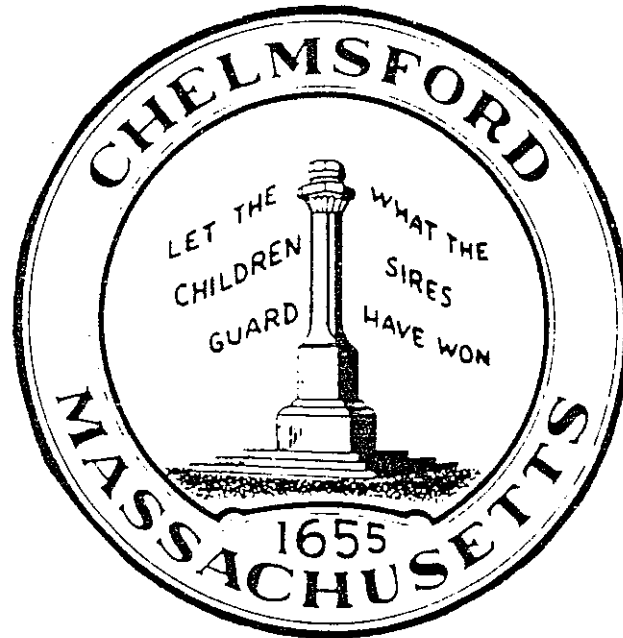


A TRUE COPY ATTEST:

Mary E. St. Alain
TOWN CLERK - CHELMSFORD, MA

CHELMSFORD CHARTER COMMISSION



FINAL REPORT 1989



CHELMSFORD CHARTER COMMISSION

BALLOT QUESTION

The following question will appear on the ballot at the 1989 town election to be held on April 4, 1989.

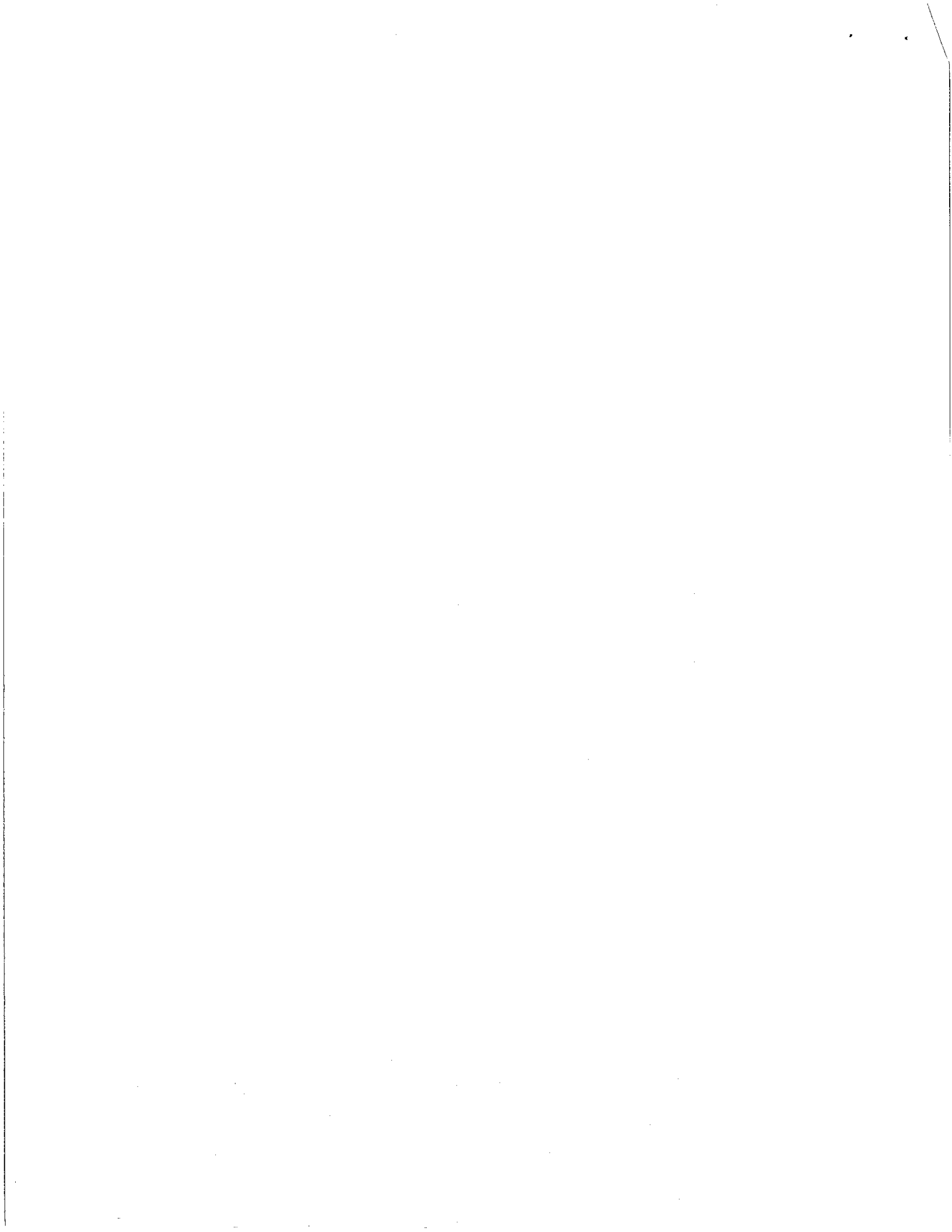
Shall this town approve the new charter recommended by the charter commission summarized below?

\ \ Yes

\ \ No

Summary: If adopted the proposed charter would: establish a 162 member representative town meeting, 18 representatives elected for terms of three years each from each of the town's 9 precincts; establish the office of town manager, with responsibility for daily management of the town's business; provide for the election by the voters of a five member board of selectmen, the moderator, a five member school committee, a seven member planning board, a three member board of health, a seven member board of library trustees, a three member cemetery commission, a five member sewer commission, the housing authority and the constable; provide for strengthened financial procedures, the creation of a department of public works and flexibility to reorganize town agencies in the future; provide for the right of voters to recall *elected officials.*

THE ABOVE SUMMARY IS BRIEF AND WILL APPEAR ON THE BALLOT. THE CHARTER COMMISSION URGES YOU TO READ THE FULL TEXT OF THE CHARTER, WHICH FOLLOWS.



INTRODUCTION

In the spring of 1988, the residents of Chelmsford voted overwhelmingly to create a Charter Commission. This nine member board was charged with reviewing the current form of government and municipal operation and making suggestions for change, if a change were deemed in the best interest of the town.

