

ARTICLE VI - FINANCIAL MANAGEMENT

SECTION 6-1. BUDGET DEVELOPMENT

The Town Manager shall develop guidelines for the preparation of departmental budget requests, and an initial budget development schedule. No later than December 31 in any year, department heads shall submit to the Town Manager budget requests consistent with such guidelines and schedule.

SECTION 6-2. ANNUAL BUDGET POLICY

The Council President shall call for a joint meeting of the Town Council, the School Committee, and Town Manager, and any other person determined by the Town Council or Town Manager to be necessary to the process, to be held no later than January 15, to review the financial condition of the Town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

SECTION 6-3. SUBMISSION OF PRELIMINARY PROPOSED BUDGET; BUDGET MESSAGE

(a) Submission of Preliminary Proposed Budget. On or before February 15 as the Council President and the Town Manager shall agree, the Town Manager shall submit to the Town Council a proposed operating budget for the ensuing fiscal year for all Town agencies and an accompanying message, as well as a proposed five-year capital budget. The preliminary proposed operating budget shall provide a complete fiscal plan of all Town funds and activities and shall be in the form the Town Manager, following consultation with the Council President, deems desirable and facilitates effective financial planning, management, and reporting, which shall include but not be limited to the following, to the extent practicable:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;
- (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and
- (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the Town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(b) Preliminary Budget Message. The Town Manager's preliminary budget message shall:

- (1) Explain the budget both in fiscal terms and work programs, linking those programs to organizational goals and community priorities;
- (2) Outline the proposed financial policies of the Town for the ensuing fiscal year and the impact of those policies on future years;

- (3) Describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes;
- (4) Summarize the Town's debt position, including factors affecting the ability to raise resources through debt issues; and
- (5) Include such other material as the Town Manager deems desirable.

SECTION 6-4 SUBMISSION OF FINAL PROPOSED BUDGET: CAPITAL IMPROVEMENT PLAN; BUDGET MESSAGE

- (a) Submission of Final Proposed Budget. The Town Manager shall no later than the first Town Council meeting in April, submit to the Town Council by filing with the Town Clerk the final proposed budget and budget message. The Council President may approve a request from the Town Manager for an extension of time still permitting of reasonable and timely review of the proposed budget. Accompanying such final proposed budget shall be a five-year capital improvement program as described in Section 6-6.
- (b) Content of Final Proposed Budget. The budget shall begin with a general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, and shall include in separate sections those items in Section 6-3(a)(1)-(3).
- (c) Final Budget Message. The Town Manager's final budget message shall include all of the information required in Section 6-3, updated as appropriate.

SECTION 6-5. ACTION OF THE BUDGET

- (a) Notice/Public Hearing. Immediately following receipt of the final proposed budget and budget message, and no later than 14 days prior to the date of its public hearing thereon, the Town Council shall at a minimum: (1) post in the Town Clerk's office and on the Town website the complete final budget and budget message, and (2) post in the manner required by the Open Meeting Law for notices of meetings, notice of the availability of such budget and budget message, the time and place that copies of the complete package will be made available, including at the Town Clerk's office, and the date, time and place of the Town Council public hearing thereon.
- (b) Adoption of the Budget. The Town Council shall adopt the budget, with or without amendments, no later than 15 days prior to the start of the fiscal year. The Town Council may delete or decrease any programs or amounts except expenditures required by-law or for debt service, and shall not increase any line item. If the Town Council fails to take action with respect to any item in the budget by the deadline set forth herein, the amount shall, without any action by the Town Council become a part of the appropriations for the year and be available for the purposes specified. The adopted budget shall be posted on the Town website.
- (c) Budget to Actual Assessments. The Town Manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to the Town Council at a regular or special meeting, and more often as requested. The midyear assessment shall be posted on the Town website following the meeting.

