

# TOWN OF AMESBURY



## PROPOSED AMENDMENTS TO THE TOWN CHARTER

For the Town of Amesbury to be voted on the  
Annual Municipal Election  
November 8, 2011

## **Ballot Question and Summary**

**The following question will appear on the ballot at the November 8, 2011, Municipal Election:**

**Shall the charter approved by the Municipal Council in the year 2011 be adopted?**

**Summary:**

The proposed charter would replace all references to the "Town" of Amesbury with references to the "City" of Amesbury. The time period for the Council to approve certain appointments or removals made by the Mayor will increase from 15 to 21 days. A measure vetoed by the Mayor, and not reconsidered by the Council, will be considered rejected after 21 days, rather than the 10 days now appearing in the Charter. The process for filling a vacancy in the office of Mayor has changed, with a vacancy occurring in the first 12 months of the term to be filled by special election. During the second twelve months of the term, the Council President will fill the vacancy, or, if the Council President is not willing or able to serve, the Council will elect an Acting Mayor from among its members. The process for filling Council vacancies would also change, with vacancies to be filled by the unelected candidate receiving the highest votes in the same election at which the councillor was elected, if any, provided that candidate received at least thirty percent of the vote for that office. If the candidate declines to serve, then the Council shall fill the vacancy from among the registered voters eligible to vote for the office. Further, if a District Councillor moves from one district to another within the first twelve months of the term of office for which such councillor was elected, the office shall be considered vacant. Any District Councillor who moves from one district to another during the second 12 months of the term shall continue to serve for the balance of the term for which the Councillor was elected. The quorum for the City Council to approve an appropriation of funds will increase to a majority vote of the entire Council, rather than a majority of those Councilors present and voting. Vacancies in elected offices other than the Mayor and Councilor shall be filled by the City Council by selecting the unelected candidate receiving the highest number of votes at the same election at which the office was elected, provided that the person received at least 30% of the vote. If there is no such candidate, the Council will appoint a person from among those voters eligible to vote for the position. An ordinance proposing reorganization of Town agencies will require approval by 2/3 vote of the entire council, rather than by a majority of those present and voting. A preliminary election will be required only if necessary to ensure that no more than two candidates appear on the ballot for any position. Recall may now be initiated by 10%, rather than 20%, of the registered voters eligible to vote for the position. The proposed amendments also delete certain provisions intended to help with the transition to the current Charter.

**Yes** \_\_\_\_\_

**No** \_\_\_\_\_



## TOWN OF AMESBURY

BONNIJO KITCHIN, CMMC  
TOWN CLERK  
62 Friend Street  
Amesbury, MA 01913

TEL: (978) 388-8100  
FAX: (978) 388-8150  
E-mail: [bonnijo@amesburyma.gov](mailto:bonnijo@amesburyma.gov)

October 21, 2011

Dear Voters:

The Charter Review Committee worked diligently to propose amendments to the Town Charter. With additional amendments, the Mayor submitted the proposed Charter to the Municipal Council. The Council held several subcommittee meetings as well as public hearings on September 8, 2009, May 11, 2010 and July 12, 2011 and made further amendments. The Municipal Council voted on July 12, 2011 to place the proposed final amendments on the ballot at the November 8, 2011 Municipal Election and to submit a Home Rule Petition to the state legislature for such purposes. The petition requires the Town to mail to the residence of all voters in the Town the actual text of the proposed amendments, the related ballot question and summary, which are enclosed.

In short, the question appearing on the ballot proposes adoption of all of the Charter amendments approved by the Municipal Council. Below the question on the ballot will appear a summary of the proposed amendments. The summary cannot address all of the amendments, but does attempt to identify the most significant changes. If a majority of the voters voting on the question approve the question, the amendments will take effect. If the question is not approved by a majority of the voters, the amendments will not take effect, and the Charter in its current form will continue to be applicable.

The proposed Charter amendments are enclosed with this letter, and are shown in the current Charter document with the use of strike-out text for the information to be deleted and underlined text for the information to be inserted. The Charter amendments, ballot question and summary are also available at the Town Clerk's office or by visiting the Town's web site at <http://www.amesburyma.gov/>.

As always, absentee ballots are available to any voter who will be out of Town during the hours the polls are open on election day; is not physically able to get to the polls; or otherwise qualifies for an absentee ballot under G.L. c.54, §86. Please note that absentee ballot applications must be filed by noon the day before the election to be eligible to vote per G.L. c.54, §89. Absentee ballot applications can be picked up in the Town Clerk's office or may be found online at the above-listed website.

Please call the Town Clerk's Office with any questions.

Sincerely,

Bonnijo Kitchin, CMMC  
Town Clerk



# Amesbury

Mayor David T. Hildt  
Town Hall, 62 Friend Street  
Amesbury, MA 01913-2884

(978) 388-8121  
Fax: (978) 388-6727  
Mayor@ci.amesbury.ma.us

September 14, 2004

Municipal Council  
Town Hall  
62 Friend Street  
Amesbury, MA 01913

Dear Councilors:

Pursuant to Section 9-9 of the Town Charter, I have appointed the persons listed below to a special committee entitled the Charter Review Committee. It will be the responsibility of this committee to review the Charter and make any recommendations as deemed necessary:

I recommend that the following persons be approved by the Municipal Council to serve on the Charter Review Committee:

Roger Deschenes	1 Cleveland Street
Elizabeth M. Dion	11 Hill Street
Clayton B. Hammond	64 Lake Attitash Road
Charles D. Labella	24 School Street
Sheila Maurer	2 Rocky Hill Road
Donna Rogacki	66 Aubin Street
Christopher York	13 Warren Avenue

Enclosed please find copies of the applications filed by each of the above-named persons.

Sincerely,

David T. Hildt  
Mayor



Mayor Thatcher W. Kezer III  
Town Hall, 62 Friend Street  
Amesbury, MA 01913-2884

# Amesbury

(978) 388-8121  
Fax: (978) 388-6727  
Mayor@ci.amesbury.ma.us

September 25, 2006

Municipal Council  
Town Hall  
62 Friend Street  
Amesbury, MA 01913

Dear Councilors:

I hereby appoint the following persons to fill vacant positions on the Charter Review Commission:

Jonathan Sherwood – 39 Whittier St.

Scott Jordan – 8 Whittier St.

Enclosed please find copies of the applicants' resumes.

Sincerely,

Thatcher W. Kezer III  
Mayor

TWK/dlm  
enc.

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AMESBURY TOWN CLERK

# NOTES

## ~~Town~~City of Amesbury Charter

### PART I Incorporation, Short Title, Powers

#### Section 1-1 Incorporation Continued

The inhabitants of the ~~town~~city of Amesbury, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "~~Town~~City of Amesbury".

#### Section 1-2 Short Title

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

#### Section 1-3 Division of Powers

All legislative powers of the ~~town~~city shall be exercised by a ~~municipal-city~~ council. The administration of all fiscal, business and municipal affairs shall be vested in the executive branch ~~under-headed by~~ the mayor.

#### Section 1-4 Powers of the ~~Town~~City

The intent and purpose of this charter is to secure for the voters of the ~~Town~~City of Amesbury, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and the laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein.

#### Section 1-5 Form of Government

As a city, Amesbury shall have a mayor – council form of government.

~~The Town of Amesbury shall have a city form of government.~~

#### Section 1-6 Interpretation of Powers

The powers of the ~~town~~city under the charter shall be construed and interpreted liberally in favor of the ~~Town~~City, and the specific mention of any particular power is not intended to limit in any way the general powers of the ~~Executive Officer~~city as stated in Section 1-4.

#### Section 1-7 Intergovernmental Relations

Notwithstanding any general or special law to the contrary, the city may to the maximum extent lawfully possible participate by contract or otherwise with any governmental entity or political subdivision of the Commonwealth, including the Commonwealth and to the extent feasible, any other states or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

**PART II Chief Executive Officer; Mayor**

**Section 2-1 Office of the Mayor**

**(a) Mayor; Qualifications; Election**

The chief executive officer of the town~~city~~ shall be a mayor, elected by and from the voters. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office.

A mayor who shall cease to be a resident of the town~~city~~ during the term for which such mayor was elected shall be deemed to have vacated the office of mayor and the office shall be considered vacant. Any vacancy in the office of mayor shall be filled in accordance with Section 2-10.

**(b) Term of Office**

The mayor shall be elected for a term of two years beginning on the first town~~city~~ business day in January following the biennial election and until a successor is qualified.

**(c) Compensation**

The municipal council shall by ordinance establish an annual salary and expense schedule for the mayor. No ordinance increasing or decreasing such salary and expense schedule shall be effective however, unless it shall have been adopted during the first eighteen months of the term for which councillors are elected and the revised salary and expense schedule is to be effective upon the commencement of the next term of office of the mayor. The mayor shall receive no additional compensation from serving as the chairperson of the school committee as provided by section 4-3.