The Charter Commission's deliberations included a broad range of input from a variety of sources including; distributing a questionnaire at the Annual Town Meeting, requesting specific information from each town department head, meeting with state, out-of-town and local officials, reviewing many Charters from other communities, listening to any member of the public who chose to address us, and hiring a consultant from the Mass. Municipal Association.

Finally, we debated many long and arduous hours over each and every issue. All in all, more than thirty open meetings were held between the election in April and the unanimous adoption of the preliminary Charter report on October 24, 1988.

It should be apparent from the foregoing that changes recommended by the Charter Commission were not arrived at without considerable knowledge, thought and discussion. Decisions were arrived at by consensus, often after heated debate, in a free and open forum.

The foundation of the proposed changes was the underlying concern of the commissioners that our local system of government needed more structure.

Although Chelmsford has undergone tremendous growth creating more complex problems to be solved, our methods of operation and governing have remained unchanged. With an annual budget approaching forty-two million dollars, we felt

that we needed a more efficient and professional method of budgeting our dollars and a more concise accounting of dollars spent.

A need was seen for some strong centralized organization that would best consolidate our present fragmented and complex town departments. The commission's solution to address these needs was the creation of a position called Town Manager.

The manager's position was not created without certain checks and balances for very specific reasons. Because there was a concern expressed that a manager might have uncontrolled power, we set the position up to operate similar to a superintendent of schools. The manager will screen and interview all candidates and then make a recommendation to the Board of Selectmen. Therefore, no appointment should take place without the approval of the elected body. Consequently, the ultimate responsibility for the quality of the town manager and his or her appointments lies with the individuals who are elected by the voters of Chelmsford.

Again, using efficiency and structure as our foundation, we studied, discussed and debated our present form of Open Town Meeting. Recognizing the Open Town Meeting as the purest form of democracy and the desire of some to see it untouched, we looked carefully at the voters of Chelmsford and their participation in this process. The population has remained fairly constant for the last fifteen years with registered voters at about nineteen thousand. During that time, the average attendance at the opening session has been approximately four hundred people. Because that number decreased so much at additional sessions, the Town voted to eliminate its quorum of 200 people in 1979. Given the facts, it seemed to the commissioners that the Open Town Meeting form of government was not a priority to the majority of voters. Consequently, a Representative Town Meeting was recommended. We determined that an elected, active and more educated town meeting member would bring more efficiency, knowledge and accountability to the legislative process. The number of members recommended

was felt to be large enough to discourage any potential group from becoming a majority, and small enough to meet and arrive at decisions. As the town's legislative body, Representative Town Meeting was a focal point of the Commission.

Because of the complexity of appointed versus elected officials, no one method was used to arrive at our decisions. Perhaps the strongest influence on these decisions was determining whether or not a position was a policy making or administrative position. If it were judged to be policy making, the Commission was more apt to make it elective. A second influence noted was an attitude of making the position appointed if it required special qualifications and it could assist the town manager to organize those areas impacting on the budget. Finally, if an office or board did not fit into either category and appeared to be functioning properly, it was left unchanged.

The voters of Chelmsford elected nine unique voices to the Charter Commission. Each voice was heard and each contributed to the end product. An aura of individuality best describes this particular group of individuals, and readers of the Charter can be assured they could not have elected a more representative group than the one they did elect; it was truly a cross section of the Town of Chelmsford.

REPRESENTATIVE TOWN MEETING VERSUS OPEN TOWN MEETING

We, as American citizens, conduct our national legislative business through elected representative government. We, as citizens of Massachusetts, conduct our state legislative business through elected representative government. We use representatives at the national and state level because of the large number of people involved and the realization that any

open form of government would be too unwieldy. The concept of representative government in the United States is as old as our country and therefore acceptable to us as a method for conducting our legislative business.

The Town of Chelmsford, with over 19,000 eligible voters, is too large to meet in open session for the same reasons that apply to the national and state legislative bodies. If every eligible voter attended town meeting, it would be too large and unwieldy to be productive. The Massachusetts Municipal Association indicates that Chelmsford is the largest town in the state which still retains Open Town Meeting.

In 1926, the Massachusetts Constitution was amended to permit for the first time the establishment of a representative town meeting in place of meetings open to all town voters. This was permitted in any town with a population in excess of 6,000. Since the date of that amendment, many communities have changed to a representative town meeting or other form of representative legislative body to conduct municipal business. None of these communities, according to the research from Massachusetts Municipal Association, has ever returned to the open town meeting forum.

The representative system offers a more orderly method of transacting the business of local communities. The Charter Commission carefully studied, discussed and debated the present form of open town meeting. Recognizing the open town meeting as the purist form of democracy, and the desire of some to see it untouched, the Commission looked carefully at the voters of Chelmsford and their participation in this process. During the past fifteen years, the average attendance at the opening session has been approximately 400 people. Because that number decreased at additional sessions, the town voted to eliminate its quorum in 1979.

In view of the relatively small participation, a substantial majority of the Commissioners determined that open town meeting was not a priority to a majority of voters.

Consequently, a representative town meeting was recommended. We determined that an elected, active and more educated town meeting would bring more efficiency, knowledge and accountability to the legislative process. The number of members recommended, eighteen from each of the nine precincts (162 total), was felt to be large enough to discourage any potential group from becoming a majority and small enough to meet and arrive at decisions.

The proposed Charter allows any voter to attend representative town meeting. The citizen may speak on any issue, subject only to such limitations of time and substance as may be adopted periodically by representative town meetings under the direction of the moderator.

The Charter provides further safeguards for the benefits of all citizens. There is a referendum process which allows for review and repeal of town meeting action. In addition, the recall of elected officials is permitted under this Charter.

Some of the other advantages to adopting a representative town meeting system for local legislative business are as follows:

1. Educated body - members are required to obtain all available information on every issue to be well informed;
2. Citizen Interest many citizens who have become disinterested will be energized to visit neighbors, collect signatures for the position of Town Meeting *Members*
3. Accountability - unlike random votes at Open Town Meeting, voting records of Representative Town Meeting members can be determined and those persons held accountable for their votes;
4. Stability - a stable membership avoids sudden, unforeseen influences on specific issues, and consistent attendance is required;

5. Townwide - each equally balanced precinct is represented by an equal number of representatives and no single area can dominate on any issue.