SECTION 6-6. SUPPLEMENTARY BUDGETS AND APPROPRIATIONS

(a) Procedure. Whenever the Town Manager submits to the Town Council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the Town Council shall not act upon the request until it has given notice and held a public hearing in the manner set forth in Section 6-5(a) concerning the request:

- (1) Supplemental Appropriations. If during the fiscal year or before the fiscal year begins, the Town Manager certifies that there are available for appropriation additional revenues the Town Council may make supplemental appropriations for the year.
- (2) Emergency Appropriations. To address a public emergency affecting life, health, property or the public welfare, the Town Council may make emergency appropriations. Such appropriations shall be accompanied by a separate vote declaring the nature of the emergency, and otherwise be undertaken in accordance with Section 2-6 and consistent with applicable law.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Town Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Town Manager shall report the same to the Town Council without delay, and seek appropriate action to reduce appropriations as necessary.

(c) Transfer of Appropriations. At any time during a fiscal year, the Town Manager may transfer up to a maximum amount set by the Town Council, and subject to any rules adopted by the Town Council with respect to such transfers, from the unencumbered appropriation balance of one line in the operating budget, other than from an appropriation for the use of the Municipal Light Department, to any other line in the operating budget, whether the same or a different department or budget category. The Town Manager shall report the transfers to the Town Council in writing within 7 days. Further, on recommendation of the Town Manager, the Town Council may at any time during a fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, transfer any amount appropriated for the use of any department other than the Electric Department, to another appropriation for the same or a different department.

(d) Limitation; Effective Date. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption through the adoption of an emergency preamble as provided in Section 2-6(b).

SECTION 6-7 CAPITAL IMPROVEMENTS PROGRAM

(a) Preparation of Capital Improvements Program. The Town Manager shall prepare a Capital Improvements Program that shall include any capital improvement meeting one or more of the following criteria:

- (1) Any expenditure to be funded by permanent borrowing;
- (2) An acquisition of the fee interest in land;
- (3) New construction, major reconstruction, or renovation of buildings, water and sewer facilities, streets, or bridges, including planning, design and construction management, as well as any permanent related operating cost increases, and all incidental and related costs, which costs are anticipated to exceed a minimum amount established by the Town Council from time to time; and

- (4) The purchase of equipment or vehicles with a useful life of at least three (3) years and a cost exceeding a minimum amount established by the Town Council from time to time.

(b) Content. The Town Manager shall submit annually to the Town Council a five-year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next 5 years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year.

(c) Adoption; Posting. The Capital Improvements Program shall be considered and adopted in connection with the annual budget as provided in Sections 6-3 through 6-5 and shall be posted on the Town website following its submission to the Town Council and upon final approval.

SECTION 6-8 LONG TERM FINANCIAL FORECAST

The Town Manager shall annually prepare a 5-year financial forecast of Town revenue, expenditures and the general financial condition of the Town. The forecast shall include, but not be limited to: (1) an identification of factors which will impact on the financial condition of the Town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term actions which may be taken that may enhance the financial condition of the Town. The forecast shall be submitted to the Town Council and Finance Committee and shall be available to the public for inspection. The long-term financial forecast shall be published on the Town's website and when updates occur, they shall be posted in a timely manner.

SECTION 6-9 ANNUAL INDEPENDENT AUDIT

The Town Council shall designate, no later than 30 days after the beginning of the fiscal year, an independent auditor to conduct an annual audit of all Town accounts, and may provide for more frequent audits as it deems necessary, which audit(s) shall be performed in accordance with generally-accepted auditing and governmental auditing standards.

SECTION 6-10 FINANCIAL MANAGEMENT STANDARDS

The Town Council may by rule or bylaw establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

ARTICLE VII - ELECTIONS AND RELATED MATTERS

SECTION 7-1. TOWN ELECTIONS; TERMS

The annual Town election shall be held on the first Tuesday in April.

SECTION 7-2. NON-PARTISAN ELECTIONS

All elections for Town offices shall be non-partisan and election ballots shall be printed without any party designation whatsoever.

SECTION 7-3. SIGNATURE REQUIREMENTS; INFORMATION TO VOTERS; BALLOT POSITION

(a) Signature Requirements. The number of signatures of voters required to place the name of a candidate on the official ballot shall be 25 voters.

(b) Ballot Position. The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the Board of Election Commissioners at a properly posted meeting for which the matter appears on the meeting notice posted in accordance with the Open Meeting Law.

