

in bylaw as well

Not sure this is possible

Warrant?

this is illegal in my
opinion

discipline should not take 15 days

cant on finance and dpw per charter

DPW should not be specifically called out for the purposes of a reorg

Director credentials are a HR
function not a Charter function

BOH should have credentials listed

no such thing

Finance Dept should not be called out for the purposes of a reorg

Director credentials are a HR function not a Charter function

what is this section for?

Planning Dept should not be called out for the purposes of a reorg

town of all updates to the CMP and any implementation measures that may require town meeting approval. The Planning Board's recommendations on zoning by-law amendments to the representative town meeting shall be consistent with the CMP. The Planning Board shall solicit public comment and participation throughout the Comprehensive Master Planning Process and shall adopt the CMP and/or annual CMP updates only after a duly noticed public hearing.

3-14-5 The Planning Board shall make recommendations to the representative town meeting and to the Select Board on all matters concerning the planning of the physical, environmental, community, and economic development of the town as prescribed by general law, this Charter, and applicable town by-laws, and specifically with reference to the consistency of such matters with the current CMP.

3-14-6 At the request of the Planning Board any town board or agency dealing with significant public improvements relating to the physical, environmental, community or economic development of the town, shall report the status of such plans or development to the Planning Board so as to be evaluated and included in the CMP and in the Planning Board's recommendations to the representative town meeting and the Select Board.

3-14-7 The Planning Board may appoint committees to assist and advise the Board in carrying out its duties under this charter such as a Master Plan committee and such other committees as the Board deems necessary to assist the Board in performing its duties. Failure of the Board to appoint such committees shall not relieve the Board of its responsibilities to fulfill all the duties enumerated under this charter.

3-14-8 An Open Space Committee comprised of nine (9) persons to act in an advisory capacity to the Planning Board and the Town Meeting with respect to the preservation of natural open space shall be appointed as follows: Five (5) members shall be appointed by the Planning Board; two (2) by the Select Board and two (2) by the Conservation Commission. The Open Space Committee shall report its activities and recommendations directly to Town Meeting at least once each calendar year

3-14-9 A Land Use and Acquisition Committee comprised of seven (7) members to act in an advisory capacity to the Select Board with respect to the acquisition of real estate by the Town pursuant to the provisions of Chapter 61 of the General Laws, shall be appointed as follows: Two (2) members shall be appointed by the Select Board, two (2) by the Planning Board, two (2) by the Conservation Commission, and one (1) by the Open Space Committee. **is there such a thing?**

Section 15 Director of Planning and Development **Position description is a HR function not Charter function**

3-15-1 There shall be a Director of Planning and Development appointed by the Town Manager with veto authority by the Planning Board as delineated in Chapter 3. The Director shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education and training. The Director of Planning and Development shall have had at least five (5) years of full-time paid experience in community planning and development.

3-15-2 At the discretion of the Town Manager, the Director of Planning and Development may serve as the head of any division within the Department of Planning and Development. The Town Manager may also designate one person to serve as the head of more than one division within the Department.

3-15-3 The Director of Planning and Development shall be responsible to the Planning Board for the effective operation of all Planning Board functions and all related activities. The Director shall coordinate and provide overall supervision of all activities of the Department of Planning and Development, and shall have, in consultation with the division head and the Town Manager, the authority to direct and assign all personnel serving in the Department of Planning and Development.

3-15-4 The Director of Planning and Development shall be responsible for, and shall have, the following specific duties:

coordination of the land use, environmental, community, and economic planning and development functions of all town departments and agencies;
supervision of the following functions: planning, preservation of natural open space, land acquisition, community development, economic development, design review, subdivision control, affordable housing, and zoning appeals;
assuring that each function is operating efficiently and in accordance with the applicable statute, by-law, code, and/or accepted practice;
accountability for long-range planning and organizing;
provision of administrative direction for all functions of the Department of Planning and Development; and
working with the Planning Board, Town Manager, and Select Board in developing strategic plans and policies.