EXPLANATION OF THE PROPOSED CHARTER AND STATEMENT OF MAJOR DIFFERENCES

The Chelmsford Proposed Home Rule Charter recommends a variety of changes in town government, including:

The creation of a representative town meeting. The representative town meeting replaces the open town meeting with 162 elected town meeting members, 18 representatives will be elected from each of the town's nine precincts. Any town resident may attend town meeting and participate in proceedings, but voting on issues is the responsibility of the elected town meeting representatives.

The voters will elect: a five member board of selectmen, the moderator, a five member school committee, a seven member planning board, a three member board of health, a seven member board of library trustees (an increase from six members), a three member cemetery commission, a five member sewer commission (an increase from three members), the housing authority and the constable.

Voters have been provided with the ability to recall elected officials who they believe are not serving the interests of the voters and the right to challenge town meeting actions by referendum procedures.

The town clerk, treasurer-collector, and board of assessors which are currently elective offices become appointive offices upon the expiration of the incumbents terms of office.

The office of town manager is established, with responsibility to oversee and coordinate the daily management of the town's business including budget preparation and personnel administration. The new town manager position builds upon the existing position of

executive secretary. The town manager is accountable to the board of selectmen.

The various public works agencies of the town are consolidated into a department of public works. Procedures are provided that enable the town to reorganize town agencies in the future.

Budget procedures are strengthened by providing for a coordinated budget process, the preparation of an annual capital plan and an annual audit.

The proposed charter also provides a transition period to allow a gradual implementation of the changes made by the charter.

Section 1-6 *Intergovernmental Relations*

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

A 162 member Representative Town Meeting is established. There will be 18 representatives elected from each of the 9 precincts. Each representative is elected for a 3 year term of office.

Part II Legislative Branch/Representative Town Meeting

Section 2-1 Town Meeting Composition

The legislative body of the town shall be a representative town meeting consisting of one hundred and sixty-two members who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town. There shall be eighteen members elected from each of the nine precincts. Members shall be elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

Section 2-2 Establishment of Districts

The board of selectmen shall divide the town into nine convenient voting precincts so established as to consist of as nearly equal number of inhabitants as possible, in compact and contiguous territory, bounded insofar as possible by the center line of known streets and ways or by other well-defined limits.

The boundaries of the precincts shall be reviewed and wholly or partially revised by the board of selectmen (a) at least once in every ten years, (b) whenever it is directed to do so by vote of the town meeting, and (c) whenever it is apparent from the street list, census data or other official information that the number of inhabitants in any one precinct varies by ten percent or more from the total number of inhabitants of the town divided by the number of precincts.

The board of selectmen shall, within twenty days after any revision of precincts, but not later than January twentieth of the succeeding year, file a report of its doings with the town clerk and the assessors with a map or maps or description of the precincts and the names and addresses of the voters therein. The board shall cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and addresses of the voters therein. Whenever the precincts are revised, the town clerk shall forthwith give

A periodic review of precincts is required to allow for growth or population shifts.

written notice thereof to the state secretary, stating the number and designation of such precincts.

Section 2-3 *Town Meeting Membership*

(a) *Eligibility*

Any voter shall be eligible to be a candidate, to be elected, and to serve as a town meeting member.

Any voter may be a candidate for Town Mtg. Member. Every candidate for election must collect signatures to be nominated.

(b) *Nomination Procedures*

Nomination of candidates for town meeting member shall be made by nomination papers signed by not less than twenty-five voters of the precinct in which the candidate resides and from which the candidate seeks election. Nomination papers shall be filed with the town clerk at least thirty-five days preceding the date of the town election. Every nomination paper shall be submitted to the registrars of voters for certification of names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the town clerk. The written acceptance of the candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

Section 2-4 *Election*

The voters in every precinct shall, at the first annual town election held following any precinct revision that affects them, elect by ballot the number of voters of the precinct prescribed in this part to be town meeting members. The first third in order of votes received shall serve for three years; the second third of such order shall serve for two years and the remaining third in such order shall serve for one year from the date of the annual town election. In case of a tie vote affecting the division into thirds, the members elected from the precinct shall determine the same by ballot. Thereafter, except as otherwise provided therein, at each annual election the voters of each precinct shall, in like manner, elect for three-year terms one-third of the number of town meeting members to which each precinct is entitled and shall fill for the unexpired terms any such vacancies then existing.

In the event of a tie vote for the office of town meeting member the town clerk shall, within seven days following the election, call all of the town meeting members of that precinct together at a convenient place. Under the supervision of the town clerk, any such tie shall then and there be broken by ballots cast by the elected town meeting members present.

Section 2-5 *Vacancies*

(a) *Resignation*

A town meeting member may resign by filing a written resignation with the town clerk; such resignation shall take effect upon the date of such filing unless a date certain is specified therein when it shall take effect.

(b) *Removal from Town or Precinct*

A town meeting member who removes from the town shall forthwith cease to be a town meeting member. A town meeting member who removes from one precinct to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which the member was elected until the next annual town election at which the remainder of the member's term, if any, shall be filled by ballot. Any person so removed from office may be elected at the same election as a town meeting member from the precinct to which the member has removed.

(c) *Forfeiture of Office*

If any person elected as a town meeting member shall fail to take the oath of office within thirty days following the election of such person, or shall fail to attend more than one-half of the sessions of the town meeting held in a calendar year, the member shall be deemed to have resigned and the member's place shall be declared vacant. Any such vacancy shall be filled as provided in section 2-5(d).

(d) *Filling Vacancies*

Any vacancy in the full number of town meeting members from any precinct shall be filled by the person receiving the highest number of votes among the defeated candidates at the

last election. In the absence of such candidate, the vacancy shall be filled until the next annual town election by the remaining town meeting members from the precinct, from among the voters in said precinct.

Section 2-6 Compensation

Representative town meeting members shall serve without compensation.

Section 2-7 Presiding Officer

All sessions of the town meeting shall be presided over by a town moderator, elected as provided in Part III. The town moderator shall regulate the proceedings, decide questions of order, and make public declarations of all votes. The town moderator shall perform such other functions as may be authorized by the charter, bylaw or other town meeting vote.

The Moderator presides over all sessions of the Town Meeting.

Section 2-8 Clerk to the Meeting

The town clerk or the designee of the town clerk shall serve as the clerk of the town meeting. The clerk shall give notice of all town meetings to the members and to the public, keep the journal of their proceedings, cause the publication of town meeting attendance and perform such other functions as may be provided by the charter, bylaw or other town meeting vote.

The Town Clerk serves as clerk to the Town Meeting.

Section 2-9 Participation by Non-Town Meeting Members

(a) Residents

Any resident of the town who is not an elected town meeting member may attend sessions of the town meeting but may not vote. However, subject to such rules as may be from time to time adopted, any resident may participate in proceedings.