**Section 2-2 Executive Powers of the Mayor**

The mayor shall cause the laws, ordinances and orders for the town~~city~~ government to be enforced, and shall cause a record of all official acts to be kept. The mayor shall execute all lawful contracts on behalf of the city. The mayor may appoint one or more qualified assistants to aid in the performance of the official duties, fix their salaries, and define their duties.

**Section 2-3 Appointments by the Mayor**

The mayor shall appoint all town~~city~~ officers, department heads, and members of board, commissions, and committees for whom no other method of appointment or selection is provided by the charter, excepting only officials serving under the ~~municipal council~~city council and school committee and persons appointed by state officials. The mayor shall appoint the head librarian, but only from the candidates recommended by the board of library trustees. Unless otherwise provided by this charter, appointments of all town~~city~~ officers, department heads, and members of board, commissions, and committees shall become effective twenty-one ~~fifteen~~ days after submission of a written notice of any appointment to the town~~city~~ clerk, provided however, that the ~~municipal council~~city council may, during such period, by a two-thirds vote of the full ~~municipal council~~city council, reject any such appointment.

**Section 2-4 Certificate of Appointment**

In making appointments the mayor shall sign and file with the town~~city~~ clerk a certificate in substantially the following form: I appoint (name of appointee) to the position of (name of office), and I certify that said person is qualified to perform the duties of the said office, and I make this appointment solely in the interest of the City of Amesbury. This appointment shall not become effective until twenty-one days following filing with the city clerk, in accordance with the Amesbury Home Rule Charter. (signed Mayor) ~~I appoint (name of appointee) to the position of (name of office), and I certify that said person is qualified since said person (insert reason or~~

~~reasons), to perform the duties of the said office, and I make this appointment solely in the interest of the town of Amesbury. This appointment shall not become effective until fifteen days following filing with the town clerk, in accordance with the Amesbury Home Rule Charter. (signed Mayor)~~

### **Section 2-5 Removal of Officials**

The mayor may remove any person appointed by the mayor by filing a written statement with the ~~town~~city clerk setting forth in detail the specific reasons therefore. ~~A,~~a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if the person thus removed desires, may be filed with the ~~town~~city clerk. ~~S;~~but such reply shall not effect the action taken unless the mayor so determines. This section shall not apply to the school committee, or persons appointed by state officials, nor offices subject to provisions of civil service.

Any removal by the mayor shall become effective ~~fifteen~~twenty one days after submission of said written statement of removal to the ~~town~~city clerk, provided however, that the ~~municipal council~~city council may, during such period, by a two-thirds vote of the full ~~municipal council~~city council, reject any such removal and reinstate said person.

~~During any such fifteen-day period, any person removed by the mayor shall not be entitled to compensation and benefits.~~

### **Section 2-6 Temporary Appointments**

Whenever a vacancy in an office appointed by the mayor occurs whether by reason of disability, death, resignation or removal from office for any reason, the mayor may appoint ~~the head of another town office or agency, or a town officer or employee, or some other person,~~ to perform the duties of the office for a period not to exceed four months. Whenever a vacancy continues beyond the four months, the mayor may make a second four-month appointment, but no temporary appointment shall be continued beyond eight months.

### **Section 2-7 Communications to the ~~Municipal Council~~City Council; Special meetings of the ~~Municipal Council~~City Council**

#### **(a) Communications to the ~~Municipal Council~~City Council**

Within ~~eight~~twelve weeks following the start of each fiscal year, the mayor shall submit to the ~~municipal council~~city council, and make available to the public a complete report on the financial and administrative activities of the ~~town~~city for the preceding fiscal year. The mayor shall provide on a quarterly basis written communications, to the ~~municipal council~~city council, in order to keep the council fully informed as to the financial condition and future needs of the ~~town~~city and shall recommend such measures to it, as in the judgment of the mayor, the needs of the ~~town~~city require.

#### **(b) Call for Special Meetings of the ~~Municipal Council~~City Council**

The mayor may at any time, call a special meeting of the ~~municipal council~~city council by causing a notice of such meeting specifying the matters which the mayor desires to be considered to be left at the usual place of residence or business of each council person, or given to such councillors in hand. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours in advance of the time set for such meeting and shall specify the purpose or purposes for which the meeting is to be held.

### Section 2-8 Approval of Veto by the Mayor

Every measure relative to the affairs of the ~~town~~city adopted by the ~~municipal council~~city council, except:

- (a) measures relating to the internal affairs of the ~~municipal council~~city council
- (b) memorial or other resolutions
- (c) emergency measures passed in accordance with provisions of this charter
- (d) the budget for the operation of ~~town~~city government

shall be presented to the mayor for approval. If the mayor approves the measure as demonstrated by his or her signature, the measure shall be considered approved. Further, if the mayor does not return any measure within ten days following the day it is presented to the mayor, such measure shall be considered approved.

The mayor shall signify disapproval of a measure by returning it to the city council with a written statement of the objection(s). The city council shall enter the objection(s) of the mayor in its records and shall forthwith reconsider its vote. Any measure shall be considered returned upon a filing by the mayor with the clerk of the council. If, on such reconsideration, two-thirds of the full city council membership votes to pass the measure, it shall be considered approved. Any vote taken by the city council following the return of a measure by the mayor shall be taken by a call of the roll.

~~If, upon the return of the mayor's disapproval of a measure, the city council does not vote on such measure within twenty-one (21) days following the date of the return of the measure to the council, the measure shall be considered rejected. If the mayor does approve of it, the mayor shall signify such approval by signing it. If the mayor does not approve of it, the mayor shall signify disapproval by returning it, with objections in writing, to the municipal council. The municipal council shall enter the objections of the mayor upon its records and shall forthwith, reconsider its vote upon the measure. If, on such reconsideration two thirds of the full municipal council agree to again pass the measure, the measure shall be considered approved. If any measure is not returned by the mayor within ten days following the day it is presented to the mayor, it shall be considered approved. If the municipal council has not voted to again pass the measure within twenty days following the date the measure is returned to the municipal council, the measure shall be rejected. All votes taken by the municipal council following the return of a measure by the mayor shall be taken by a call of the roll. A filing with the clerk of the council shall be deemed to be a returned by the mayor to the municipal council.~~

### Section 2-9 Temporary Absence of the Mayor

Whenever by reason of sickness, absence from the ~~town~~city or other cause, the mayor shall be unable to attend to the duties of the office of mayor, for any period of ~~three~~seven successive ~~work~~ days, the president of the ~~municipal council~~city council, or in the event ~~of his disability~~the council president is unwilling or unable to serve, then the vice-president of the ~~municipal council~~city council shall, act as mayor, possessing the powers of the mayor but only on those matters not admitting to delay. During any period in which the president or vice-president of the ~~municipal council~~city council is serving as acting mayor, such person shall not serve as the presiding officer of the ~~municipal council~~city council.

### Section 2-10 Vacancy in the Office of Mayor

If a vacancy occurs in the office of mayor, by death, resignation or removal from office prior to the last twelve months of the term to which the mayor was elected, the city council shall schedule a special election pursuant to provisions of this charter. The city council president shall serve as

acting mayor until such election. Should the council president be unwilling or unable to serve, the council shall elect from among its members one member to serve as mayor until the next scheduled municipal election.

Should the vacancy occur during the last twelve months of the term, the city council president shall assume the office of mayor until the next scheduled municipal election. Should the council president be unwilling or unable to serve, the council shall elect by majority vote from among its members one member to serve as mayor until the next scheduled municipal election. ~~at any time preceding the end of the term for which the mayor was elected, the president of the municipal council shall become acting mayor. If the president of the council is unable to serve, the vice president of the municipal council shall become acting mayor. If the vice president of the council is unable to serve as acting mayor, the clerk of the council shall forthwith call a special meeting of the municipal council, and the municipal council shall elect by majority vote one of its members as acting mayor for the remainder of the unexpired term.~~ Upon qualification of the president ~~or vice president~~ or the election and qualification of any member of the ~~municipal council~~city council as acting mayor under the provisions of this section, a vacancy shall exist in the seat of the councillor selected as acting mayor.

## PART III Legislative Branch

### Section 3-1 Composition; Eligibility; Election and Term

#### (a) Composition

There shall be a ~~municipal council~~city council composed of nine members that shall exercise the legislative powers of the ~~town~~city. Three members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Six members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the six council districts into which the ~~town~~city is divided in accordance with Section 7-5.

#### (b) Eligibility

Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time of election be a voter and resident of the district from which the councillor is elected.

A councillor-at-large who shall cease to be a resident of the ~~town~~city during the term for which such councillor was elected shall be deemed to have vacated the office of councillor-at-large and the office shall be considered vacant. A district councillor ~~who shall moves~~ from one district to another within the first twelve months of the term of office for which such councillor was elected, the office shall be considered vacant. ~~during the term of office for which such councillor was elected;~~ Any district councillor who continues to reside in the city but who moves from the district he or she represents during the last twelve months of his or her term of office shall continue to serve for the balance of the term for which the district councillor was elected. Any vacancy in the office of councillor-at-large or district councillor shall be filled in accordance with Section 3-4.

