



# Town of Grafton Home Rule Charter

Amended  
Annual Town Election  
May 5, 2008

Town of Grafton  
Home Rule Charter

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# **FINAL REPORT GRAFTON CHARTER COMMISSION**

## **INTRODUCTION**

The Grafton Charter Commission is pleased to submit its final report containing a proposed new charter for the town of Grafton. We are especially pleased, and proud, to report to you that this proposed charter has the unanimous support of all nine members of the charter commission.

The individual members of the charter commission came to our tasks from widely different backgrounds and levels of experience in town government. It was a revelation of all of us as we discussed the “good” and the “not so good” features of Grafton’s existing form of government to find how close we were in our thinking. We have not had a serious disagreement on any issue contained in this proposed charter. It is our fond hope that it will be found to be as acceptable to the voters of Grafton as we believe it merits.

## **STATEMENT OF MAJOR DIFFERENCES**

The major difference between our proposed charter and the “existing charter” of the town of Grafton is in its form and manner of presentation.

Grafton has an “existing charter” but none of us has ever seen it because that document does not exist in any one place and in any type of consolidated form. Grafton’s “existing charter” is in fact a hodgepodge of state statutes, both general and special laws under which the town has acted over the years in establishing local offices and determining the number of members and terms of office, for local officials.

Our proposed charter assembles in one place all of the information one needs to know to understand the way in which our town’s government functions. The relationship of municipal agencies, one to another, is clearly spelled out. When you examine it you will find that it resembles the “constitution” of the United States, or of the Commonwealth of Massachusetts, in that it establishes the form of government and leaves to by-laws and other local laws the authority to spell out details of town operations and functions.

From a functional point of view our proposed charter differs from the existing charter in the following specific ways:

1. The position of town administrator is created to “be in charge” of the day to day operation of the town under general policy guidelines issued by the board of selectmen. The position will, in many ways, be similar to the relationship which has long existed between the school committee and the superintendent of schools.
2. The board of selectmen is increased from three members to five. We believe this change will provide a broader base of citizen representation and input for this key office in the town. Presently if one selectman is absent, for any reason, an impasse can develop if the two members of the board who are present should disagree. This will be less likely to happen with a five member body.

3. Several offices now chosen by election have been made appointed; these include the office of treasurer-collector (as already determined by a town meeting vote of several years ago), the board of assessors, the board of sewer commissioners and the board of health.

These offices, the commission believes, are too critical to the every day successful operation of the town to leave to the vagaries of the ballot box. These offices demand particular skills best acquired by education, training, or experience and should not be selected on the basis of mere popularity or electability alone.

4. A new, complete budget process is detailed in the proposed charter which provides a true “financial plan” for the town. Citizen opportunity for comment on the proposed budget is enhanced by involvement in the process well before the proposed budget is presented on the town meeting floor.
5. Standard procedures which will govern the operation of all multiple member bodies of the town have been provided. The term multiple member body is used to include all agencies consisting of two or more members and whether called a committee, commission, board, trustees, subcommittee, or anything else. These standard procedures provide some basic safeguards for the public and its “right to know” the way in which its business is being conducted in its behalf.
6. Attendance at town meetings will be enhanced and the information available to all of us, as we are members of the legislative body (the town meeting), will be improved through a requirement that representatives of all town agencies should be present at all town meetings to answer questions which might be posed by voters. In the past voters at town meetings have been frustrated when presented with warrant articles on which insufficient information is available because key officials have not been represented at the town meeting.
7. The framework for the establishment of a combined department of public works is contained in the new charter. We have chosen not to provide all of the day to day specifics of the operation of such a department but, rather to leave those details to the town administrator and/or director of public works. The combined public works department will eliminate substantial duplication of efforts now going on, materially improve the maintenance and upkeep of town buildings and grounds, make better use of town machinery and equipment, and should do all of these things at a “better” cost than is now being paid for these services.

Although in our preliminary draft report we had provided for the inclusion of the sewer department in the combined public works department, and the elimination of the sewer commission as a separate entity, after hearing from the present members of the sewer commission at our public hearing, and in detail at one of our regular meetings following the hearing, we have reversed that earlier vote. The sewer commission with its highly technical and sophisticated sewage treatment plant as its principal operation and its specific concerns with the extension of the existing network of intercepting lines to service both presently developed and new growth areas of the town does not lend itself to inclusion in the public works department at this time.