Any Town resident may attend Town Meeting and speak. Each Town agency must have a representative attend Town Meetings.

(b) Representatives of Town Agencies

Each town agency shall designate a representative to attend all sessions of the representative town meeting for the purpose of providing town meeting members with information pertinent to warrant articles concerning such agencies.

Section 2-10 *General Powers and Duties of the Town Meeting*

The representative town meeting shall be vested with all the powers of the town, except as otherwise provided by the laws of the commonwealth or the charter. The representative town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 2-11 *Warrant Articles*

(a) *Initiation*

Except procedural matters, all subjects to be acted upon by town meeting shall be placed on warrants issued by the board of selectmen. The board of selectmen shall receive all petitions which are addressed to it and which request the submission of a particular subject matter to the representative town meeting and which are filed by: (a) any elected town officer including a member of a multiple member body; (b) any appointed multiple member body acting by a majority of its members; (c) any ten voters; and (d) any other person, persons or town agency as may be authorized by bylaw. All such requests for the inclusion of subjects shall be in writing, but they shall not be required to conform to any particular style or form, except that each request for a particular subject shall be submitted as a separate petition.

(b) *Publication*

Publication and distribution of the warrant shall be determined by bylaw.

Section 2-12 *Procedures*

(a) *Time of Meeting*

The representative town meeting shall meet at least twice each calendar year. The first such meeting shall be held in April on a date fixed by bylaw, and shall be deemed to be the annual town meeting of the town and is expected to be primarily concerned with the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all

The Town Meeting will meet twice each year; in April and October. This allows the Town to even out town business over the year.

town agencies. The second such meeting, the powers of which shall be deemed to be those of annual town meeting except that it shall not be construed to include the time for the election of town officers and other matters to be determined by ballots, shall be held in October on a date fixed by bylaw.

The board of selectmen may, in any manner provided under the laws of the commonwealth or the charter, for the purpose of acting upon the legislative business of the town in an orderly and expeditious manner, call the town meeting into session at other times by the issuance of warrants therefor.

A quorum for conducting Town business is 82 Town Meeting members.

(b) Quorum

Eighty-two town meeting members shall constitute a quorum for the transaction of all business to come before the representative town meeting, but a smaller number may adjourn from time to time.

Town Meeting members have a duty to keep abreast of Town business and may establish committees to review warrant articles and study subjects of concern.

(c) Duty of Town Meeting Member

It shall be the duty of town meeting members to keep abreast of town business and review materials forwarded to members by the board of selectmen and the town manager. It is expected that town meeting members will attend selected meetings of multiple member bodies, attend hearings held by the finance committee and actively prepare for each session of the town meeting.

(d) Establishment of Committees

The representative town meeting may by vote or bylaw establish committees for the review of warrant articles, consideration and study of any subjects of concern to the town meeting, and the discussion of town business. The representative town meeting members in any precinct may organize, meet, and confer on town business, subject to provisions of the open meeting law.

(e) Meetings of Town Boards, Committees and Commissions

No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business.

Section 2-13 Referendum Procedures

(a) Effective Date of Final Votes

*Voters may
override the
vote of Town
Meeting.*

No final affirmative vote of a town meeting on any warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two thirds vote of the town meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of ten days from the dissolution of the town meeting. If a referendum petition is not filed within the said ten days, the vote of the town meeting shall become operative.

(b) Referendum Petition

If, within said ten days a petition signed by not less than five percent of the voters containing their names and addresses is filed with the board of selectmen requesting that any question, not yet operative as defined in (a) above, be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The board of selectmen shall, within fourteen days after the filing of such petition, call a special election that shall be held within twenty days after issuing the call, for the purpose of presenting to the voters any such question. If, however, a regular or special election is to be held not more than thirty days following the date the petition is filed, the board of selectmen may provide that any such question be presented to the voters at the same election.

(c) Referendum Election

All votes upon the question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating to elections, unless

otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the town meeting shall be reversed unless at least ten percent of the voters vote on the question.

(d) Format of Questions

Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the town meeting, as appears in the records of the clerk of the meeting.

Part III Elected Town Officers

Section 3-1 Elected Town Officers, In General

The Selectmen,
School Cmte.,
Moderator,
Planning
Board, Board
of Health,
Library
Trustees,
Cemetery
Commission,
Sewer Comm.,
Constable and
Housing
Authority are
to be elected
by the voters.

(a) Elective Offices

The offices to be filled by the voters shall be a board of selectmen, a school committee, a town moderator, a planning board, a board of health, a board of trustees of the public library, a cemetery commission, a sewer commission, a constable and a housing authority. Such other regional authorities, districts, or committees as may be established by law or interlocal agreement may also be filled by the voters.

(b) Eligibility

Any voter shall be eligible to hold any elective town office. No person shall simultaneously hold more than one elective town office, provided however, any person elected to a town office as defined in this section may be a candidate and be elected to serve as a representative town meeting member.

(c) Vacancies in Office

Any vacancy in any elective office shall be filled in the manner provided by General Law, chapter 41.

Section 3-2 Board of Selectmen

The Board of
Selectmen
continue to be
composed of
five members
elected for
three year
terms.

(a) Composition, Term of Office

There shall be a board of selectmen composed of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties

The Selectmen
continue to be
the chief
executive
officers of the
Town.

The executive authority of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office in the town. The board of selectmen shall be the chief policy making agency of the town and shall have all the powers and duties given to boards of selectmen as may be authorized by the laws of the commonwealth, the charter,

bylaw or other town meeting vote, except those powers granted to the town manager under this charter. The board of selectmen shall prepare reports of town business and distribute such reports to all town meeting members. The board of selectman shall act by the issuance of policy guidelines and directives. It is the intention of this provision that the board of selectmen shall act only through the adoption of policy directives and guidelines which are to be implemented by the officers and employees appointed by or under its authority. The town manager shall be the primary officer responsible for the implementation of policy directives and guidelines adopted by the board of selectmen. The daily administration of the affairs of the town shall be the exclusive responsibility of the town manager.

(c) Appointment Powers

The board of selectmen shall appoint a town manager, a town counsel, a town accountant and a board of registrars of voters (but not including the town clerk). The board of selectmen shall also appoint such other multiple member bodies as may be provided by bylaw.

(d) Licensing Authority

The board of selectmen shall be the licensing authority of the town and shall have all the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and restrictions on any such license it may issue as it deems to be in the public interest, and to enforce all laws relating to all such businesses for which it issues any licenses.