#### (c) Election and Term

The term of office of ~~municipal council~~city council members shall be for two years beginning on the first ~~town~~-business day of January following the ~~biennial~~regular municipal election, and continuing until their successors are qualified.

### Section 3-2 Council Organization

After the councillors-elect have taken the oath of office, the ~~municipal council~~city council shall be called together by the ~~town~~city clerk for the purpose of conducting an election among council members for the office of ~~municipal council~~city council president and vice-president to serve at the ~~pleasure~~discretion of the ~~municipal council~~city council. The president shall preside at all meetings of the ~~municipal council~~city council, perform ceremonial functions and perform such other functions as may be assigned by this charter, by ordinance or by vote of the ~~municipal council~~city council. The vice-president shall perform all duties of the council president during the council president's absence or disability.

### Section 3-3 General Powers and Duties

~~Except as otherwise provided by law or by this charter, all powers of the town shall be vested in the municipal council.~~Except as otherwise provided by general law or by this charter, all powers of the city shall be vested in the city council, which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law. The council shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law. ~~that shall provide for their exercise and for the performance of all duties and obligations imposed on the town by law.~~

### Section 3-4 Filling of Vacancies

If a vacancy occurs in the office of ~~municipal council~~city councilllor, whether by failure to elect or otherwise, the vacancy shall be filled by the unelected candidate receiving the highest votes in the same election, if any, provided that candidate received at least thirty percent of the vote for that office. Said candidate shall be notified by the city clerk of the vacancy, and if the candidate declines to be sworn to office within ten days, has moved from the city, or is otherwise unable to serve, the council shall choose a successor to fill the vacancy from among the voters entitled to vote for such office.~~the remaining councillors shall, within thirty days following the date such vacancy is declared to exist, fill said vacancy. The municipal council in the filling of any vacancy shall choose the defeated candidate for the seat in which the vacancy is declared to exist at the last regular town election immediately proceeding the date of the vacancy is declared to exist, provided however, that the defeated candidate for the office of councillor at large or the office of district councillor shall have received at least twenty five percent of the total votes cast for the office of councillor at large or for the office of district councillor. If there was no other candidate for said office of councillor at large or district councillor, or the defeated candidate shall not have received a sufficient number of total votes cast, the municipal council may at their discretion choose from among the voters entitled to vote for such office.~~ Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular ~~town~~city election is to be held within 120 days following the date the vacancy is declared to exist. The ~~municipal council~~city council shall be the sole judge of whether a vacancy shall exist in the office of ~~municipal council~~city councilllor and may declare an office vacant by a majority vote of the council.

### Section 3-5 Exercise of Powers; Quorum; Rules of Procedure

#### (a) Exercise of Powers

Except as otherwise provided by the laws of the Commonwealth or this charter, the legislative powers of the ~~municipal council~~city council may be exercised in a manner determined by it.

#### (b) Quorum

A quorum shall be a majority of the full membership of the ~~municipal council~~city council. The affirmative vote of a majority of the full membership of the ~~municipal council~~city council shall be necessary to adopt any appropriation order. Except as otherwise provided by the laws of the Commonwealth or this charter, any other motion or measure may be adopted by a majority vote of those city councillors present.

#### (c) Rules of Procedure

The ~~municipal council~~city council shall within the first four months of taking office and from time to time thereafter establish and adopt written rules for its procedures and make public those proposed rules thirty days before adoption. Prior to adoption of proposed rules, the city council shall operate under the previously adopted rules. ~~proceedings.~~ Regular meetings of the ~~municipal council~~city council shall be held at a time and place fixed by ordinance but shall be not less frequent than once monthly. ~~However, ; provided however, that~~ the council president may suspend meetings during the month of July or August. Special meetings of the ~~municipal council~~city council may be held on the call of the mayor, the council ~~president of the municipal council,~~ or on the call of any three members, by written notice delivered to the ~~town~~city clerk at least forty-eight hours in advance of the time set. Except as otherwise authorized by the laws of the Commonwealth all sessions of the ~~municipal council~~city council shall be open to the public and an agenda of any regular or special ~~municipal council~~city council meeting shall be posted in the office of the ~~town~~city clerk and on the ~~town~~city bulletin board at least forty-eight hours prior to any such meeting. Such posting shall not preclude the ~~municipal council~~city council from the

introduction of additional agenda items as allowed by the ~~municipal council~~ city council's rules of procedure. Every matter coming before the ~~municipal council~~ city council for action shall be put to a vote, the result of which shall be duly recorded. All ~~municipal council~~ city council votes on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the ~~municipal council~~ city council shall be kept by the ~~clerk of the municipal council~~ clerk of the city council and shall be open to inspection by the public as required by law. The rules of procedure of the ~~municipal council~~ city council shall provide for a period of public comment at regularly scheduled meetings of the ~~municipal council~~ city council. Any members of the ~~municipal council~~ city council or the mayor may submit an item or measure to the ~~municipal council~~ city council for consideration.

### **Section 3-6 ~~Town~~ City Clerk and Council Staff**

The ~~municipal council~~ city council shall appoint a ~~town~~ city clerk who shall also be the clerk to the ~~municipal council~~ city council, and may employ such staff and retain such assistance as it necessary to conduct the business of the ~~municipal council~~ city council. The ~~municipal council~~ city council shall set the compensation of such staff.

### **Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures**

#### **(a) In General**

No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property or other matters not admitting of delay. Except as otherwise provided by this charter, every adopted measure shall become effective at the expiration of fifteen days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with this charter, or as provided in the initiative and referendum procedures.

#### **(b) Emergency Measures**

An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble that declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the ~~municipal council~~ city council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure and except as provided by the laws of the Commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An emergency measure shall become effective upon adoption or at such late time as it may specify.

#### **(c) Objection**

On the first occasion that the question on adoption of a measure is put to the ~~municipal council~~ city council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the ~~municipal council~~ city council whether regular or special. If more than one member shall ~~one member shall further~~ object, such postponement shall be until the next regular meeting; but ~~for~~ for an emergency measure to be postponed at least three members must object, in which case such postponement shall be until the next regular meeting. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

**(d) Publication of Measures**

Upon final passage, notice of the subject matter of every ordinance, appropriation order, or loan authorization shall be published in at least one newspaper of general circulation within the ~~town~~city and posted on the ~~town~~city bulletin board. Any such publication notice required shall state the ~~summary~~-title of the finally enacted ordinance or ordinances, appropriation order, or loan authorizations, and the times and places at which copies of such measures may be obtained or reviewed by the public, ~~and~~ copies shall be permanently filed at the public library and with the ~~town~~city clerk. The ~~municipal council~~city council shall annually prepare a document describing the action of the council in the preceding fiscal year, which shall include the text of every ordinance, appropriation order, or loan authorization, which will also be filed at the public library and with the city clerk.

**Section 3-8 Inquiries and Investigations**

The ~~municipal council~~city council ~~or a subcommittee of it~~ may require the mayor, any ~~town~~city officer ~~or,~~ employee or member of an appointed board, commission or committee to appear before it ~~or a subcommittee of the city council,~~ and give such information as the city council ~~it~~ may require in relation to ~~an~~the office or position held by or administered by such person, its function and performance. The ~~municipal council~~city council shall give at least ~~forty-eight hours~~five days written notice of the ~~general~~scope of the inquiry, which is to be made to any person the city council, ~~it~~ shall be require to appear before the city council or its subcommittee ~~it~~ under this section.

The ~~municipal council~~city council may make investigations into the affairs of the ~~town~~city and into the conduct of any ~~town~~city agency, ~~and~~ for this purpose the city council may subpoena witnesses, administer oaths and require the mayor, any city officer or employee or a member of an appointed board, commission or committee to appear before the city council or its subcommittee and produce such evidence as requested by the city council~~the production of evidence.~~

**Section 3-9 Delegation of Licensing Powers**

The ~~municipal council~~city council may delegate to one or more ~~town~~city boards, committees, commissions or departments, the powers vested in the ~~municipal council~~city council by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such ~~town~~city board, committee, commission, or department and may at its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

**Section 3-10 Prohibitions**

No councillor shall, while a member of the ~~municipal council~~city council, hold any other office, including membership on a board, commission or committee, or position under the ~~town~~city. No former councillor shall hold any compensated appointive office or employment under the ~~town~~city until one year after the expiration of his service on the ~~municipal council~~city council. This provision shall not prevent a ~~town~~city officer or employee who has taken a leave of absence from such duties in order to serve as a member of the ~~municipal council~~city council from returning to such office or employment following service as a member of the ~~municipal council~~city council.

**Section 3-11 Compensation; Expenses**

The ~~municipal council~~city council shall by ordinance, establish an annual expense allowance and salary for its members. Except as provided by this section, members of the ~~municipal council~~city council shall receive no other compensation or benefits from the ~~town~~city.

No ordinance increasing such salary or expense allowance shall be effective ~~however,~~ unless it shall have been adopted by a ~~four-fifths~~two-thirds vote of the full ~~municipal council~~city council membership during the first eighteen months of the term for which councillors are elected and the revised salary and expense schedule is to be effective upon the commencement of the terms of office of the next ~~municipal council~~city council to be elected.