8. Greater citizen control over elected officials is provided by the inclusion of a “recall” provision. This process will permit the voters, when they have lost confidence in a public official and the

manner in which such person is conducting their business, to “recall” such an official from office and return him, or her, to private life. Presently, no matter what an official does and how far those actions may be from the mainstream of community views and opinions once elected such an official remains in office until the term of office expires. Other communities have found that the availability of a recall procedure causes local officials to stay in better touch with their constituents. In order that the process might not be abused we have made it very difficult to commence such a procedure; but, it can be brought into play when needed.

## **EXPLANATION OF PROPOSED NEW CHARTER**

In order to fully understand all of the provisions of the proposed charter you are urged to read the full text of that document. It is impossible to summarize all of the features of the charter. Following is an article by article summary of its key provisions, however.

### **Article 1**

This article, technical in nature, is designed to secure for us, as citizens of Grafton, all of the powers for our town to exercise as is possible, to have maximum advantage of “municipal home rule”.

### **Article 2**

This article retains our traditional open town meeting form of legislative body. In order to make it more efficient and more effective as a forum for the discussion of municipal issues certain new standards and basic procedures are provided. These include a requirement for two regularly scheduled town meetings to be held, one in the spring, consistent with long standing practice, and the one in fall on a date fixed by by-law. This requirement, we believe, will reduce the number of “special” town meetings which are held by having a fixed date to plan for and will expedite the transaction of business at town meetings, by planning to divide the work load into two regularly scheduled sessions rather than attempting to do it all at one time. Experience has proven it cannot be done at one time; this provision recognizes and takes advantage of that fact.

### **Article 3**

The proposed charter provides for the election of:

- a five member board of selectmen,
- a five member school committee,
- a five member planning board,
- a seven member board of library trustees,
- a town moderator,
- a town clerk

all to be elected for terms of three years each, and, four members of a Grafton Housing Authority, for terms of five years each.

In addition voters will continue to elect, at town elections, representatives to the regional vocational school district, but, as that is not a “town” office it is not mentioned in the charter.

[see the last sentence of 3-1 (a)]

The powers, duties and responsibilities of each of these offices are spelled out in a charter section. In addition this article provides for the “recall” of any of these elected officers, before their term would otherwise expire, if the voters lose confidence in them.

#### **Article 4**

This article provides for the appointment of a town administrator as the “chief administrative officer of the town”. This official will be charged with the responsibility of overseeing and coordinating all of the day to day operations of the town, subject to policy guidelines as determined by the board of selectmen.

The powers, duties and responsibilities of the office are detailed in this charter article. The position will be, in many respects, analogous to the functions performed for the school committee by the superintendent of schools.

#### **Article 5**

This article provides for the organization of town agencies generally, and specifically for the establishment of a consolidated department of public works.

#### **Article 6**

This article provides for the way in which the annual operating budget of the town will be prepared, reviewed and adopted. The process will be far more open and available for public review and scrutiny and at an earlier time than has ever been the case before. The preparatory work done by the town administrator in assembling all of the basic “back-up” data and the organization of this material will be of tremendous assistance to the finance committee in performing its tasks. Being freed of the detail of putting together all of the raw data will enable finance committee members to concentrate on their principal function of recommending actions to the town meeting.

The town administrator will also be responsible for preparing annually, a capital outlay program for the five ensuing fiscal years.

#### **Article 7**

This article contains some general standards, including definitions of key words and phrases used in the charter, and standard procedures to govern the operation of multiple member bodies. It also requires that public notice be posted whenever a vacancy occurs in a town office or position of employment and provides a method for the removal of appointed officials who are not performing their duties.

#### **Article 8**

This article provides for the transition from our present form of government to the new form after the charter is adopted. The key section, 8-5, provides for a smooth, orderly period of change. It also provides, by the use of “piggy back” by-laws, some fleshing out of the charter’s basic provisions where by-laws are intended to provide additional detail. These by-laws will be subject to change, at any subsequent time by a town meeting vote under a proper warrant article.

Immediately following the election at which the charter is adopted a special committee will be established to begin screening candidates for the position of town administrator. In the fall a special election will be held to elect two new members to the board of selectmen to bring it up to five members. Following the election of these new members the special committee will submit a list of qualified candidates to the board of selectmen from which it will select the first town administrator.