Section 3-3 School Committee

(a) Composition, Terms of Office

There shall be a school committee composed of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible expire each year.

*The School
Committee is
unchanged.*

(b) Powers and Duties

The school committee shall have general charge and superintendence of the public schools of the town. The powers of the school committee shall include, but need not be limited to: appoint a superintendent of schools, and all other officers and employees associated with the school, fix their compensation, define their duties and discharge them; make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the town. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth, the charter, bylaw or other town meeting vote.

Section 3-4 *Town Moderator*

The Town Moderator is unchanged.

(a) Term of Office

A town moderator shall be elected by the voters for a term of three years.

(b) Powers and Duties

The town moderator shall preside and regulate the proceedings at all town meetings; decide all questions of order; and make public declaration of all votes. No person may address a town meeting without leave of the moderator. The moderator shall appoint a finance committee as provided by bylaw. The town moderator shall have all the powers and duties provided that office by the laws of the commonwealth, the charter, bylaw or other town meeting vote.

Section 3-5 *Planning Board, Composition*

The Planning Board is unchanged.

(a) Composition, Term of Office

There shall be a planning board composed of seven members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible expire each year.

(b) Powers and Duties

The planning board shall have the responsibility to make studies of the resources, possibilities and needs of the town and to make plans for the development of the town. The board shall

have the power to regulate the subdivision of land within the town by the adoption of rules and regulations governing such development. The planning board shall have all the powers and duties given to planning boards by the laws of the commonwealth, the charter, bylaw or other town meeting vote.

Section 3-6 Board of Health

(a) Composition, Term of Office

There shall be a board of health composed of three members elected for terms of three years each, so arranged that the term of one member expires each year.

(b) Powers and Duties

The board of health shall be responsible for the formulation and enforcement of rules and regulations concerning public health. The board shall have all the powers and duties given to boards of health by the laws of the commonwealth, the charter, bylaw or other town meeting vote.

Section 3-7 Trustees of Public Library

(a) Composition, Term of Office

There shall be a board of library trustees composed of seven members elected for terms of three years, so arranged that the terms of as nearly an equal number of members as is possible expire each year.

(b) Powers and Duties

The board of library trustees shall have control over the selection of library materials, and have custody and management of such. All money and property that the town may receive for library purposes by gift or bequest shall be administered by the board in accordance with the provisions of the gift or bequest. The board shall continue to exercise all the powers and duties vested in the board of library trustees by the laws of the commonwealth or by bylaw.

Section 3-8 Cemetery Commission

(a) Composition, Term of office

The Board of Health is unchanged.

The Library Trustees are increased from six to seven members to reflect statutory requirements of the Home Rule Procedures Act.

The Cemetery Commission is unchanged.

There shall be a cemetery commission composed of three members elected for terms of three years, so arranged that the term of one member expires each year.

(b) Powers and Duties

The cemetery commission shall have the sole care, superintendence and management of all public burial grounds of the town. The cemetery commission shall have all the powers and duties given to cemetery commissions by the laws of the commonwealth, the charter, bylaw or other town meeting vote.

Section 3-9 *Sewer Commission*

(a) Composition, Term of Office

There shall be a sewer commission composed of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible expire each year.

(b) Powers and Duties

The sewer commission shall supervise, manage and control the construction of sewer lines within the town.

Section 3-10 *Constable*

(a) Term of Office

There shall be one constable elected for a term of three years, provided, however, additional constables shall be appointed by the elected constable subject to approval of the board of selectmen.

(b) Powers and Duties

The constable may serve such civil writs and processes as are authorized by law. The constable shall serve all warrants and other processes of the town.

Section 3-11 *Housing Authority*

(a) Composition, Term of Office

There shall be a housing authority composed of five members serving terms of five years each, so arranged that the term of one member expires each year. Four members shall be

The Sewer Commission is increased in size from three members to five members.

The Constable is unchanged.

The Housing Authority is unchanged.

elected by the voters and the fifth member shall be appointed by the Secretary of Communities and Development of the Commonwealth.

(b) Powers and Duties

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

Section 3-12 Recall of Elected Officers

(a) Application

Any holder of an elected office in the town, except town meeting members, with more than six months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the town in the manner provided in this section. No recall petition shall be filed against an officer within three months after taking office.

(b) Recall Petition

A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, provided that, the affidavit is signed by at least twenty-five voters from each of the precincts into which the town is divided for the purpose of electing town meeting members.

The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be issued by the town clerk, with signature and official seal attached thereto. They shall be dated, shall be addressed to the selectmen and shall contain the names of all the persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town

Voters are granted the right to recall elected officials prior to the end of the term for which they were elected.

Voters may remove an official who they believe is not truly representing them.

Procedures for recall are rigorous in order to avoid abuse of this process.

clerk. Said recall petition shall be returned and filed with the town clerk within fourteen days after the filing of the affidavit, and shall have been signed by at least ten per cent of the registered voters of the town as of the date of the most recent town election.

The town clerk shall within twenty-four hours of receipt submit the petition to the registrars of voters in the town, and the registrars shall within five working days certify thereon the number of signatures which are names of registered voters of the town.

(c) Recall Election

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the selectmen within five working days, and the selectmen shall within five working days 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 fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however that if any other town election is to occur within one hundred days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder

The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not removed, 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 shall be filled in accordance with General Law, Chapter 41.

(e) Ballot Proposition

Ballots used in a recall election shall submit the following propositions in the order indicated:

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.

(f) 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 until at least ninety days after the election at which the officer's recall was submitted to the voters of the town.

(g) Office Holder Recalled

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within one year after such recall or such resignation.

Part IV Town Manager

Section 4-1 *Appointment, Qualifications, Term of Office*

*The office of
Town Manager
is established
The Town
Manager is
appointed by
the Selectmen
and serves at
the pleasure
of the Board.*

The board of selectmen shall appoint by a four-fifths vote a town manager for an indefinite term. The town manager shall be a person of proven administrative ability, especially qualified by education and training with at least five years full time paid experience as a city or town manager, or an assistant city or town manager or the equivalent public or private sector level experience. The board of selectmen may from time to time establish such additional qualifications as seems necessary and appropriate. The board of selectmen shall appoint a screening committee to assist in the recruitment and selection of the town manager.

The town manager shall devote full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the town manager engage in any other business unless such action is approved in advance in writing by the board of selectmen.

The town manager need not be a resident of the town or of the commonwealth at the time of appointment, but shall establish residence within the town within twelve months following appointment, unless the board of selectmen shall extend such time or waive such residency requirement.