Section 16 Building Committee

3-16-1 The Select Board shall appoint a building committee which shall consist of 9 members. The committee shall have among its members 1 member of the planning board, a registered professional engineer or architect, an attorney, a person employed in the construction industry or a related trade or occupation, 2 members of the school committee and 3 other residents. Members of the committee shall be appointed for 3-year overlapping terms.

3-16-2 Upon the request of the town manager or a department head, the building committee shall meet with various town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the Select Board and the representative town meeting and the school committee when applicable. Whenever this work is authorized by the representative town meeting, the building committee shall be responsible for the oversight of all work relating

thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

3-16-3 Upon request of the Building Committee the town manager may provide support personnel to assist the Building Committee in carrying out its duties.

CHAPTER 4 ELECTED TOWN BOARDS AND OFFICERS

Section 1 General Provisions

4-1-1 Beginning with the first town election held after the effective date of this Charter, the town shall elect the following boards and offices:

a select board of five (5) members;

a school committee of seven (7) members who shall be elected for three-year (3) overlapping terms;

a housing authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms;

a planning board of five (5) members; and

a redevelopment authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms.

4-1-2 The terms of office of multiple-member boards shall overlap, except as general or special law may provide otherwise. Representative town meeting members shall be elected in accordance with Section 2-2-1 of this Charter.

4-1-3 During the term for which a member is elected, and for one (1) year following expiration of such term, no member of any elected board under this Charter shall be eligible to accept any paid position under such board or in the same department.

4-1-4 Vacancies in boards established under this chapter, except the Select Board, shall be filled by the Select Board, together with the remaining members of the appropriate board in accordance with the provisions of general law.

Section 2 Simultaneous Elected Offices

4-2-1 A representative town meeting member or elected town official representing the entire town shall not simultaneously hold another elected town office other than member of a charter commission. A person who holds multiple offices in violation of this section shall promptly inform the town clerk of which office that person will vacate. Election to a county, state or federal office other than a county charter commission shall be an event disqualifying an elected town official, including, but not limited to, representative town meeting member, from continuing in an elected town office beginning the day the individual is sworn in to the county, state or federal office.

Section 3 School Committee

4-3-1 The School Committee shall have all powers which are conferred on School Committees by law, this Charter, bylaw, or otherwise and are not inconsistent with the grant of powers conferred by the General Laws.

4-3-2 The powers and duties of the School Committee shall include the following:

(a) To appoint a superintendent of the schools who shall manage the school system in a fashion consistent with law and the policy determinations of the School Committee and, upon the recommendation of the Superintendent, the School Committee may also establish and appoint positions of assistant or associate superintendents as provided by law.

(b) To establish educational goals and policies for the schools in the Town consistent with the requirements of law and statewide goals and standards established by the State Board of Education.

(c) To propose and to oversee the administration of an annual operating budget for the School Department, subject to appropriation by the Town Meeting.

(d) To have general charge and superintendence of all school buildings and grounds and furnish all school buildings with proper fixtures, furniture and equipment.

4-3-3 The School Committee shall report on the state of the schools directly to Town Meeting at least once each calendar year and shall meet jointly with the Select Board as directed by section 3-2-8 of this Charter.

CHAPTER 5 ELECTIONS

Section 1 Town Elections

5-1-1 The regular election for all town offices shall be by official ballot held on the third Saturday of May of each year.

5-1-2 The order in which names of candidates appear on election ballots for any office, including that of representative town meeting member, shall be determined by a drawing by lot conducted by the town clerk which shall be open to the public. Notification to the candidates and to the public shall be by publication in a local newspaper during the week preceding the week in which the day of the drawing is to take place. The ballot shall identify candidates seeking re-election with the phrase "Candidate for Re-election" placed next to the candidate's name.