**Section 3-12 Involvement in Administrative Affairs**

Except as may be otherwise authorized by this charter, no member of the ~~municipal council~~city council, nor any committee of the ~~municipal council~~city council shall directly take part in the conduct of the administrative business of the ~~town~~city.

## **PART IV Other Elected Officials**

### **Section 4-1 Elected Officers in General**

In addition to the mayor and ~~municipal council~~ city council, the offices to be filled by the voters shall be a school committee, a planning board, a board of library trustees, housing authority and such other regional authorities, districts, or committees as may be established by law or inter-local agreement. The members of the school committee, planning board, board of library trustees, and housing authority shall be nominated and elected by and from the voters at large and their terms of office shall begin on the first ~~town~~-business day of January following ~~the biennial~~ their election, and continuing until their successors are qualified.

### **Section 4-2 Eligibility**

Any voter shall be eligible to hold elective ~~town~~ city office provided that no person shall simultaneously hold more than one elective ~~town~~ city office, and no elected officer shall hold an appointed ~~town~~ city position or office or be otherwise employed by the ~~town~~ city ~~as may be unless~~ otherwise provided for by this charter.

### **Section 4-3 School Committee**

#### **(a) Composition; Term of Office**

There shall be a school committee composed of seven members; six members shall be nominated and elected by and from the voters at large. The mayor shall be the seventh member of the school committee and shall be the chairperson of the committee. The term of office of six school committee members elected to the school committee shall be for four years. Terms of office shall be so arranged that the terms of nearly an equal number of members as is possible expire at each regular election.

#### **(b) Powers and Duties**

The school committee shall have general charge of the public schools of the ~~town~~ city. The school committee shall have the power to select and to terminate a superintendent of schools, establish educational goals and policies for the schools consistent with the requirements of the laws of the commonwealth and standards established by the commonwealth. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth.

### **Section 4-4 Planning Board**

#### **(a) Composition; Term of Office**

There shall be a planning board consisting of seven members elected for four-year terms. Terms of office shall be so arranged that the terms of as nearly an equal number of members as is possible expire at each regular election.

#### **(b) Powers and Duties**

The planning board shall make studies and prepare plans concerning the resources, possibilities and needs of the ~~town~~ city. The planning board shall have the power to regulate the subdivision of land within the ~~town~~ city by the adoption of rules and regulations governing such development. The planning board shall annually report to the ~~town~~ city giving information regarding the condition of the ~~town~~ city and any plans or proposals known to it affecting the resources, possibilities and needs of the ~~town~~ city. The planning board shall have all of the powers and duties given to planning boards under the constitution and general laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by ordinance or by other ~~municipal council~~ city council vote.

## Section 4-5 Board of Library Trustees

### (a) Composition; Term of Office

There shall be a board of library trustees consisting of nine members elected for terms of four years. Terms of office shall be so arranged that the terms of as nearly an equal number of members as is possible expire at each regular election.

### (b) Power and Duties

~~The board of library trustees shall have the custody and management of the library and of all property of the town related thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money or property that the town may receive by gift or bequest shall be administered by the board in accordance with the provisions of such gift or bequest.~~ The board of library trustees shall recommend candidates for the position of ~~head librarian~~ library director. The board of library trustees shall have all of the powers and duties given to board of library trustees under the state's constitution and ~~general~~ laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by ordinance or by ~~other municipal council~~ administrative order ~~vote~~.

## Section 4-6 Housing Authority

### (a) Composition; Term of Office

There shall be a housing authority composed of five members; four members shall be nominated and elected by and from the voters at large; the fifth member shall be appointed in accordance with the laws of the commonwealth. The term of office of four members elected by the voters shall be for four years. Terms of office shall be so arranged that term of office of two members shall expire at each regular election.

### (b) Powers and Duties

The housing authority shall make studies of the housing needs of the ~~town~~ city and shall provide programs for housing. The housing authority shall have all of the powers and duties given to housing authorities under the laws of the commonwealth.

## Section 4-7 ~~Vacancy~~ Vacancies in Elected Offices Other Than Mayor and City Council

If a vacancy occurs in the membership of the school committee, planning board, board of library trustees, or housing authority, whether by failure to elect or otherwise, the remaining members of said board or committee shall notify the president of the city council who will declare such vacancy to exist. The council president of the municipal council shall, within thirty days following the date such vacancy is declared to exist, call a joint meeting of the municipal council and the remaining members of the board, commission or committee on which such vacancy shall exist for the purpose of filling said vacancy. At any such joint meeting a majority of those present and voting shall choose the defeated-unelected candidate who received the highest number of votes, if any, from the seat in which the vacancy is declared to exist at the last regular town/city election immediately preceding the date of the vacancy is declared to exist for the seat declared vacant, provided however, that the defeated-unelected candidate shall have received at least twenty-five/thirty (30) percent of the total votes cast for that office. Should more than one unelected candidate meet the criterion as described above, the vote of the affected board of committee and the council shall include all such candidates.

If there ~~was no other~~ is no eligible candidate for said office, or the said candidate declines to be sworn to office within ten days, or has removed from the city, or is otherwise unable to serve, or

~~the defeated candidate shall not have received a sufficient number of the total votes cast, the municipal council~~ city council and such other board, ~~commission~~ or committee ~~may, at their discretion,~~ will choose from among the voters entitled to vote for such office. Said vacancy shall be posted for a minimum of thirty days, and the council and the affected board shall meet at a special council meeting called for the purpose or at a regularly scheduled council meeting where such candidates will be granted equal time to speak. At the same meeting, or the next following meeting, the council and the affected board shall vote to fill the vacancy from among the announced candidates. The council and the affected board or committee shall act in this matter as a committee of the whole, requiring a majority vote of the full council membership and remaining members of the affected board or committee, to choose a candidate to fill the vacancy.

Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein ~~before~~ provided, if a regular ~~town~~ city election is to be held within 120 days following the date the vacancy is declared to exist. If a vacancy is filled under this section, the term of office of which shall ~~continues~~ continue beyond the next regular election, the person chosen to fill said vacancy shall only serve until such next regular election. At such regular election the ~~unexpired balance of the term of office shall be filled by the voters~~ voters shall fill the unexpired balance of the term of office.

Should the remaining members of the school committee, planning board, board of library trustees, or housing authority fail to declare a vacancy, the ~~The municipal council~~ city council shall be the sole judge of whether a vacancy ~~shall exist~~ exists in the office of any elected office under this section; and may declare any such elected office vacant by a majority vote of the council.

#### **Section 4-8 Prohibitions**

No elected member of the school committee, board of library trustees, planning board or housing authority shall hold any compensated appointive office or employment under the ~~town~~ city until one year after the expiration of the term of office of such elected member. This provision shall not prevent a ~~town~~ city officer or employee who has been granted ~~taken~~ a leave of absence, by their appointing authority, from such duties in order to serve as a member of such elected office from returning to such employment or office following service as an elected member of the school committee, board of library trustees, planning board or housing authority.

## PART V Financial Procedures

### Section 5-1 Budget Policy

The mayor after consultation with the members of the ~~municipal council~~ city council, school committee, and others deemed appropriate by the mayor, shall call a meeting of the ~~municipal council~~ city council prior to the commencement of the budget process to review the financial condition of the ~~town~~ city, revenue and expenditure forecasts and other relevant information. The purpose of the meeting is to provide information on the financial condition of the ~~town~~ city. The mayor shall be assisted by the chief financial officer established under Section 6-3 of this charter, in performing this responsibility.

### Section 5-2 Submission of Operating Budget; Budget Message

In accordance with the laws of the Commonwealth before the commencement of the ensuing fiscal year, the mayor shall submit to the ~~municipal council~~ city council a proposed operating budget for all ~~town~~ city agencies ~~for the ensuing fiscal year~~ with an accompanying budget message and supporting documents. ~~The budget message submitted by the mayor shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It~~ The mayor shall outline the proposed fiscal policies of the ~~town for the ensuing fiscal year~~; describe important features of the proposed operating budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed operating budget shall provide a complete fiscal plan of all ~~town~~ city funds and activities and shall be submitted in the form the mayor deems desirable.

The operating budget as adopted by the school committee shall be submitted to the mayor at least thirty days prior to the submission of the proposed operating budget to the ~~municipal council~~ city council. The mayor shall notify the school committee of the date by which the operating budget of the school committee shall be submitted to the mayor. The chief financial officer shall coordinate the preparation of the budget ~~preparation process~~ with the superintendent of schools and the school committee's budget process in accordance with the laws of the Commonwealth.