Section 4-2 *Powers of Appointment*

*The Town
Manager
appoints
employees
subject to the
approval of
the Selectmen.
Department
heads appoint
employees
within their
departments,
subject to the
approval of
the Town
Manager.*

Except as otherwise provided by this charter, the town manager shall appoint, based upon merit and fitness alone, all department heads, officers, subordinates, employees and all appointed multiple member bodies for whom no other method of selection is provided in this charter except employees of the school department and persons serving under officers and multiple member bodies elected directly by the voters of Chelmsford.

Appointments made by the town manager shall become effective upon the approval of the board of selectmen, provided,

however, that such approval is received within fifteen days of filing such notice of appointment. If the board of selectmen shall fail to act, appointments made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen. For the purpose of this section, notice of appointment shall be considered filed with the board of selectmen when such notice is filed at an open meeting of the board of selectmen.

Department heads shall appoint all officers, subordinates and employees within their department subject to the approval of the town manager.

This section lists the administrative duties of the Town Manager. The Manager is responsible for daily management of the Town and coordinates Town activities.

Section 4-3 *Administrative Powers and Duties*

The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

(a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility, authority or control by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen.

(b) to administer either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of general or special laws applicable to the town, all bylaws, and all regulations established by the board of selectmen.

(c) to coordinate all activities of town departments under the direction of the town manager and the board of selectmen with the activities of departments under the control of officers, boards or commissions elected directly by the voters of the town.

(d) to attend all regular and special meetings of the board of selectmen, unless excused.

(e) to attend all sessions of the town meeting and answer all questions addressed to the town manager which are related to the warrant articles and matters under the general supervision of the town manager.

(f) to keep the board of selectmen fully informed as to the needs of the town, and recommend to the selectmen for adoption such measures requiring action by them or by the town as the town manager deems necessary or expedient.

(g) to insure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the board of selectmen as may be required.

(h) to be responsible for the rental, use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee.

(i) to be responsible for the purchase of all supplies, materials and equipment, except books and other educational materials for schools and books and other media materials for libraries, and approve the award of all contracts for all town departments with the exception of the school department, subject to the approval of the board of selectmen.

(j) to develop and maintain a full and complete inventory of all town owned real and personal property.

(k) to administer, in cooperation with the personnel board, if any, personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and administer all collective bargaining agreements, except for school department agreements, entered into by the town.

(l) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan.

(m) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department. The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the

performance of these duties. Contracts shall be subject to the approval of the board of selectmen.

(n) to prepare and submit an annual operating budget and capital improvement program as provided in Part VI.

(o) to keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and make recommendations to the board of selectmen and other elected and appointed officials as the town manager deems necessary or expedient.

(p) to investigate or inquire into the affairs of any town department or office under the supervision of the town manager or the job-related conduct of any officer or employee thereof.

(q) to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be deemed to be the acts of the town manager.

(r) to perform such other duties as necessary or as may be assigned by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen.

Section 4-4 *Compensation*

The town manager shall receive such compensation for services as the board of selectmen shall determine, but such compensation shall be within the limits of available appropriations.

Section 4-5 *Vacancy in Office*

Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen. Pending appointment of the town manager or the filling of any vacancy, the board of selectmen shall forthwith appoint some other qualified person to perform the duties of the town manager. The appointment of the acting town manager shall be for a term not to exceed three months, provided however, a renewal, not to exceed an additional three months may be provided.

Provisions are made so that in absence of the Manager, the Manager's duties are performed.

Section 4-6 *Temporary Absence*

The town manager may designate by letter filed with the board of selectmen and town clerk a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. If such temporary absence or disability shall exceed fourteen days, any designation made by the town manager shall be subject to the approval of the board of selectmen. In the event of failure of the town manager to make such designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the board of selectmen, the board of selectmen may designate some other qualified person to perform the duties of the town manager until the town manager shall return.

Section 4-7 *Removal of Town Manager*

The board of selectmen by affirmative vote of a majority of the full board may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure:

This section provides that four-fifths of the full Board of Selectmen may remove the Manager if they are not satisfied with performance. Procedures to follow are outlined.

Prior to removal or termination, the board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full board. The preliminary resolution may suspend the town manager for a period not to exceed thirty days. A copy of the resolution shall be delivered to the town manager forthwith.

If so requested by the town manager, the board of selectmen shall provide a written statement setting forth the reasons for the removal or termination.

Within five days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such hearing with the board of selectmen. If such a hearing is requested, the hearing shall be held at a meeting of the board of selectmen not later than twenty days from the date of request.

If a public hearing has not been requested by the town manager, the board of selectmen may adopt a final resolution of

removal, which may be effective immediately, by affirmative vote of four-fifths of its members at any time after ten days following the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager requests a public hearing, the selectmen may, at the conclusion of the hearing or within five days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of four-fifths of its members.

The board of selectmen may suspend by an affirmative vote of a majority of the full board, the town manager pending and during any public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal shall become effective unless provided otherwise. The action of the board of selectmen in terminating, removing or suspending the town manager shall be final.

Part V Administrative Organization

Section 5-1 Powers of Organization

The Town Manager, subject to the approval of the Selectmen, may reorganize Town departments.

The town manager, subject to the approval of the board of selectmen, may reorganize, create, consolidate or abolish committees, commissions, offices, departments, and agencies under supervision of the town manager, in whole or in part, may establish new committees, commissions, offices, departments, and agencies as deemed necessary, and may for such purposes transfer the duties and powers, and so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one committee, commission, office, department or agency to another.

Section 5-2 Department of Public Works

A department of public works is established.

Until such time as otherwise provided in accordance with section 5-1, there shall be established a department of public works under the direction of the town manager. The town manager shall appoint a director of public works who shall be a person especially suited by education, training and previous experience to perform the duties of the office. The director shall be responsible for the supervision and coordination of all public works operations of the town that are placed under control of the director by this charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the department of public works: highway, engineering, recreation, public buildings, parks, and tree warden. There shall also be a sewer division which shall operate each sewer line, or sewer system at the time that the sewer line or sewer system is completed and becomes operational.

Section 5-3 *Personnel System*

The town manager shall, in conjunction with the personnel board, adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to the following elements: a method of administration; personnel policies indicating the rights, obligations and benefits of employees; a classification plan; a compensation plan; a method of recruiting and selecting employees based upon merit principles; a centralized record keeping system; disciplinary procedures; and other elements that are deemed necessary. All town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the school department.

A personnel system based on modern concepts of personnel management must be established.