5-1-3 Information for Voters

Notwithstanding section 22A of chapter 55 of the General Laws, section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the official election ballot in the town of Plymouth shall include a fair and concise summary of any binding or non-binding question to be submitted solely to the voters of the town, along with a 1-sentence statement describing the effect of a yes or no vote, both prepared by town counsel and approved by the Select Board. Submission to the town clerk of the summary and 1-sentence statement shall be

governed by section 42C of chapter 54 of the General Laws. The Select Board shall, not less than 7 nor more than 14 days before an election at which a question is to be voted upon, publish the following in a newspaper of general circulation in the town: (1) the full text of the question; (2) a fair and concise summary of the question; and (3) the 1-sentence statement describing the effect of a yes or no vote on the question; provided, however, that failure to timely publish such information shall not affect the validity of the election. The Select Board shall also post the full text of each ballot question, the summary and the 1-sentence statement in at least 1 location in the town or on the town's official website and shall make the same available at each polling place on the day of the election. The town may, by by-law, require additional posting or publishing of such information, subject to available funds and any other conditions that may be imposed by by-law.

Section 2 Elections to be Nonpartisan

5-2-1 All town elections shall be nonpartisan, and election ballots for town offices shall be printed without any party mark, emblem, vignette, or designation whatsoever.

Section 3 Time of Taking Office

5-3-1 Any person duly elected to any office or board shall take up the duties of the office immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office by the Town Clerk.

5-3-2 Elected Town Meeting Members shall present themselves within 30 days of election, to the office of the Town Clerk for the administering of the Oath of Office or make alternate arrangements with the Town Clerk. Failure to comply with the previous sentence shall result in a vacancy. An elected official cannot act in any capacity until the Oath of Office is taken.

Section 4 Nomination of Candidates for Election to Representative Town Meeting

5-4-1 The nomination of a candidate for election or reelection as representative town meeting member shall be made by separate nomination papers signed by not less than ten (10) registered voters of the precinct in which the candidate resides, or in accordance with the requirements of G.L. C. 43A, Section 6 to the extent applicable. Nomination papers shall be filed with the Town Clerk no later than the last day on which the nomination papers of candidates for other offices must be filed.

5-4-2 Nomination papers shall identify representative town meeting members seeking re-election with the phrase "Candidate for Re-election" placed next to each candidate's name.

5-4-3 The nomination procedure for all other elected positions shall be as set forth in general or special law.

Section 5 Initiative

5-5-1 Any ten (10) registered voters of the town may secure the inclusion of an article in the warrant for either of the annual representative town meetings by written petition to the Select

Board. At least one hundred (100) registered voters may secure the same for any special town meeting.

Section 6 Referendum

5-6-1 A vote of the town meeting under any article in the warrant shall not be operative until ten (10) days after its final passage other than the following: (a) to adjourn; (b) to appropriate money for the payment of principal and interest of bonds and notes of the town; (c) to authorize the temporary borrowing of money in anticipation of revenues and (d) to amend zoning bylaws or as otherwise provided by statute.

5-6-2 If within ten (10) days of an affirmative vote of final passage by the Town Meeting, a referendum petition is filed with the Town Clerk signed by not less than three (3) percent of the registered voters in the Town as of the date of the most recent annual Town election asking that any question involved in such a vote be submitted to the voters of the Town at an election, then the Town shall hold a referendum election for such purposes. Within 5 days after receipt of the petition the Town Clerk shall determine whether the petition contains a sufficient number of signatures and provide notice to the Select Board. of such determination. If there are sufficient number of signatures, the Select Board shall provide for a referendum election to be held no less than 35 days from its vote and provision of written notice to the Town Clerk and no more than 90 days after the Town Clerk's determination, provided, however, that if there is another election already scheduled within 100 days of the Clerk's determination, the referendum question may appear on the ballot at such election. The referendum question shall take the following form: "Shall the Town vote to approve the action of the [date] Town Meeting under Article [#] whereby it was voted that (here insert a brief summary of the substance of the vote)?"