### Section 5-3 Action of the Budget

#### (a) Public Hearing

The ~~municipal council~~ city council shall publish, in at least one newspaper of general circulation in the ~~town~~ city, a ~~notice of the recommended summary of the proposed~~ operating budget as submitted by the mayor. ~~by a~~ The notice ~~shall state~~ ing: (1) the times and places where copies of the ~~entire proposed~~ recommended operating budget are available for inspection by the public, and (2) the date, time and place not less than fifteen days after such publication, when a public hearing on said proposed operating budget will be held by the ~~municipal council~~ city council. ~~For the purpose of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the municipal council.~~

#### (b) Adoption of the Budget

The ~~municipal council~~ city council shall adopt the operating budget, with or without amendments, within forty-five days following the date the budget is filed with the clerk of the council. In amending the operating budget, the ~~municipal council~~ city council may delete or decrease any amounts except expenditures required by law; ~~E~~ but except ~~on~~ upon the recommendation of the mayor, the ~~municipal council~~ city council shall not increase any item in or the total of the proposed operating budget, unless otherwise ~~authorized~~ allowed by the laws of the Commonwealth.

If the ~~municipal council~~city council fails to take action with respect to any item in the operating budget within forty-five days after its receipt of the budget, such amount shall, without any action by the ~~municipal council~~city council become a part of the appropriations for the next fiscal year, and be available for the purposes specified.

## **Section 5-4 Financial Planning**

### **(a) Financial Planning Practices**

The chief financial officer established in accordance with Section 6-3, shall assist the mayor in financial planning and shall annually prepare a capital improvements program and a financial forecast. The capital improvements program and a financial forecast shall be prepared under the direction of the mayor, and shall be submitted to the ~~municipal council~~city council and shall be available to the public for inspection.

### **(b) Capital Improvements Program**

The chief financial officer shall annually prepare and submit a capital improvement program to the ~~municipal council~~city council at least ninety days prior to the date for submission of the operating budget, unless some other time is provided by ordinance. The capital improvement program shall include: an itemization of all capital improvements proposed to be undertaken for at least five fiscal years; supporting data; cost estimates; method of financing; estimated effect of such plan on the tax rate; and other features as deemed necessary by the mayor or requested by the ~~municipal council~~city council.

### **(c) Financial Forecast**

The chief financial officer shall annually prepare a long-term financial forecast of towncity revenue, expenditures and the general financial condition of the towncity. The forecast shall include, but not be limited to, an identification of factors which will impact on the financial condition of the towncity, revenue and expenditure trends; potential resources of new or expanded revenues and any long or short term actions which may be taken that will enhance the financial conditions of the towncity.

## **Section 5-5 Annual Audit**

The ~~municipal council~~city council shall provide for an annual audit of the books and accounts of the towncity and the school department to be made by a certified public accountant, or firm of certified public accounts who shall have no personal interest, direct or indirect, in the fiscal affairs of the towncity government. The ~~municipal council~~city council shall publish in at least one newspaper of general circulation in the towncity a notice stating the availability of the final audit report for public inspection.

## **Section 5-6 Public Access to Financial Documents**

Copies of the annual budget, capital improvements program, financial forecast, and the annual audit shall be available for public inspection and copies of such documents shall be filed in the office of the towncity clerk and the library.

## PART VI ADMINISTRATION OF TOWN GOVERNMENT

### Section 6-1 Administrative Organization

#### (a) Organization of ~~Town~~City Agencies

The organization of ~~town~~city government into operating agencies for the provision of services and the administration of government may, be accomplished through either of two methods provided for in Section 6-1 (a) (1) and (2). Subject only to the express prohibitions of the laws of the ~~C~~ommonwealth or the provisions of this charter the ~~town~~city may organize operating agencies as deemed in the best interest of the ~~town~~city.

##### (1) Organization by Ordinance

The ~~municipal council~~city council may by ordinance reorganize passed by two-thirds of the full city council membership reorganize, consolidate, create, merge, divide or abolish any ~~town~~city department or agency, in whole or in part, establish such new ~~town~~city agencies as deemed necessary or advisable, and prescribe the functions and the administrative procedures to be followed by all such agencies.

##### (2) Executive Reorganization Plans

The mayor may by administrative order reorganize, consolidate, create, merge, divide or abolish any ~~town~~city division, department or agency, in whole or in part, establish such new ~~town~~city agencies as the mayor deems necessary or advisable, and prescribe the functions and the administrative procedures to be followed by all such divisions, departments or agencies.

Administrative orders made by the mayor shall become effective on the thirtieth day following the day on which notice of the proposed administrative order is filed with the ~~municipal council~~city council, unless the ~~municipal council~~city council shall within such period by majority two-thirds of the full ~~municipal council~~city council membership vote to reject such administrative order or has sooner voted to affirm it.

#### (b) Publication of ~~Reorganization Plans~~Administrative Orders

For the convenience of the public, copies of reorganization plans adopted under this section shall be filed in the office of ~~town~~city clerk and shall be printed as an appendix to the ordinances of the ~~town~~city. However, failure to print and publish such reorganization plans shall not invalidate the same.

### Section 6-2 Management of Human Resources

The mayor shall adopt rules and regulations establishing a ~~personnel~~human resources system. The ~~personnel~~human resources system shall make use of current concepts of ~~personnel~~human resources management and may include, but not be limited to, the following elements: a method of administration; ~~personnel~~human resources policies indicating the rights, obligations and benefits of employees; a classification plan; a compensation ~~plans~~schedule; a method of recruiting and selecting employees based upon merit principles; a centralized record keeping system; a performance appraisal system; disciplinary procedures; and other elements that are determined necessary.

Unless otherwise provided by this charter, all ~~town~~city agencies and positions shall be subject to the rules and regulations adopted under this section excluding those of the school department.

Rules and regulations adopted by the mayor shall become effective on the ~~fifteenth~~twenty first day following the day on which notice of the rules and regulations are filed with the ~~municipal~~

~~ouncil~~city council, unless the ~~municipal council~~city council shall within such period by a two-thirds vote of the full ~~municipal council~~city council vote to reject such rules and regulations.

### Section 6-3 Department of Administration and Finance

#### (a) Department Established

There shall be a department of administration and finance under the direction of a chief financial officer. The chief financial officer shall be appointed by and responsible to the mayor. The chief financial officer shall be a person especially qualified by education, experience and training to perform the duties of the office. The mayor may from time to time establish such additional qualifications as deemed necessary and appropriate.

#### (b) Responsibilities of the Chief Financial Officer

The chief financial officer shall be responsible for the coordination of all financial services and activities; maintenance of all accounting records and other financial statements; payment of all obligations; receipt of all funds due; assistance to all other ~~town~~city agencies in any matter related to financial affairs; monitoring of expenditures of all funds; including periodic reporting to appropriate agencies on the status of accounts; maintaining a full and complete inventory of ~~town~~city real and personal property; acting as the chief procurement officer; supervision of all ~~data~~ processing or information management functions, unless otherwise provided, and any other matter relating to municipal finances as may be determined necessary or desirable. The chief financial officer shall assist the mayor with the preparation of an annual operating budget, financial forecasts, capital improvement program and other financial ~~matters~~documents. The chief financial officer shall also keep the mayor fully informed as to the financial condition of the ~~town~~city and make recommendations as deemed necessary and perform such other duties as necessary or as may be assigned.

The chief financial officer shall supervise the offices and functions of the ~~town accountant~~auditing; ~~treasurer~~treasury, and ~~collector~~collecting. The chief financial officer shall also direct and supervise the daily operations of the ~~board of assessors' office~~assessing department, provided however, that the board of assessors shall continue to have the other powers, duties and responsibilities which are given to boards of assessors under the laws of the ~~C~~ommonwealth. The chief financial officer may serve as the ~~town auditor~~auditor-accountant or the treasurer/~~collector~~ but may not serve as both ~~officers~~.

The department of administration and finance may be ~~subject to reorganization~~ restructured in accordance with Section 6-1 ~~(1)(2)~~ of this charter.

### Section 6-4 Liquor Licensing Commission

There shall be a liquor licensing commission established in accordance with the laws of the ~~C~~ommonwealth, ~~provided however, any member appointed to the commission may only serve one term of office.~~

## **PART VII Nominations and Elections**

### **Section 7-1 Town City Elections; General and Preliminary**

The regular town city election shall be held on the first Tuesday following the first Monday in November of each odd numbered year.

On the seventh Tuesday preceding every regular town city election, there shall be held a preliminary election for the purpose of nominating candidates, if necessary, to assure that no more than twice the number of candidates for the available offices appear on the regular municipal election ballot.

### **Section 7-2 Preliminary Elections**

#### **(a) Signature Requirements**

The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor the signature requirement shall be not less than 50; for the office of councillor-at-large the signature requirement shall be not less than 50; for the office of district councillor the signature requirement shall be not less than 25 signatures from said district; and for the offices of school committee member, planning board member, member of the board of library trustees and housing authority member, the signature requirement shall be not less than 50 signatures.

#### **(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 town city clerk in the presence of such candidates or their representatives as may choose to attend such drawings. The town city clerk shall provide notice to candidates of their ballot position.

#### **(c) Determination of Candidates for Election**

The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to assure its validity.

If two or more persons are to be elected to the same office at such regular election, the several persons in number equal to twice the number to be so elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which but for said tie vote would entitle a candidate receiving the same to have such candidate's name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence thereof, there be printed on such ballots the names of the candidates exceeding twice the number to be elected.