(c) Information to voters. There shall be printed below each question appearing on an annual or special Town election ballot a fair and concise summary thereof prepared by the Town Attorney, including one sentence statements describing the effect of a “yes” vote and “no” vote.

SECTION 7-4. APPLICATION OF ELECTION LAWS

Except as expressly provided in the Charter, all Town elections shall be governed by the General Laws relating to the right to vote, registration of voters, nomination of candidates, and conduct of elections.

SECTION 7-5. RECALL

(a) Recall authorized. Any person who holds an elected office in the Town of North Attleborough with more than six months remaining in the term of such office on the date of filing of the affidavit, referred to in Section 7-5(b), may be recalled from office by the voters in the manner herein provided.

(b) Recall affidavit. Two-hundred voters of the Town of North Attleborough may file with the Board of Election Commissioners an affidavit signed under the penalties of perjury containing the name of the officer whose recall is sought, the office held, and a statement of the grounds upon which the petition is based. The form, available from the office of the Town Clerk shall include a blank for one signer to be identified as the “lead petitioner”, and blanks for the names of 3 signers from each precinct whose names will be printed on the petitions.

(c) Recall petitions. The Board of Election Commissioners shall prepare and notify the lead petitioner of the availability of petition blanks demanding said recall, printed forms of which the Board of Election Commissioners shall keep available. Said blanks shall be addressed to the Town Council; they shall contain the names of the persons listed on the affidavit for such purposes, the name of the person sought to be recalled, and the office from which the recall is sought and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and contain the signatures of the Board of Election Commissioners. A copy of the petition shall be kept on file in the office of the Board of Election Commissioners and shall be deemed a permanent record of the Town. The recall petitions shall be returned and filed in the office of the Board of Election Commissioners within 14 days following the date the lead petitioner was notified of the availability of the petitions. The petitions shall be signed by at least ten percent of the total number of registered voters, as of the date the affidavit was filed.

(d) Recall election. If the petition shall be certified by the Board of Election Commissioners to be sufficient, it shall forthwith submit the same to the Town Council. Upon its receipt of the certified petition, the Town Council shall forthwith hold a special meeting and provide written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign from office within five days following delivery of said notice, the Town Council shall order an election to be held not less than 64 nor more than 80 days after the date the election is called. If, however, another election is to occur within 100 days after the date of the

Board of Election Commissioner's certificate, the Town Council shall hold a separate special recall election on the date of said other Town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(e) Election procedures. An officer whose recall is sought may be a candidate at the recall election and such officer's name shall be printed on the ballot without further nomination unless the officer notifies the Town Clerk otherwise no later than 35 days prior to the date of the election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provision of laws relating to elections, unless otherwise provided in this Charter.

(f) Incumbent officer; successor; timing. The incumbent shall continue to perform the duties of the office until the recall election. If the officer is not recalled in the election the officer shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided herein. If the officer is recalled in the election, the officer shall be deemed removed upon the qualification of the officer's successor who shall hold office during the unexpired term. If the successor fails to qualify within 10 business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) Ballot format. Ballots used at a recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer as registered, office)

Against the recall of (name of officer as registered, office)

Adjacent to each proposition, there shall be a place to mark a vote. Below the propositions shall appear the word "Candidates" followed by the names of candidates arranged as provided in Section 7-3(b). 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 the votes on the question is in the negative, the ballots for the candidates shall not be counted, except as provided in the last sentence of Section 7-5(d).

(h) Limitations.

(1) No recall affidavit shall be filed against an officer within three months of taking office.

(2) No recall affidavit may be filed against a member of the Town Council who is subjected to a recall election and not recalled thereby. In the case of any other officer subjected to a recall election and not recalled thereby, no recall affidavit may be filed against said officer until six months has passed since the recall election.