Part VI Financial Provisions

Section 6-1 Annual Budget Policy

The Selectmen and School Committee are required to confer during the budget process to assist in the development of a coordinated budget.

The board of selectmen and school committee shall meet and confer prior to and during the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated and balanced budget. The finance committee shall participate in the discussions with the board of selectmen and the school committee in an advisory capacity. The school superintendent and the town manager shall jointly develop guidelines consistent with policies developed by the board of selectmen and school committee.

Section 6-2 Budget Process

The Town Manager is required to submit a budget and capital improvement program to the Finance Cmte. on a time line established by by-law.

Within a time fixed by bylaw prior to the annual town meeting, the town manager shall submit to the finance committee a proposed budget and capital improvement program for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems desirable.

The School Committee must submit a preliminary budget 90 days prior to the spring session of Annual Town Meeting.

The preliminary budget as adopted by the school committee shall be submitted to the town manager at least ninety days prior to the spring session of the annual town meeting to enable the town manager to consider the effect of the school department's requested appropriation upon the total town budget which is required to be submitted under this section.

Section 6-3 *Finance Committee Action*

The finance committee shall, upon receipt of the budget and capital improvement program, consider in public meetings the detailed expenditures for each town agency proposed by the town manager. The finance committee may confer with representatives from any town agency in connection with its deliberations. The finance committee may request the town manager or any town agency to provide additional information. The finance committee shall file a proposed budget and report its recommendations for action prior to the date on which the town meeting is to act on the proposed budget. The budget to be acted upon by the town meeting shall be the budget proposed by the town manager with the accompanying recommendations of the finance committee.

Section 6-4 *Capital Improvement Program and Long Term Financial Plan*

The town manager shall, in conjunction with the capital planning committee, submit a capital improvement program to the board of selectmen and finance committee at the date fixed by bylaw for the submission of the proposed operating budget unless some other time is provided by bylaw.

Annually the board of selectmen, in conjunction with the town manager, shall prepare a five year financial forecast of town revenue, expenditures and the general financial condition of the town. The plan shall be submitted to the finance committee and shall be available to the public.

Section 6-5 *Approval of Warrants*

Warrants for payments of town funds prepared by the Town Accountant shall be submitted to the Town Manager for approval.

Section 6-6 *Management of Town Funds*

The treasurer shall be responsible for the management of all town funds.

The Town Manager, in conjunction with the Capital Planning Cmte. must submit an annual capital plan.

*The Selectmen
are required
to provide an
annual audit
of Town funds.*

Section 6-7 *Annual Audit*

The board of selectmen shall provide for an annual audit of the books and accounts of the town to be made by a certified public accountant, or firm of accountants, who have no personal interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

Part VII General Provisions

Section 7-1 Charter Revision or Amendment

This section summarizes the process of amending the Charter.

The charter may be replaced or a new charter adopted by the election of a charter commission pursuant to Article LXXXIX(89) of the Amendments to the Constitution of the Commonwealth and any laws of the commonwealth enacted to implement said constitutional amendment.

The charter may be amended in accordance with any procedure made available by Article LXXXIX(89) of the Amendments to the Constitution of the Commonwealth and any laws of the commonwealth enacted to implement said constitutional amendment. Said constitutional amendment requires a two-thirds vote of the legislative body of the town to propose a charter amendment and a subsequent ballot vote at a town election.

The charter may be revised or amended through the enactment of special laws by the general court on petition filed or approved by the voters of the town or the representative town meeting in accordance with Article LXXXIX(89) of the Constitution of the Commonwealth.

Section 7-2 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 charter 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.

This section provides some rules of interpretation.

Section 7-3 *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 the 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 the charter.

(d) *Computation of time*

In computing time under the charter, if seven days or less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted; if more than seven days, every day shall be counted.

Section 7-4 *Definitions*

Definitions in this section help to interpret the Charter.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the 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

Part VIII Transitional Provisions

Section 8-1 *Continuation of Existing Laws*

This Part provides for the gradual implementation of the Charter provisions.

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

Where provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders, and special acts and acceptances of laws of the Commonwealth, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

Section 8-2 *Existing Officials and Employees*

These sections continue existing practices, personnel and operation of government.

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 provisions 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. No person shall be removed from a position without just cause.

Section 8-3 *Continuation of Government*

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

Section 8-4 *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.

This section provides for the implementation of the Charter over time.

The Town will hold a special election to elect the 162 town meeting members in the September after this Charter is adopted.

A Screening Committee is established to help the Selectmen recruit and select a Town Manager.

Section 8-5 *Time of Taking Effect*

This charter shall become fully effective upon ratification by the voters, except as otherwise provided in this section:

(a) A special election for the purpose of electing one hundred sixty-two persons to serve as representative town meeting members, in the manner provided in Part II of this charter, shall be held on the third Tuesday of September in the year in which this charter is adopted. The term of office of persons so elected shall be extended so that the terms of office of the first third in order of votes received shall expire at the town election held in the fourth year following the year in which the charter is adopted; the terms of office of the second third in such order of votes received shall expire at the town election held in the third year following the year in which the charter is adopted; and the terms of office of the remaining third in such order shall expire at the town election held in the second year following the year in which the charter is adopted. At the expiration of terms of office town meeting members shall be elected for terms of three years as provided in Part II of the charter.

(b) Forthwith following the election at which the charter is adopted the board of selectmen shall initiate proceedings whereby a screening committee shall be established to review applicants for the position of town manager. The screening committee is to consist of nine persons, representing as nearly as possible the town demographic and occupational base.

Not more than thirty days following the election at which this charter is adopted the nine persons appointed as aforesaid shall meet to organize and to plan a process for the selection of the town manager.

under Article LXXXIX(89) of the Amendments to the Constitution of the Commonwealth.

(b) Town - The word "town" shall mean the town of Chelmsford.

(c) Voters - The word "voters" shall mean registered voters of the town.

(d) Majority Vote - The words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by the town meeting's own rules.

(e) Town agency or agency - The words "town agency" or the word "agency" shall mean any board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

(f) Multiple member body - The words "multiple member body" shall mean any board, commission or committee.

The committee shall review and screen all applications, and provide for interviews with such candidates for the position as it deems to be necessary.

Not more than one hundred and twenty days following the date the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five candidates for the position. Within sixty days following the date the list of nominees is submitted to it, the board of selectmen shall choose one of the nominees to be appointed to the office of town manager.

