

the Town Administrator shall become effective on the fifteenth day following the day notice of the appointment is filed with the Select Board unless the Select Board shall within that period, by a majority of all of its members, vote to reject such appointment. The Director of Public Works so appointed shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.

The Director of Public Works shall be responsible for the supervision and coordination of all public works operations of the town which are placed under his control by this Charter, by by-law, by vote of the town or otherwise. Public works operations may include, but need not be limited to the following operations: refuse collection and disposal, storm sewers and drains, protection of natural resources, forestry services, streets, roads, sidewalks, cemeteries and maintenance of all other town owned buildings, grounds and facilities, including, if authorized by a town meeting vote, maintenance of school buildings and grounds. Other activities and functions which are related to a Department of Public Works, may from time to time be assigned to the department in accordance with by-laws or an administrative code, as provided in section 5-1.

The Department of Public Works shall assume all of the duties and responsibilities and perform all of the functions related to public works, including, but not limited to those which, prior to adoption of this Charter, were performed by the Tree Warden, Highway Department, Recreation Commission, and the refuse collection and disposal function under the Board of Health.

The Select Board, acting through the Town Administrator, shall be responsible for the overall supervision of the Department of Public works and for the establishment of policies and other guidelines to govern the operation of the department in the same manner as is provided generally in section 3-2 (b).

## **SECTION 5-5 PUBLIC WORKS ADVISORY COMMITTEE**

- (a) Composition, Term of Office** - There shall be a Public Works Advisory Committee consisting of three members appointed by the Town Administrator for terms of three years

each, so arranged that the term of office of one member shall expire each year.

- (b) Powers and Duties** - The Public Works Advisory Committee shall be responsible for advising the Town Administrator and the Select Board on all aspects of public works operations and policy. The Advisory Committee shall assist in the preparation of long range comprehensive of master plans for the Town in public works related matters including, but not limited to, street and road improvement and maintenance programs, water and sewer extension, improvement and development programs.

## **SECTION 5-6 BOARD OF SEWER COMMISSIONERS**

- (a) Composition, Term of Office** – There shall be a Board of Sewer Commissioners made up of three (3) members appointed by the Town Administrator for terms of three years each, so arranged that the term of office of one member shall expire each year.
- (b) Powers and Duties** – The Board of Sewer Commissioners is a committee with separate legal status as created by St. 1946, c. 193, and as approved under Article 36 of the warrant for the Grafton Annual Town Meeting that convened on May 12, 1975. The Board's powers and duties remain those defined in said Act.

## **ARTICLE 6 FINANCE AND FISCAL PROCEDURES**

### **SECTION 6-1: FISCAL YEAR**

The fiscal year of the Town shall begin on the first day of July and shall end on the last day on June, unless another period is required by general law.

### **SECTION 6-2: SCHOOL COMMITTEE BUDGET**

**(a) Public Hearing** - At least seven days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the School Committee on the proposed budget. The School Committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

**(b) Submission to Town Administrator** - The budget as adopted by the School Committee shall be submitted to the Town Administrator in sufficient time to enable the Town Administrator to consider the effect of the School Department's requested appropriation upon the total town operating budget which is required to be submitted under this article.

### **SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

Within the time fixed by by-law, before the Town Meeting is to convene in its spring session, the Town Administrator, after consultation with the Select Board, shall submit to the Finance Committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Town Administrator shall simultaneously provide for the publication in a local newspaper of a general summary of

the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

#### **SECTION 6-4: BUDGET MESSAGE**

The budget message of the Town Administrator shall explain the budget for all Town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the Town's debt position and include other material as the Town Administrator deems desirable, or the Select Board may reasonably require.