5-6-3 A non-binding public opinion advisory question may be placed on the ballot at an annual or special town election by vote of the Select Board with no less than thirty-five (35) days written notice to the Town Clerk of the form of the question. A non-binding question may also appear on the ballot at a regular town election by vote of the annual Town Meeting under a warrant article for such purpose, or in conformity with the following procedure: A proposal to place a nonbinding public opinion advisory question on the ballot for a regular Town election may be presented to the Select Board no less than 100 days prior to the date of the next regular election on a petition signed by at least ten registered voters of the Town. If such Select Board shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least three (3) per cent of the registered voters in the Town requesting such action is filed with the Board of Registrars no less than 42 days prior to the date of the next annual election. Upon certification of the required number of signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular Town election held more than thirty-five days after such certification.

5-6-4 The vote on a referendum question shall be in accordance with the provisions of general law relating to special Town elections.

Section 7 Recall of Elective Officeholders

5-7-1 Voters may recall any elected townwide officeholder as herein provided.

5-7-2 Five hundred (500) registered voters of the Town may file with the Town Clerk an initial petition signed under the penalty of perjury containing the name of the officeholder sought to be recalled and a statement of the grounds for recall. No more than fifty (50) names shall be counted from any one (1) precinct of the Town. One (1) voter shall be identified as the “lead petitioner”, and the lead petitioner shall notify the Town Clerk of the names of the registered voters listed thereon who shall be deemed to be the “first ten (10) signers” for purposes of section 5-7-3.

5-7-3 The Town Clerk shall thereupon prepare recall petition blanks and notify the lead petitioner that a sufficient number of such blanks may be picked up at the Town Clerk’s office containing the number of signature lines required, plus at least two-fifths (2/5ths) more. The Town Clerk shall keep these printed forms available. The Town Clerk shall sign and affix the official seal to the recall petition blanks that are issued. Photocopies of recall petitions shall not be accepted by the Town Clerk. The recall petition blanks shall be dated and addressed to the Select Board, demanding the election of a successor to such office. The recall petition blanks shall contain the names of the first ten (10) signers, the number of recall petitions issued, the name and office of the officeholder whose recall is sought, and the grounds for recall as stated in the initial petition

5-7-4 The Town Clerk shall enter a copy of the recall petition in the town records. The recall petition shall bear the signatures and residential addresses of at least fifteen (15) percent of the registered voters as of the date of the most recent annual town election and shall be returned to the Town Clerk within twenty (20) business days after the notification to the lead petitioner of the availability of the recall petitions. All completed recall petitions containing the signatures requesting a recall election need not be submitted simultaneously.

5-7-5 The Town Clerk shall submit the recall petition to the board of registrars of voters within one (1) business day of receipt. The registrars of voters shall certify thereon the number of signatures which represent registered voters within seven (7) business days.

5-7-6 If the recall petition is certified by the board of registrars of voters as sufficient, the Town Clerk shall submit the same with a certificate so stating to the Select Board. Within three (3) business days of receipt of the certificate of sufficiency, the Select Board shall give written notice, of the receipt of the certificate to the officeholder sought to be recalled.

5-7-7 If the officeholder does not resign within five (5) business days after the date the notice is given, the Select Board shall order a special election to be held on a date fixed by them, which shall be not less than 64 days from the date of the Select Board’s vote to call for the election nor more than ninety (90) days after the date of the Town Clerk’s certificate that a sufficient recall petition has been filed; provided, however, that if any other Town election is to occur within one hundred (100) days after the date of the certificate, the Select Board shall postpone the holding

of the special election to the date of such other election and the question of recall shall appear on the ballot at such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed.

5-7-8 An officeholder sought to be removed may be a candidate at the recall election and, unless such officeholder requests otherwise in writing, the Town Clerk shall place the officeholder's name on the ballot without nomination. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of general law relating to elections unless otherwise provided herein.

5-7-9 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term or sooner vacating of office. An incumbent having successfully survived a recall election shall not again be subject to recall during the same term of office. If recalled, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within ten (10) business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

5-7-10 The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officeholder whose recall is sought) be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall exceeds twenty (20) percent of the registered voters of the town as of the date of the last annual election. If the question of recall is not approved as provided in this section, the votes for candidates shall not be counted.