ARTICLE VIII - CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1 CITIZEN OR FREE PETITION

The Town Council shall hold a public hearing and act with respect to every citizen petition addressed to it, which petition shall not be required to take any particular form, is signed by no less than 25 voters, and seeks the passage of a measure other than those ineligible measures numbered 1-8 in Section 8-5. The hearing shall be held by the Town Council or by a subcommittee thereof. Action shall be taken on a citizen petition filed under this section not later than two months after the petition is filed with the Town Clerk. Hearings on two or more petitions filed under this section may be held at the same time and place. The Town Clerk shall

provide notice to the lead petitioner by e-mail or first class mail at least 48 week-day hours prior to the hearing.

SECTION 8-2 PUBLIC PARTICIPATION

At each regular meeting of the Town Council a period of time shall be provided for residents and voters to speak to matters not listed on the agenda. Comments with respect to a pending agenda item may be permitted by vote of the Town Council. The duration of such public participation period, and any rules relative to such participation, shall be set by Council rule; provided, however, that nothing in this paragraph shall be deemed to limit the authority of the Council President as the presiding officer for purposes of the Open Meeting Law.

SECTION 8-3 INITIATIVE PETITION

(a) Commencement. Initiative procedures shall be started by the filing of an initiative petition with the Clerk of the Town Council. The petition shall be addressed to the Council, shall contain a request for the passage of a particular measure, which shall be set forth in full in the petition, and shall be signed by at least 10% of the total number of voters as of the date of the most recent annual Town election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same (the "lead petitioner"). With each signature on the petition there shall also appear the street and number of the residence of each signer.

Within 10 days following the filing of the petition the Board of Election Commissioners shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent Town election. The Board shall attach its certificate to the petition. A copy of the certificate shall also be provided to the lead petitioner.

(b) Referral to Town Attorney. Following issuance of the certificate of the Board of Election Commissioners, the Town Clerk shall deliver a copy of the petition to the Town Attorney. Within 15 days thereafter, the Town Attorney shall, in writing, advise the Town Council whether, in the opinion of the Town Attorney, the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the Town Council. If the opinion of the Town Attorney is that the measure is not in proper form to be lawfully adopted by the Town Council under Section 8-3, the Town Attorney shall state the reasons in full in the reply, and the remaining provisions of Section 8-3 shall not apply to said petition. A copy of the opinion shall also be provided to the lead petitioner.

(c) Action on Petitions. Within 30 days following the date a petition has been returned to the Town Clerk by the Town Attorney, and after posting as required by Section 2-8, the Town Council shall act with respect to each initiative petition by passing it without change, passing a measure stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure in lieu of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of the said 30 days the Town Council has not voted on such petition, such inaction shall be deemed a rejection of the petition. The Charter privilege described in Section 2-6(c) shall not be available in connection with Town Council action on an initiative petition.

(d) Supplementary Petitions. Within 45 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the Town Clerk. The supplemental initiative petition shall be signed by a number of additional voters equal to five percent of the

total number of voters as of the date of the most recent annual Town election. If the Board of Election Commissioner certifies on such petition a sufficient number of signatures, the Town Council shall call a special election to be held on a date fixed by it not less than 35 nor more than 45 days following the date the election is called, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other Town election is to be held within 120 following the date of the said certificate, the Town Council may omit the calling of such special election and cause said question to appear on the ballot at such approaching election for determination by the voters.

(e) Publication. The full text of any initiative measure submitted to the voters shall be posted on the Town website along with a notice stating the times and places at which paper copies may be obtained or reviewed, and shall be available upon request in the office of the Town Clerk.

(f) Form of Question. The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, proposed by initiative petition by voters of the Town of North Attleborough in conformance with Section 8-3 of the Town Charter, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary, as determined and prepared by the Town Attorney.)

(g) Time of Taking Effect. If at least 20% of the total number of voters as of the last annual Town election participate in the election at which the question of recall appears, and a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure.

SECTION 8-4 REFERENDUM

(a) Petition, Effect on Final Vote. If, within 21 days following the date on which the Town Council has voted finally to approve of any measure, a petition is filed with the Town Clerk signed by a number of voters equal to 15% of the total number of voters as of the date of the most recent annual Town election and addressed to the Town Council, against the measure, or any part thereof, the effective date of such measure shall be temporarily suspended. The Town Council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded, the Town Council shall provide for the submission of the question to the voters at a special election or at the next regular Town election; pending the vote at such election, the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply. The petition described in this section shall be termed a referendum petition and insofar as applicable, Section 8-3(a), (b), (e) and (g) shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative" in each instance in which such words occur in said sections.