#### **(d) Nomination of Candidates**

If at the expiration of the time for filing petitions of candidates to be voted for at any preliminary election, not more than twice as many such petitions have been filed with the town city clerk for an office as are to be elected to such office, the candidates whose petitions have thus been filed shall be deemed to have been nominated to said office and their names shall be voted on for such office

at the succeeding regular election, and the ~~town~~city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.

### **Section 7-3 Regular Election**

#### **(a) Information to Voters**

For any candidate in a regular ~~town~~city election who is an elected incumbent of the ~~office~~ ~~which~~office that is sought, ~~against~~next to the candidate's name shall appear the phrase "candidate for re-election".

#### **(b) Ballot Position**

The order in which names of candidates appear on the ballot for each office in a regular ~~town~~city election shall be determined by a drawing by lot conducted by the ~~town~~city clerk in the presence of such candidates or their representatives as may choose to attend.

### **Section 7-4 Districts**

The territory of the ~~town~~city shall be divided into six districts so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line known streets or ways or by other well-defined limits. Each district shall be composed of voting precincts established in accordance with the laws of the commonwealth.

### **Section 7-5 ~~Application~~Applications of State Laws**

Except as expressly provided in this charter and authorized by laws of the ~~C~~ommonwealth, all ~~town~~municipal elections shall be governed by the laws of the ~~C~~ommonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary and regular and special elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

## PART VIII Citizen Participation Mechanisms

### Section 8-1 Free Petition

The ~~municipal council~~ city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred and fifty voters or more, and which seeks the passage of a measure. The hearing shall be held by the ~~municipal council~~ city council or the school committee, or, in either case, by a committee or subcommittee thereof, and the action by the ~~municipal council~~ city council or the school committee shall be taken not later than six weeks after the petition is filed with the clerk of the council or the secretary of the school committee, as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least seven days prior to the hearing. Notice, by publication, of all such hearings shall be at public expense.

### Section 8-2 Citizen Initiative Measures

#### (a) Commencement of Proceedings

Initiative procedures shall be started by the filing of an initiative petition with the ~~town~~ city clerk. The petition shall be addressed to the ~~municipal council~~ city council or the school committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by not less than twenty percent of the total number of voters.

Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the ~~town~~ city clerk as one instrument, with the endorsement thereon of the names and addresses of the persons designated as filing the same. With each signature to the petition, shall be stated the place of residence of the signer, giving the street and number, if any.

Within ten days of the filing of said petition, the registrars of voters shall ascertain by what number of votes the petition is signed, and shall attach thereto their certificate showing the result of such examinations.

The ~~town~~ city clerk shall forthwith transmit the said certificate with the said petition to the ~~municipal council~~ city council or to the school committee, as appropriate, and at the same time shall send a copy of said certificate to the persons designated on the petition as filing the same.

When such certificate has been so transmitted, said petition shall be deemed to be valid unless written objections are made with regard to the signatures thereon by a voter within forty-eight hours after such certification by filing such objections with the ~~municipal council~~ city council or the school committee, and a copy thereof with the registrars of voters. The validity of any objection to the certification shall be determined in accordance with the laws of the Commonwealth.

#### (b) Referral to ~~Town City Attorney~~ Attorney

If the ~~town~~ city clerk determines that a sufficient number of signers are voters, the ~~town~~ city clerk shall submit a copy of the petition to the ~~town city attorney~~ attorney.

Within fifteen days after receipt by the ~~town city attorney~~ attorney of the petition the ~~town city attorney~~ attorney shall advise the ~~town~~ city clerk in writing whether the measure may be proposed by initiative procedures and whether it may be lawfully passed by the ~~municipal council~~ city

council or the school committee. If the opinion of the ~~town~~city attorney-attorney is that the measure may not lawfully be passed, the ~~town~~city attorney-attorney shall state the reason or reasons therefore in said reply. The ~~town~~city clerk shall forthwith furnish a copy of the ~~town~~city attorney's-attorney's opinion to the person designated on the petition as filing the same.

**(c) Initiative petition: Requirements for passage and submission to electorate**

If any initiative petition is signed by voters equal in number to at least twenty percent of the total number of voters, and in the opinion of the ~~town~~city attorney, such measure may be lawfully passed by the ~~municipal-council~~city council or school committee within thirty days after the date of the certificate of the registrars to that effect: (1) may pass said measure without alteration, subject to the referendum vote provided in this charter; or (2) the ~~municipal-council~~city council shall call a special election to be held on a date fixed by it not less than sixty days but not later than ninety days after the date of the certificate herein before mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided that if any ~~town~~city election is otherwise to occur within one hundred twenty days after the date of said certificate, the ~~municipal-council~~city council may, at its discretion, omit the call of a special election and submit the proposed measure to the voters at such approaching election.

**(d) Ballot Question**

The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof by preparation of a fair, concise summary by the ~~town~~city attorney-attorney and approved by the registrars of voters.

The full text of the measure shall be published in a least one local newspaper at least seven days before the election at which the question shall appear on the ballot. The full text of the proposed measure shall also be made available at city hall and the public library for a minimum of fourteen days prior to the election and at polling places on the day of the election. The ballot used when voting upon a proposed measure under this section shall contain the question in substantially the following form:

Shall the following ~~measure which was proposed by an initiative petition~~measure that was proposed by an initiative petition take effect?

(text of measure summary) Yes \_\_\_\_\_ No \_\_\_\_\_

If 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 the measure.

**Section 8-3 Citizen Referendum Procedures – Referendum Petition; Effect on Final Passage**

If within ten days after the final passage of any measure a petition signed by voters equal in number to at least five per cent of the total number of voters, and addressed to the ~~municipal-council~~city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, is filed with the ~~town~~city clerk, the same shall thereupon and thereby be suspended from taking effect; and the ~~municipal-council~~city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded within thirty days the ~~municipal-council~~city council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular election, or at a special election which may, in its discretion, be called for the purpose and such measure or part thereof shall forthwith become null and void unless a majority of the

voters voting on the same at such election vote in favor thereof. The petition described in this section shall be termed a referendum petition and Section 8-2 (a) shall apply to the procedure in respect thereto, except that the words “measure or part thereof protested against” shall for this purpose be understood to replace “measure” in said section whenever it may occur, and “referendum” shall be understood to replace the word “initiative” in said section.

#### **Section 8-4 Required Voter Participation**

For any measure to be effective under initiative or referendum procedure(s), at least twenty percent of the voters shall vote at an election upon which an initiative or referendum question is submitted to the voters.

#### **Section 8-5 Measures not Subject to Initiative and Referendum**

Measures, which include the following subject matter, shall not be subject to initiative or referendum procedures:

(a) revenue loan orders; (b) appropriations for the payment of debt or debt service; (c) internal operational procedures of the ~~municipal council~~ city council and the school committee; (d) emergency measures; (e) the ~~town~~city budget or any appropriation contained therein or the school committee budget or any appropriation contained therein or the capital improvements program or any item contained therein; (f) appropriation of funds to implement a collective bargaining agreement; (g) procedures relating to election, appointment, removal, discharge or any other personnel action; and (h) proceedings providing for the submission or referral of a matter to the voters at an election.

#### **Section 8-6 Submission of Proposed Measure to Voters**

The ~~municipal council~~ city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the voters for adoption or rejection at a general or special ~~town~~city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Any measure adopted pursuant to initiative procedures shall not be subject to amendment or appeal by the ~~municipal council~~ city council for a period of six months after the election at which said measure was adopted, unless such measure is contrary to law.

#### **Section 8-7 Measures with Conflicting Provisions**

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

#### **Section 8-8 Recall of Elected Officials**

##### **(a) Application**

Any person who holds an elected ~~town~~city office with more than six months remaining of the term of office for which such person was elected, at the time of the filing of the affidavit may be recalled from office by the voters in the manner provided in this section. No recall petition may be filed against an officer ~~within~~until six months after taking office.

##### **(b) Recall ~~Petitions~~Requests**

A recall affidavit signed by a least three hundred voters with a minimum of twenty five (25) signatures from each district for any officer elected at large and by at least one hundred for any

officer elected by district may be filed with the ~~town~~city clerk containing the name of the office whose recall is sought and a statement of the ~~grounds-reasons~~ for recall (and any reasons shall suffice). The board of registrars of voters shall certify such ~~petitions-Requests~~ with regard to the sufficiency and validity of the signatures of voters, ~~and-Within~~ five ~~working-business~~ days following such filing the ~~town~~city clerk shall deliver to the ten persons first named on such ~~petitions-Requests~~, ~~petition-Request~~ blanks demanding said recall, printed forms of which the ~~town~~city clerk shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the ~~municipal-council~~city council; they shall contain the names of the ten persons to whom they are issued and the ~~grounds-reasons~~ for the recall as stated in the affidavit; they shall be dated and signed by the ~~town~~city clerk. A copy of the ~~petition-Requests~~ shall be entered into the records kept in the office of the ~~town~~city clerk.