5-7-11 No person, having been removed from office by recall or having resigned from office following certification of names on an initial petition filed under Section 5-7-2, shall be appointed to any town office within two (2) years following said removal or resignation.

5-7-12 Recall proceedings shall not be initiated during the first or last one hundred eighty (180) days of any officeholder's term of office.

Section 8 Recall of Representative Town Meeting Members

5-8-1 Representative town meeting members shall be subject to recall as generally provided in Section 7 of Chapter 5 of this Charter, provided:

that the words "representative town meeting member" shall be substituted for the word "officeholder" throughout Section 7 of Chapter 5 of this Charter;

that in Section 5-7-2 the number "one hundred twenty-five (125)" shall be substituted for the number "five hundred (500)," and that names submitted shall be those of registered voters residing in the precinct of the intended recall election;

that in Section 5-7-4, the recall petition shall include the signatures and residential addresses of at least fifteen (15) percent of the registered voters residing in the precinct, and the words "ten (10) business days" shall be substituted for the words "twenty (20) business days";

that in Section 5-7-7 the words "special precinct election" shall be substituted for the words "special election";

that in Section 5-7-10 the words "of the precinct" shall be substituted for the words "of the town"; and

that any vacancy created by a recall election shall be filled in accordance with the provisions of Section 9 of Chapter 2 of this Charter.

CHAPTER 6

TOWN BOARDS, COMMISSIONS, COMMITTEES, AND DEPARTMENT AND DIVISION HEADS

Section 1 General Provisions

6-1-1 All boards, commissions, and committees of the town shall organize annually as soon after the annual election as practicable, to elect necessary officers, establish quorum requirements, adopt rules of procedure, and maintain minutes. All boards, commissions, and committees of the town regularly shall file approved meeting minutes with the Town Clerk. Such minutes shall be made available for inspection to all persons requesting them.

Section 2 Delegation of Appointment, Discipline, and Removal Power

6-2-1 The powers conferred upon the Town Manager in Section 3-5-1(a) of this Charter, for all employees subject to the provisions of G.L. c.31, the Civil Service Law, (except Department and Division Heads, or their equivalents regardless of title, and school employees), may be delegated to the appropriate Department Heads. To the extent permitted by law, such powers, which shall include the ability to appoint, discipline, or discharge an employee, shall be subject to final approval by the Town Manager, without appeal or recourse to the Select Board. this conflicts with the section above
[Added by Chapter 336 of the Acts of 2012, Massachusetts General Court]

6-2-2 All multi-member board and committee appointments made under this charter shall be for a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12 month period, and such attendance record has been duly certified to the Town Clerk by a majority vote of such board or committee, shall upon such certification be deemed to have resigned from the appointed position. Thereafter, the position shall be considered vacant for all purposes.

6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by a vote of the appointing authority, as defined in the establish process developed by the appointing authority.

CHAPTER 7

GENERAL PROVISIONS

Section 1 Charter Amendment

7-1-1 This Charter may be replaced, revised, or amended in accordance with the provisions of general law.

Section 2 Specific Provisions to Prevail

7-2-1 To the extent that any specific provision of this Charter conflicts with any general provision, the specific provision shall prevail.

Section 3 Severability of Charter

7-3-1 If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 4 Continuation, Revision, and Republication of By-Laws

7-4-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the town meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Section 5 Enforceability of this Charter

7-5-1 The provisions of this Charter may be enforced by any applicable general or special law, including, but not limited to G.L. c.43B, § 14 and G.L. C. 231A.

Section 6 Periodic Charter Review

7-6-1 At least once every 5 years, a Charter Review Committee shall review this Charter and make a report, with recommendations, to the Town Meeting concerning any proposed amendments which the Committee may determine to be necessary or desirable. The members of the Charter Review Committee shall be appointed by a special committee consisting of the Moderator, who will serve as Chairman, one member of the Select Board and one (1) member of the Committee of Precinct Chairs.