(c) Form of Question. The question that shall appear on the ballot shall take the following form:

Shall the following measure enacted by the Town Council take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary of the measure, as determined and prepared by the Town Attorney)

SECTION 8-5 INELIGIBLE MATTERS

None of the following shall be subject to the initiative or the referendum procedures set forth herein: (1) proceedings relating to the internal organization or operation of the Town Council or of the School Committee; (2) an emergency measure adopted in conformity with the Charter; (3) the Town budget as a whole; (4) revenue loan orders; (5) any appropriation for the payment of the Town's debt or debt service; (6) an appropriation of funds to implement a collective bargaining agreement; (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, or any other action that is executive rather than legislative in nature; (8) any proceedings repealing or rescinding a measure or part thereof that is protested by referendum procedure; (9) any proceedings providing for the submission or referral of any measure to the voters at an election; and (10) resolutions, memorial actions, citations, and other non-binding actions meant to convey a sense of the Council rather than to establish rules for the operation of government.

SECTION 8-6 SUBMISSION OF OTHER MATTERS TO THE VOTERS

The Town Council may of its own motion submit to the voters at any regular or special Town election for adoption or rejection any measure or non-binding public opinion advisory question.

ARTICLE IX - GENERAL PROVISIONS

SECTION 9-1. GENERAL PROVISIONS APPLICABLE TO APPOINTED AND ELECTED MULTIPLE MEMBER BODIES

(a) Role. It is the intention of this section to affirmatively establish that elected and appointed multiple-member bodies shall act only through the adoption of broad policy guidelines and the exercise of their respective statutory and regulatory responsibilities, subject to the provisions of this Charter, and the functions assigned to such bodies by this Charter or by bylaw. Such broad policy guidelines shall be implemented by officers and employees serving under such body; provided, however, that the Town Manager, or a department head so designated, shall oversee and be responsible for day-to-day administrative, personnel, and operational issues pursuant to Section 4-2(a)(1), (3), and (11). Nothing in this Charter shall be construed to authorize any individual member of an elected or appointed multiple-member body, nor a majority of members of such body, to become involved in such day-to-day matters with respect to any Town agency, including appointment and supervision of department heads and staff, other than as provided in Section 4-3(a)(1).

(b) Compensation; Expenses. Any Town official elected under Articles II or III of this Charter or appointed to a multiple member body under Section 4-3(a)(2) shall serve without compensation, but shall be entitled, subject to appropriation therefor, to reimbursement of actual and necessary expenses incurred in the performance of their duties.

(c) Felony Conviction. Any Town official elected under Articles II or III of this Charter or appointed to a multiple member body under Section 4-3(a)(2) who is finally convicted of a state or federal felony offense while holding office shall be deemed to have vacated their office.

SECTION 9-2. CHARTER REVISION OR AMENDMENT

(a) In General. The Charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution and any general or special law enacted to implement the constitutional amendment.

(b) Periodic Review

Charter Review Committee. There shall be a Charter review committee of five voters appointed for three year rotating terms.

(1) Duties.

- (i) The Charter Review Committee shall study the Charter and implementation thereof and make a report with recommendations for revisions, if any, to the Town Manager and Town Council in each year ending in five and in zero, and more often as it deems necessary and appropriate. Notwithstanding anything in this paragraph to the contrary, however, the first committee appointed after the effective date of this Charter shall provide a report no later than 12 months after its appointment.
- (ii) Should a free petition or initiative petition be filed with respect to an amendment to the Charter, it shall be referred by the Town Council to the Charter Review Committee for review and recommendation.