**(c) Recall Petitions**

The recall petitions shall be returned to the office of the ~~town~~city clerk within twenty days following the date the blanks are issued, signed by a least ~~twenty-ten~~ (10) percent of the total number of persons ~~who-voted~~registered to vote at the most recent municipal election for officers who are elected at large, and, for officers elected by district signed by at least ~~twenty-ten~~ (10) percent of the total number of persons ~~who-voted-at-the-most-recent-municipal-election-from-the-district-officer-sought-to-be-recalled-represents~~registered to vote in such district.

The ~~town~~city clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall within five ~~working-business~~ days, certify thereon the names of the registered voters of the ~~town~~city, or from the district the officer sought to be recalled represents.

**(e)(d) Recall election**

If the petition signatures shall be found and certified by the ~~town~~city clerk to be sufficient and valid, the ~~town~~city clerk shall submit the same with such certificate to the ~~municipal-council~~city council within five ~~working-business~~ days, and the ~~municipal-council~~city council 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 days thereafter, order an election to be held on a date Tuesday fixed by them not less than 65 days but not more than ~~ninety-90~~ days after the date of the ~~town~~city clerk's certificate, provided however, that if any ~~town~~city election is otherwise to occur within one hundred twenty days after the date of said certificate, the ~~municipal-council~~city council may, at its discretion, omit the calling of a special election and submit the proposed recall to the voters at such approaching election. The recall election for any officer elected by district shall only be held in the district that the officer represents. Should multiple officers from more than one district be subject to recall, the election shall be held only in those districts.

If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section, and the resulting vacancy shall be filled as provided in this charter.

**(d)(e) Office Holder**

The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and the office vacant. The vacancy ~~created-thereby~~resulting from the recall shall be filled in accordance with the provisions of this charter. Any person appointed to fill the vacancy ~~caused-by-such-recall~~ shall hold office for the unexpired term of the officer recalled.

**(e)(f) Ballot Proposition:**

The form of the question to be voted upon shall be substantially as follows: “Shall – here insert the name and title of the elective officer whose recall is sought – be recalled?” If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

No recall election shall be effective unless at least thirty percent of ~~those entitled to vote~~the eligible registered voters in the city or in the district, as applicable, shall have voted.

**~~(f)~~(g) Repeat of Recall**

In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer for at least six months after the election which the officer’s recall was submitted to the voters of the ~~town~~city.

**~~(g)~~(h) Office Holder Recalled**

No person recalled from office or who has resigned from office while recalling proceedings were pending against such person, shall be appointed to any ~~town~~city office within two years after such recall or resignation.

## **PART IX      General Provisions**

### **Section 9-1 Revision or Amendment of Act**

This charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any laws of the commonwealth enacted to implement said constitutional amendment.

### **Section 9-2 Severability**

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

### **Section 9-3 Rules of Interpretation**

The following rules shall apply when interpreting the charter:

#### **(a) Specific Provisions to Prevail**

To the extent that any 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; words imparting the masculine gender shall include the feminine gender.

#### **(c) References to General Laws**

All references to the general laws or the laws of the commonwealth contained in this charter refer to the general laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of this act.

#### **(d) Computation of Time**

Except as pertaining to the computation of time for elections and open meetings of government bodies, in computing time under this 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. [All days shall be considered 24 hours long commencing at 12 midnight and ending at 11:59:59 p.m.](#)

### **Section 9-4 Definitions**

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this ~~act~~ [charter](#) shall have the following meanings:

(a) Charter – The word “charter” shall mean this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

(b) Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(c) ~~Town~~[City](#) – The word “~~town~~[city](#)” shall mean the ~~town~~[city](#) of Amesbury.

(d) **TownCity** Bulletin Board – The “**towncity** bulletin board” means the bulletin board posted outside the office of **towncity** clerk.

(e) Voters - The word “voters” shall mean registered voters of the **towncity** as defined by the laws of the commonwealth.

(f) **TownCity** Agency or Agency – The words “**towncity** agency” or the word “agency” shall mean any board, commission, committee, department or office of **towncity** government, whether elected, appointed or otherwise constituted.

(g) Board, Commission, Committee or Authority – The words “board, commission, committee, or authority” shall mean any board, commission, committee or authority, except advisory boards, committees or commissions appointed by the mayor.

### **Section 9-5 Board, Committees or Commissions:**

#### **(a) Board, Committees or Commissions; Composition; Term of Office; In General**

Except subcommittees of the city council and as otherwise provided by law or this charter, all boards, commissions and committees shall consist of three or more members appointed by the mayor for terms of three years each, so arranged that the term of one-third of the members, or as nearly the number as may be possible, shall expire each year. All members of boards, commissions, and committees shall serve without compensation or benefits and shall be sworn into office within four weeks of their appointment. All board, commission or committee members must take the oath of office prior to entering upon the duties of their office.

#### **(b) Uniform Procedures Applicable to Boards, Commissions and Committees**

All boards, commissions and committees shall meet regularly at such times and places as they shall determine, but not less than quarterly. Special meetings of any board, commission nor committee shall be held on the call of the chair or by a majority of its members, by written notice delivered in hand or to the place of residence of each member and which contains notice of the matters to be acted upon. Except in the case of any emergency, all notices shall be delivered at least forty-eight hours in advance of the time set forth for such meeting. A copy of such notice shall, forthwith, be posted upon the **towncity** bulletin board.

Upon petition signed by at least one hundred voters requesting a special meeting of any board, commission or committee, said board, commission or committee shall hold a special meeting within fifteen days of notice from the **towncity** clerk that a petition has been filed. Any such petition must state the purpose or purposes for which such meeting is requested.

If any member of an appointed board, commission or committee fails to attend one half of the meetings held by such board, commission or committee during a calendar year, upon notice to the mayor from the City Council, board, commission or committee affected, the mayor shall within thirty (30) days of said notice determine, based on his or her own investigation, of which a public record shall be kept, to retain said member or to declare the seat vacant and to fill the vacancy~~the municipal council may declare the office held by such member to be vacant.~~

Each board, commission or committee shall determine its own rules of order of business unless another provision is made by ordinance, and shall provide for the keeping of a journal of its proceedings. Such rules and journal shall be available for public inspection and the city clerk and

~~the public library shall maintain copies. Such rules and journal shall be available for public inspection and copies shall be maintained by the town clerk and the public library.~~

If requested by any member, any vote of any board, commission or committee shall be taken by a call of the roll and the vote shall be recorded in the journal provided, however, if the vote is unanimous, only that fact need be recorded.

A majority of the members of a board, commission or committee shall constitute a quorum, but a smaller number may meet and adjourn from time to time.

**(c) Multiple Office Holding**

No member of a board, committee or commission may serve on another towncity board, commission or committee, provided however, nothing shall prohibit any member of a board, committee or commission to serve on an ad hoc, temporary advisory committee, or committee established for the purpose of coordinating the exercise of power, duties and responsibilities of respective boards, commissions, and committees. No towncity employee may serve on a board, commission or committee unless required by virtue of the office held by said employee.

**Section 9-6 Inspection of Documents**

All documents cited in this act as available for public inspection shall be maintained in the office of the towncity clerk and in the public library. The towncity clerk shall provide copies of documents to the public library.

**Section 9-7 Reenactment and Publication of Ordinances**

~~No later than the first day in July, at five-year intervals, in each year ending in a five or a zero, the city council shall cause to be prepared a proposed revision or re-codification of all city ordinances which shall be submitted to the city council for re-enactment. Within one year after the election of the municipal council, it shall cause a review, revision and re-codification of town ordinances. After this initial review at five-year intervals thereafter, the municipal council shall cause to be prepared a proposed revision or re-codification of all town ordinances which shall be submitted to the municipal council for re-enactment. A committee established by the city council shall prepare such revision or re-codification. Such revision or re-codification shall be prepared by a committee established by the municipal council.~~ Such revisions or re-codification shall be prepared under the supervision of the towncity attorney or if the municipal council so directs by special counsel retained for such purposes. Within eight months following its appointment, the committee shall cause to be published in a local newspaper (a) ~~a report summarizing its recommendations and noting~~ the times and places within the towncity where complete copies of the report shall be available for inspection by the public, and (b) the date, time and place not less than ~~two weeks~~ fourteen days following such publication when a public hearing shall be held by the committee ~~on the preliminary report~~. Copies of the revised ordinances shall be made available for public distribution. In each year between such re-enactment and publication an annual supplement shall be published containing all ordinances and amendments to ordinances that had been adopted in the previous year.

**Section 9-8 Code of Ethics**

The mayor shall prepare and submit to the ~~municipal council~~ city council a code of ethics ~~or revisions to the code of ethics~~, which shall be applicable to all elected and appointed officials and employees of the towncity. ~~and which~~ The code or any revisions to it shall become effective upon the approval by a majority vote of the city council.

**Section 9-9 Periodic Review of the Charter ~~and the Need for Appointed Boards, Commissions and Committees~~**

Beginning in 2018 and at ten-year intervals in each year ending in an eight, thereafter, the mayor, subject to approval of the City Council, shall appoint a special committee to review this charter and to issue a report to the mayor and the city council containing any recommendations for changes to the charter deemed advisable by said special committee.