## **CHANGES MADE SINCE PUBLISHING PRELIMINARY REPORT**

When we published our preliminary report, in early January, we promised to listen carefully to the comments made to us concerning that preliminary draft, at our Public Hearing and otherwise. We said that we would consider all of the comments which were made to us and review our draft in light of those comments.

As a result of citizen comment made to us at the public hearing we have made four substantive changes in this our final draft from our preliminary draft:

1. In response to concerns expressed by some former officer holders that “recall” of elected officials might be too easy to initiate, we have increased by four times the number of signatures necessary simply to take out and begin to circulate a petition, and added a requirement that no more than one-half of the one hundred initial names may come from any one precinct.
2. We thought the name “finance committee” was not descriptive enough of the many functions performed by this key town committee, therefore, we suggested its name be changed to “warrant advisory committee”, the present members of that committee disagreed with us. As we had no intention to denigrate the committee or its members, we have retained the name they feel most comfortable with, “finance committee”.
3. In our preliminary draft we had recommended that the sewer “department” be included in the combined department of public works we were proposing. Because of the high regard in which we hold the individuals who serve on the sewer commission we suggested that they be retained as a public works advisory board. Following the Public Hearing the members of the sewer commission attended one of our regular meetings and discussed this with us in extensive detail, including the submission of a comprehensive written report. They convinced us that it would not be in the best interest of the town to include their functions in the combined department of public works. The sewer “department” will continue to exist as a separate entity under the board of sewer commissioners. The sewer commissioners will, however, be appointed rather than elected.
4. The members of the charter commission, like many of you, have been troubled by the poor attendance at town meetings especially when only “routine” business is scheduled to be taken up. We thought it might be desirable to institute a modest quorum requirement, that at least one hundred of the more than seven thousand voters in Grafton need be present in order to conduct town business. We were astounded with the vehemence of opposition to this suggestion. We do not consider it “crucial” in any way to the successful operation of the new government system we are proposing. We have eliminated it in this final report.

## CONCLUSIONS

Nothing contained in this charter or in these comments should be construed as a reflection on the way in which any incumbent municipal officer has performed, or is performing, his or her duties. The commission members believe that Grafton has been indeed fortunate to have so many competent persons serving it over the years and now, in positions at every level.

We want to thank all of the members of the town government family who have assisted us during the past ten months in our deliberations and who have extended to us at every step in the process every conceivable courtesy. The help and support of these officials has been invaluable to us throughout the year.

We believe that under our present system of government and administration that many of these town officials are frustrated and prevented from performing to their highest level of service by impediments in our existing system. We believe that the changes we are proposing will in many respects open up the system and allow town personnel to more effectively and efficiently perform their duties.

Our service now is at an end. We have diligently and conscientiously examined our existing system of government, studied, weighed and evaluated various alternative arrangements, made our selections of what we believe to be best for Grafton at this juncture in our affairs as a community and now turn to you and ask that you support us in our recommendations.

All nine members of the charter commission join in asking that the town vote Yes on the question to adopt our proposed charter which will appear on the 1987 town election ballots.

Respectfully submitted,  
GRAFTON CHARTER COMMISSION

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Dennis E. Perron, Chairman, 149 Millbury Street

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John H. Hall, Vice Charman, 125 Worcester Street

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Donald E. Clark, Clerk, 34 North Street

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James J. Gallagher, Jr. 31 Hollywood Drive

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June S. Lufkin, 5 Nelson Place

---

Geneviene T. Mahassel, 33 South Street

---

John P. McGuinness, 18 Keith Hill Road

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Paul R. Tighe, 27 Hawthorne Street

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Francis E. Turcotte, 42 Waterville Street

# **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 board of selectmen. 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 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 board of selectmen at the earliest practicable time following their receipt by the board of selectmen. 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 of 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 board of selectmen 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: WARRANTS**

Every town meeting shall be called by a warrant issued by the board of selectmen 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 2-7: INITIATION OF WARRANT ARTICLES**