SECTION 9-3. RULES OF INTERPRETATION

The following rules shall apply when interpreting the Charter:

- (a) Specific Provisions to Prevail. To the extent that a specific provision of the Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail;
- (b) Number and Gender. Words imparting the singular number may extend and be applied to several persons or things, words imparting the plural number may include the singular and words imparting the masculine gender shall include the feminine gender;
- (c) References to General Laws. All references to the general or special laws contained in the Charter refer to the general laws of the Commonwealth and are intended to include any amendments or revisions to the chapters and Sections or to the corresponding chapters and Sections of any rearrangement of the general laws enacted subsequent to the adoption of the Charter; and
- (d) Computation of Time. Unless otherwise specified by the General Laws, in computing time under the Charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

ARTICLE X - TRANSITIONAL PROVISIONS

SECTION 10-1. CONTINUATION OF EXISTING LAWS

All bylaws, resolutions, rules, regulations and votes of the Town Meeting that are in force at the time this Charter is adopted, not inconsistent with the provisions of this Charter, shall continue in full force until amended or repealed. Where provisions of this Charter conflict with provisions of Town bylaws, rules, regulations, orders or special acts or acceptances of laws, the Charter provisions shall govern. All provisions of Town by-laws, rules, regulations, orders and special acts not superseded by this Charter shall remain in force.

SECTION 10-2. CONTINUATION OF GOVERNMENT

All Town offices, boards, commissions or agencies shall continue to perform their duties until reappointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another Town office, board, commission or agency.

SECTION 10-3. CONTINUATION OF PERSONNEL

A person holding a Town office or a position in the administrative service of the Town, or a person holding full-time employment under the Town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so. The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the Town shall forfeit the person's pay grade or time in service of the Town.

SECTION 10-4. TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of a Town office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another Town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.

SECTION 10-5. EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the Town before the adoption of this Charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter and no legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption of this Charter.

SECTION 10-6. TIME OF TAKING EFFECT

This Charter shall take effect immediately upon approval of the voters at the 2019 Annual Town Election and in accordance with the following schedule:

- (a) Continuation of Government. All Town officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed prior to the adoption by the voters of the Charter, being mindful that upon the swearing in of the Town Council in July of 2019, the powers of the Town shall vest in the office of Town Manager and Town Council; in addition:
 - (i) Role of Board of Selectmen and Town Meeting. The Board of Selectmen shall continue to serve and exercise all its powers and duties under the General Laws, including calling for and holding any needed Special Town Meeting, until the date on which the Town Council takes office in July of 2019; and the exercise by the Board of Selectmen, Town Administrator and Annual or Special Town Meeting of any of their respective powers and duties under this Charter and any applicable general and special law shall be undertaken in such manner as to further, and not frustrate, this Charter and the transition process outlined herein;
 - (ii) Transfer of Authority to Office of Town Manager and Town Council. Upon the qualification of a quorum of members of the Town Council, (1) the term of all incumbent members of the Board of Selectmen, regardless of their date of election, shall be terminated and the Office of the Board of Selectmen shall be abolished and (2) the Town Meeting shall be abolished; such powers shall vest, respectively, in the Town Manager and Town Council as set forth in this Charter.
- (b) Special Election. Following the effective date of this Charter, the Board of Selectmen shall meet forthwith to schedule a special election to be held on a convenient date in June 2019, no

earlier than 64 days from the date the Board calls for the election. The offices to be included on the ballot at such election shall be:

- Town Council (nine members, all with terms to begin on July 1, 2019 and to expire on June 30, 2021);
- Electric Commissioner (2 members, one for a two-year term to begin immediately after being sworn to the office and to expire on the date of the 2021 Annual Town Election, and one for a three-year term, to begin immediately after being sworn to the office and to expire on the date of the 2022 Annual Town Election); and
- Board of Public Works (2 members, one for a two-year term to begin immediately after being sworn to the office and to expire on the date of the 2021 Annual Town Election and one for a three-year term, to begin immediately after being sworn to the office and to expire on the date of the 2022 Annual Town Election).

Following the calling of the election, the Town Clerk shall prepare and release a schedule for such special election and shall make nomination papers available forthwith. Such efforts as may be reasonably made to notify the public of the availability of nomination papers and the schedule for and holding of the special election shall be undertaken by the Town Clerk and Town Administrator, including posting the notice and election schedule on the Town website, the web pages of the Board of Selectmen, Town Clerk and Town Administrator, at all places where warrants are posted, on the Town Clerk bulletin board, and at the Library and Senior Center.