~~Five years from the adoption of this charter, and at ten year intervals thereafter, the mayor, subject to approve of the municipal council, shall appoint a special committee to review this charter and make any recommendations deemed necessary. During the course of any such charter review, the special committee shall review the purpose and need for each appointed board, commission and committee of the town and shall report any findings and recommendations.~~

**Section 9-10 Periodic Review of the Need for Appointed Boards, Commissions and Committees**

Beginning in 2013 and at ten year intervals in each year ending in a three thereafter, the mayor, subject to approval of the City Council, shall appoint a special committee to review the purpose and need for each appointed board, commission and committee of the city and to issue a report to the mayor and the city council containing any recommendations for changes deemed advisable by said special committee of the city and shall report any findings and recommendations.

## **PART X      Transition Provisions**

### **Section 10-1 Continuation of Existing Laws**

All ordinances, resolutions, rules, regulations, and votes of the ~~town-meeting~~city council, which are in force at the time this act is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

Where provisions of this charter, as amended, conflict with ~~provision-of-town~~city ordinances, rules, regulations, orders, ~~and~~ special acts and acceptances of laws of the Commonwealth, the provisions of this charter shall govern. All provisions of ~~town-city~~ ordinances, rules, regulations, orders and administrative actions not superseded by this charter shall remain in force.

### **Section 10-2 Existing Officials and Employees**

Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform the duties of the office until provision shall have been made in accordance with this charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service. Each such person shall be retained in a capacity as similar to the person's former capacity as is practical.

### **Section 10-3 Continuation of Government**

All town officers, boards, commissions or agencies shall continue to perform their duties until reappointed 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 10-4 Continuation of Obligations**

All official bonds, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this act, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the town, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this act. No legal act done by or in favor of the town shall be rendered invalid by the adoption of this act.

### **Section 10-5 Transfer of Records and Property**

All records, property and equipment whatsoever of any 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 such office, board, commission or agency.

### ~~Section 10-6 Time of Taking Effect~~

~~This act shall become fully effective upon passage in accordance with the following schedule and except as otherwise provided in this section:~~

~~(a) A special election to elect the first officers under this charter shall be held July 30, 1996. At such election the voters shall elect a mayor and the municipal council. A preliminary election for the nomination of candidates for the office of the mayor and municipal councillors shall be held on June 25, 1996. The polls at such special election shall be open from 7:00 AM to 7:00 PM.~~

~~Existing six precincts shall be used as council districts. The initial municipal council elected under this charter shall serve a term extending to the organization of town government following~~

~~the regular town election to be held in November 1999. At such regular municipal election held in November 1999, the municipal council shall be elected and shall take office in accordance with the provisions of this charter.~~

~~The first mayor elected under this charter shall serve a term extending to the organization of town government following the regular town election to be held in November 1999. At such regular town election to be held in November 1999, a mayor shall be elected and take office in accordance with the provisions of this charter.~~

~~(b) As soon as possible following the election, the town clerk shall call together persons elected to the municipal council and the person elected as mayor for the purpose of taking their oath of office. As soon as members of the municipal council take the oath of office, the municipal council shall choose a president and vice president of that municipal council and to adopt any temporary rules governing the conduct of meetings of the municipal council.~~

~~(c) Following the organization meeting of the municipal council, the municipal council shall prepare to assume its full powers, duties and responsibilities which will devolve upon the municipal council under this charter. The municipal council president shall forthwith appoint a committee of the council to develop rules and regulations governing the conduct of council meetings and business. Said committee shall propose such rules and regulations to the municipal council within 30 days after appointment.~~

~~(d) The representative town meeting in office at the time of the election shall continue to conduct all the legislative business of the town until the full power of the mayor and municipal council shall become operative. Thirty days after the mayor and members of the municipal council take the oath of office, the term of office of all members of the representative town meeting shall terminate and the representative town meeting shall cease to exist and the power of the municipal council shall become fully effective.~~

~~The office of moderator shall cease to exist when the representative town meeting ceases to exist.~~

~~(e) The board of selectmen shall continue to be responsible for the general operation and business of town government and shall continue to perform all of the powers, duties and responsibilities of the office until thirty days after the mayor and members of the municipal council take the oath of office; the terms of office of members of the board of selectmen shall terminate and the board of selectmen shall cease to exist and the powers of the mayor shall become fully effective at this time. The mayor shall assume all executive powers, duties and responsibilities held by the board of selectmen. The mayor shall have the right to attend and participate in all meetings of the school committee but may not vote until a new school committee is organized in January 1998.~~

~~(f) The office of town manager shall continue to serve until the power of the mayor become fully effective at which time the office of town manager shall cease to exist. The mayor shall assume all administrative responsibilities of the office of town manager. The incumbent in the office of town manager, if any, at the time the mayor assumes all powers under this charter shall continue to be employed by the town as the chief financial officer established in accordance with Section 6 of this charter, for a period of not less than six months.~~

~~(g) The initial salary of the mayor shall be \$50,000 per year. The initial salary of members of the municipal council shall be \$1,200 per year, provided that the president of the municipal council shall receive \$1,500 per year.~~

~~(h) The mayor shall appoint forthwith, a liquor licensing commission established under Section 6-4 of this charter.~~

~~(i) Until such time as another form of organization is provided for in accordance with Section 6-1 of this charter, there shall continue to be a trust commission. Incumbents serving as members of the hospital trust commission shall continue to serve for the balance of the terms of office for which they were elected. Upon the expiration of the terms of office of members of the hospital trust commission, or if a vacancy shall sooner occur, the officers shall be appointed by the mayor.~~

~~(j) The mayor shall review the organization of town government and shall prepare an executive reorganization plan in accordance with Section 6-1 of this charter. The mayor shall submit the executive reorganization plan to the municipal council within eighteen months after the initial election of a mayor, as provided for in this charter. The mayor shall give careful consideration to the organization of economic development functions in the town and the streamlining of the local permitting processes.~~

~~(k) At the first regular municipal election held under this charter in November 1997, the town shall elect: six members of the school committee, nine members of the board of library trustees; seven members of the planning board; and four members of the housing authority.~~

~~(i) The school committee shall remain as currently constituted until a new school committee is elected and takes office in January 1998 in accordance with the provisions of this charter. The incumbents in the office of school committee member elected to office in April 1996 shall continue to serve until the new school committee is organized, at which time their term of office shall terminate. The incumbent in the office of school committee whose term expires in April 1997 shall have said term of office extended until the organization of the new school committee, at which time any such term of office shall terminate. The remaining incumbents in the office of school committee shall continue to serve until the organization of the new school committee, at which time their terms of office shall terminate. At such regular town election the three candidates receiving the highest number of votes shall be elected to serve a term of four years and the other three candidates elected shall be elected to serve a term of two years and thereafter upon the expiration of said terms of office candidates shall be elected for terms of four years in accordance with provisions of this charter.~~

~~(ii) At the regular town election to be held in November 1997, the town shall elect nine members of the board of library trustees. The board of library trustees shall remain as currently constituted until a new board of library trustees is elected and takes office in January 1998. The incumbent members of the office of board of library trustees elected to office in April 1996 shall continue to serve until the new board of library trustees is organized, at which time their terms of office shall terminate. The incumbent members in the office of board of library trustees whose terms expire in April 1997, shall have the term of office extended until the organization of the new board of library trustees in January of 1998. The remaining incumbent members of the office of board of library trustees shall continue to serve until the organization of the new board of library trustees in January 1998, at which time their terms of office shall terminate. At such regular town election the five candidates receiving the highest number of votes shall be elected to serve a term of four years and the other four candidates elected shall be elected to serve terms of two years and thereafter upon the expiration of said terms of office, candidates shall be elected for terms of four years in accordance with provisions of this charter.~~

~~(iii) At the regular town election to be held in November 1997, the town shall elect a seven member planning board. The board of planning board shall remain as currently constituted until a new planning board is elected and takes office in January 1998. The incumbent in the office of planning board member elected to office in April 1996 shall continue to serve until the new planning board is organized January 1998, at which time the member's term of office shall terminate. The incumbent in the office of planning board whose term expires in April 1997, shall have the term of office extended until the organization of the new planning board in January 1998, at which time said term of office shall terminate. At such election the four candidates receiving the highest number of votes shall be elected to serve a term of four years and the other three candidates elected shall be elected to serve terms of two years and thereafter upon the expiration of said terms of office candidates shall be elected for terms of four years in accordance with provisions of this charter.~~

~~(iv) At the regular town election to be held in November 1997, the town shall elect four members of the housing authority. At such municipal election the two candidates receiving the highest number of votes shall be elected to serve a term of four years and the other two candidates elected shall be elected to serve a term of two years and thereafter upon the expiration of said terms of office candidates shall be elected for terms of four years in accordance with provisions of this charter. The incumbent elected members of the housing authority shall have their terms of office extended to or terminated in January 1998, and thereafter upon the expiration of said terms of office candidates shall be elected for terms of four years in accordance with provisions of this charter.~~