- (a) **Initiation** - The board of selectmen 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 board of selectmen 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 board of selectmen 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 board of selectmen 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 2-8: 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 2-9: 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 2-10: 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 board of selectmen, a school committee, a planning board, a board of library trustees, a town moderator, and a town clerk. In addition, members of a housing authority, and such members of regional authorities or districts as may be established by statute, inter-local agreement or otherwise shall also be elected at town elections.
- (b) **Eligibility** - Any voter shall be eligible to hold any elective town office; but no elected town official shall simultaneously hold any other elected town office.
- (c) **Election** - The regular elections for town office shall be held annually on such date as may from time to time be fixed in the by-laws of the town.
- (d) **Compensation** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.
- (e) **Coordination** - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen, or of the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
- (f) **Filling of Vacancies**
  - (1) **Town officer** - If there is a failure to elect, or if a vacancy occurs in the office of town clerk, the board of selectmen shall, in writing, appoint some suitable person to serve until the next town election.
  - (2) **Multiple-Member Body** - If there is a failure to elect, or if a vacancy occurs in the membership of any elected multiple member body, unless the provisions of a will or trust provide for a different method, the remaining members of the multiple member body shall give notice to the board of selectmen of such vacancy and to the public in accordance with the provisions of section 7-10; the board of selectmen, with the remaining members of such multiple member body shall, after one week's notice of the date on which the vote is to be taken, fill such vacancy, until the next town election, by a joint vote. The votes of a majority of the persons entitled to vote shall be necessary for such election.
  - (3) **Board of Selectmen** - If there is a failure to elect, or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may call a special election to fill such vacancy and shall call such special election upon the written request of two hundred or more voters.

**(g) Recall of Elected Officers**

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

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

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

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

### SECTION 3-2: BOARD OF SELECTMEN

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

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

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

### SECTION 3-3: TOWN MODERATOR

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

### SECTION 3-4: SCHOOL COMMITTEE

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

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

### **SECTION 3-5: TOWN CLERK**

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

### **SECTION 3-6: PLANNING BOARD**

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

### **SECTION 3-7: BOARD OF LIBRARY TRUSTEES**

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

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

### **SECTION 3-8: GRAFTON HOUSING AUTHORITY**

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

## **ARTICLE 4 TOWN ADMINISTRATOR**

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

The board of selectmen shall appoint a town administrator from a list prepared by a screening committee established by by-law. The board of selectmen 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 to 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 board of selectmen.

The board of selectmen 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 board of selectmen, 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 board of selectmen not to exceed a second three (3) months. Compensation for such person shall be set by the board of selectmen.

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

The town administrator shall be the chief administrative officer of the town, directly responsible to the board of selectmen 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 board of selectmen, 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 board of selectmen, unless the board of selectmen 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 board of selectmen.

- (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 board of selectmen, 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 board of selectmen, 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 board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen 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 board of selectmen 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 board of selectmen 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 board of selectmen, 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 board of selectmen 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 board of selectmen, but, pending such regular appointment the board of selectmen 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 board of selectmen 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 board of selectmen 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 board of selectmen. This hearing shall be held at a meeting of the board of selectmen 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 board of selectmen provided the same is received at its office more than forty eight (48) hours in advance of the public hearing.
- (c) The board of selectmen 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 board of selectmen 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 board of selectmen.

## 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 board of selectmen, 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 board of selectmen 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 board of selectmen unless the board of selectmen 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 board of selectmen, 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 board of selectmen 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** -- Pursuant to Article 4, Section 4-2 (b) and Article 8, Section 8-5 (f) (3) of this Charter, the three members of the Board of Sewer Commissioners shall continue to be 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 board of selectmen, 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 selectmen 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 selectmen 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 it 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 be 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 board of selectmen 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 board of selectmen 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.
- (g) **Majority vote** - The words “majority vote” shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.
- (h) **Multiple Member Body** - The words “multiple member body” shall mean any town body consisting of two or more persons and whether styled board, commission, committee, sub-committee, or otherwise and however elected or appointed or otherwise constituted.
- (i) **Quorum** - The word “quorum”, unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body than in office, not including any vacancies which might then exist.
- (j) **Town** - The word “town” shall mean the Town of Grafton.
- (k) **Town Agency** - The words “town agency” shall mean any board, commission, committee, department division or office of the town government.
- (l) **Town Bulletin Board** - The words “town bulletin board” shall mean the bulletin board in the municipal center on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by by-law, or by vote of the board of selectmen.
- (m) **Town Officer** - The words “town officer” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town.
- (n) **Voters** - The word “voters” shall mean registered voters of the town of Grafton.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **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 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.

- (c) 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.
- (d) 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.

- (e) 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 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.
- (f) 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:***

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- 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.
- (g) 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.
- (h) 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.

- (i) 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.
- (j) 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.
- (k) 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.
- 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.