#### **SECTION 6-5: THE BUDGET**

The proposed operating budget shall provide a complete financial plan for all Town funds and activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this Charter, it shall be in the form which the Town Administrator deems desirable or the Select Board may require. In the presentation of the budget, the Town Administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including dept service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a)** Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;

- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

## **SECTION 6-6: ACTION ON THE BUDGET**

- (a) **Public Hearing** - Forthwith upon its receipt of the proposed operating budget the Finance Committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.
- (b) **Review** - The Finance Committee shall consider, in open public meetings, the detailed expenditures proposed for each Town agency and may confer with representatives of each such agency in connection with its review and consideration. The Finance Committee may require the Town Administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operation budget.
- (c) **Action by Town Meeting** - The Finance Committee shall file a report containing its recommendations for actions on the proposed operating budget, which report shall be available at least seven days before the date on which the Town Meeting acts on the proposed budget. When the budget proposed by the Town Administrator is before the Town Meeting for action it shall first be subject to amendments, if any, proposed by the Finance Committee before any other amendments shall be proposed.

## **SECTION 6-7: CAPITAL IMPROVEMENT PROGRAM**

The Town Administrator shall submit a capital improvement program to the Select Board and the Finance Committee at least one hundred fifty (150) days before the start of each fiscal year. It shall be based on material prepared by the Capital Planning Committee established by by-law, if any, including:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five (5) years, with supporting information as to the need for each capital improvement
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the town administrator with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

## **SECTION 6-8: APPROVAL OF WARRANTS**

The Town Administrator shall be the Chief Fiscal Officer of the Town. Warrants for the payment of the Town funds prepared by the Town Accountant in accordance with the provisions of the general laws shall be submitted to the Town Administrator. The approval of such warrant by the Town Administrator shall be sufficient authority to authorize payment by the Town Treasurer, but the Select Board shall approve all warrants in the event of the absence of the Town Administrator or a vacancy in the Office of Town Administrator.



## **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 and the Town’s website.
- (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 then 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 Select Board.
- (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 Select Board 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 Select Board 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** – Agendas of any meeting held by a multiple member body shall be posted in accordance with Massachusetts General Laws. Agendas shall contain all items which are scheduled to come before the multiple member body at the meeting and shall be posted on the town bulletin board.
- (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.



## **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: TOWN ADMINISTRATOR 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; Until such time as the town meeting shall act, by by-law, to amend, repeal, or revise them, the following provisions shall have the force of town by-laws:

**(a) *The Select Board shall appoint:***

- A Town Administrator to serve for an indefinite term;
- A Board of Health to consist of five members appointed for terms of three years each;
- A Conservation Commission to consist of five members appointed for terms of three years each;
- A Board of Registrars of voters in the manner provided by general law, for terms of three years each;
- 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, for terms of four years each;
- 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, for terms of one year each;
- A Cemetery Commission for terms of three years each;
- Constables, for a term of one year each;
- An Emergency Management Director and related Emergency Management Personnel, for an indefinite term;
- An Arts Lottery Council;
- A Grafton Historical Commission, for terms of three years each;
- The McNamara Memorial Committee;
- The Municipal Center Renovations Committee;
- A Board of Trustees of Soldier's Memorials, for terms of three years each;

**(b) *The Town Administrator shall appoint:***

- A Director of Public Works (if any) and all other employees of a Department of Public Works to serve for indefinite terms;
- A Police Chief and other police officers to serve for indefinite terms;

- A Board of Fire Engineers, 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;
  - An Animal Control Officer to serve for an indefinite term;
  - A Sealer of Weights and Measures in accordance with the civil service laws and rules;
  - A Recreation Commission to serve for a term of three years each;
  - A Parking Clerk to serve for a term of one year;
  - A Town Counsel to serve for an indefinite term;
  - A Town Engineer to serve for an indefinite term;
  - A Traffic Safety Committee to serve for a term of one year each;
  - A Town Planner to serve for an indefinite term;
  - A Veteran's Services Director, Veteran's Agent, Veteran's Graves Officer and Burial Agent, all to serve for a term of one year each;
  - A Health Agent, and other personnel of a Department of Public Health, to serve for an indefinite term.
- (c) 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.