(c) Change of Certain Offices from Elected to Appointed.

(i) Multiple-Member Bodies. Upon the swearing in of the Town Council, the elected offices of Board of Assessors, Board of Health, Board of Library Trustees, Housing Authority, and Planning Board shall be converted to appointed offices; provided, however, that the elected incumbents holding office on the effective date of this Charter, including those persons elected at the 2019 Annual Town Election, shall serve for the remainder of their respective elected terms or earlier vacating of office. Thereafter, appointments to such bodies shall be made by the Town Manager, with the confirmation of the Town Council, in accordance with Section 4-3 of this Charter.

(ii) Town Clerk. Upon the swearing in of the Town Council, the elected office of Town Clerk shall be converted to an appointed office; provided, however, that the elected incumbent holding office on the effective date of this Charter shall serve as the first appointee to the position without any further action by the Town Manager or Town Council, notwithstanding any provision of Section 4-3 to the contrary.

(iii) Town Treasurer Collector. Upon the swearing in of the Town Council, the elected office of Town Treasurer Collector shall be converted to an appointed office; provided, however, that the elected incumbent holding office on the effective date of this Charter shall serve as the first appointee to the position without any further action by the Town Manager or Town Council, notwithstanding any provision of Section 4-3(a) to the contrary.

(d) Acting Town Manager. Upon the swearing in of the Town Council, the position of Town Administrator shall be abolished and the appointed incumbent thereof shall serve as the Acting Town Manager; provided, however, that nothing herein shall be deemed to prohibit the Town Council from seeking to fill the permanent position in accordance with Section 4-1 in the manner it deems in the best interest of the Town, including but not limited to appointment of such Acting Town Manager as the Town Manager.

(e) Town Council Pre-Meeting Authorized. Forthwith following the election of the Town Council in June of 2019, the persons elected as Councilors shall begin the process of transition from the existing form of government to the new form of government and may, but need not, meet solely for the purpose of adopting interim rules that will govern the conduct of the business of the Town Council, other procedural issues, and reviewing matters essential to a smooth transition. Such meeting, if any, shall be called by the Council President-elect and shall be open to the public, although the business of any such meetings shall be confined to the topics identified here and no public participation period shall be provided. The Town Clerk and Town Administrator shall provide whatever support is needed in connection with this endeavor.

(f) Appointment of Licensing Board. The Town Manager shall, immediately following passage of this Charter, begin a process of identifying candidates for appointment to the Licensing Board; provided, however, following the swearing in of the Town Council, and until such Licensing Board is appointed, the Town Manager shall hear and act upon any licensing matter that would otherwise fall to the Licensing Board under the Charter. The Licensing Board shall be appointed by the Town Manager within 60 days of the Town Council's assumption of office. The initial terms of office for the members shall be for such general period as indicated, but with all such terms expiring on the first Tuesday in April in the appropriate year, as follows: one member for a one-year term; two members for two-year terms; and two members for three-year terms. Following the completion of such initial terms, their successors shall serve three-year terms, and until the qualification of their successors.

(g) Transition Committee. There shall be a Transition Committee that shall, immediately after passage of this Charter, meet to identify and prioritize those issues and matters required for a smooth transition to the Town Manager/Town Council form of government established hereunder. Membership on the Transition Committee shall include: the Board of Selectmen chair, or the Chair's designee; the Charter Commission chair, or the Chair's designee; two members of the Charter Commission as determined by the Commission; and the Town Moderator, or the Moderator's designee; provided, however that if any of the Committee members listed herein shall file nomination papers for the office of Town Council member, such members shall resign from the Committee, and the Town Administrator shall appoint such person as, in the Administrator's or "their" discretion, is most appropriate when considering the overall intent of this Charter provision to provide for a smooth transition, to fill the vacancy in the total membership. The Town Clerk and Town Administrator shall provide whatever support is needed in connection with this endeavor. Such Transition Committee shall continue in existence after the Town Council takes office for a period of 30 days, unless, at the Council's request, the tenure of such committee is extended.