Upon the appointment of a town manager, the committee established hereunder shall be considered discharged. Until such time as another screening committee is established by bylaw, as provided, a screening committee as called for by the board of selectmen and members selected as provided above shall serve whenever the office of town manager shall become vacant.

(c) Upon the appointment of the town manager the office of executive secretary is abolished.

(d) Until such time as the town manager is appointed, the board of selectmen shall exercise all the powers, duties and responsibilities necessary to insure orderly operation of town government.

(e) The incumbent in the office of treasurer-collector shall continue to serve for the balance of the term for which the treasurer-collector was elected. Upon the expiration of the term of office of the treasurer-collector, or if a vacancy shall sooner occur, the office shall be appointed in the manner provided in section 4-2.

(f) The incumbent in the office of town clerk shall continue to serve for the balance of the term for which the town clerk was elected. Upon the expiration of the term of office of the town

Incumbents in the offices of Treasurer/Tax Collector, Town Clerk and members of the Board of Assessors serve for the balance of the terms for which they were elected.

clerk, or if a vacancy shall sooner occur, the office shall be appointed in the manner provided in section 4-2.

(g) The incumbents serving as members of the board of assessors shall continue to serve for the balance of the terms for which they were elected. Upon the expiration of the terms of office of members of the board of assessors, or if a vacancy shall sooner occur, the offices shall be appointed in the manner provided in section 4-2.

(h) Notwithstanding any provision of this charter which might be construed to the contrary, the incumbents serving in the office of treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall continue to serve in the offices for which they were elected and shall continue to serve in said offices during good behavior.

Upon the adoption of this charter the incumbents serving in the office of treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall be subject to the provisions of the town's personnel bylaw and shall be granted all benefits and rights provided by said bylaw. The incumbents shall be granted sick leave, vacation leave or other such leaves based upon the number of years said incumbents have served in an elective office and as an employee of the town of Chelmsford. Said incumbents shall be entitled to and credited with retroactive sick leave at the rate of seven days for each year of full-time service as an elected official and as an employee of the town.

(i) The rent control board established in accordance with chapter 449 of the acts of 1983 shall continue to be appointed by the board of selectmen as provided in section 5 of said chapter.

(j) At the annual town election held in the year following the year in which this charter is adopted, the board of trustees of the public library shall be increased in size from six members to seven members in the manner provided in section 3-7 of this

charter. In the year following the year in which this charter is adopted the town shall elect one additional member to the board of trustees of the public library for a term of three years in the manner provided in section 3-7.

(k) At the annual town election the year following the year in which the charter is adopted the sewer commission shall be increased in size from three members to five members. Of the two new members elected one shall be elected for a term of three years and one shall be elected for a term of two years; thereafter, candidates shall be elected to fill expiring terms in the manner provided in section 3-9.

*This page
relates to
the
implementation
of the
department of
public works
(k-p).*

(l) The sewer commission shall cease to exist and be dissolved on January 1, 2005 and all duties, powers, functions and assets shall be assigned to the department of public works or its successor agency.

(m) The Varney Playground Commission shall be abolished upon the adoption of this charter and all of its powers, duties and responsibilities shall be assigned to the recreation division of the department of public works, established in the manner provided in section 5-2. The Varney Playground shall be operated pursuant to any deed restrictions provided for in the conveyance of the land of said playground to the town of Chelmsford.

(n) The park commission shall be abolished upon the adoption of this charter and all of its powers, duties and responsibilities shall be assigned to the department of public works established pursuant to section 5-2.

(o) The office of tree warden shall upon the adoption of this charter be abolished and all the powers and duties of the office shall be transferred to the department of public works.

(p) The annual town meeting vote of May 2, 1988, article 14, petitioning the General Court for the enactment of special legislation creating a department of public works shall, if

enacted, become effective as intended, provided however, that if any provisions of such act or this charter are in conflict the provisions of this charter shall prevail.

(q) At the next annual town meeting following the adoption of this charter, the town moderator shall appoint a committee of five members to review town bylaws and report back to the town meeting with recommendations to bring bylaws in conformity with the provisions of the charter.

(r) Unless otherwise provided by this charter, the composition and term of office of any town agency, board, commission, committee or department shall continue as it has been until such time as a different form of organization is provided in accordance with the procedures made available in Section 5-1 of this charter.

(s) Unless otherwise provided by bylaw, the personnel board shall continue to be composed of the same number of members as currently constituted provided, however, the appointments made by the town moderator shall, upon the expiration of the term of office of such members, or if a vacancy shall sooner occur, be made by the town manager.

(t) The present incumbent serving as both an elected member of the board of assessors and also as an elected member of the Housing Authority, shall not be subject to the limitation concerning simultaneous office holding in accordance with section 3-1(b) for the annual town election to be held on April 3, 1990.

(u) The moderator shall as soon as practical after the election of the representative town meeting appoint a seven member committee to prepare a code of ethics for the town of Chelmsford. Said committee shall be composed of one elected town official, one appointed town official, one town employee and four voters at large from the town. The code of ethics shall be applicable to all elected and appointed officials and town employees. The committee shall report back to the town

*The Moderator
is required to
appoint a
committee to
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all town
offices.*

meeting within twelve months after the committee has been appointed with a recommended code of ethics for consideration by the representative town meeting

town agencies. The second such meeting, the powers of which shall be deemed to be those of annual town meeting except that it shall not be construed to include the time for the election of town officers and other matters to be determined by ballots, shall be held in October on a date fixed by bylaw.

The board of selectmen may, in any manner provided under the laws of the commonwealth or the charter, for the purpose of acting upon the legislative business of the town in an orderly and expeditious manner, call the town meeting into session at other times by the issuance of warrants therefor.

A quorum for conducting Town business is 82 Town Meeting members.

(b) Quorum

Eighty-two town meeting members shall constitute a quorum for the transaction of all business to come before the representative town meeting, but a smaller number may adjourn from time to time.

Town Meeting members have a duty to keep abreast of Town business and may establish committees to review warrant articles and study subjects of concern.

(c) Duty of Town Meeting Member

It shall be the duty of town meeting members to keep abreast of town business and review materials forwarded to members by the board of selectmen and the town manager. It is expected that town meeting members will attend selected meetings of multiple member bodies, attend hearings held by the finance committee and actively prepare for each session of the town meeting.

(d) Establishment of Committees

The representative town meeting may by vote or bylaw establish committees for the review of warrant articles, consideration and study of any subjects of concern to the town meeting, and the discussion of town business. The representative town meeting members in any precinct may organize, meet, and confer on town business, subject to provisions of the open meeting law.

(e) Meetings of Town Boards, Committees and Commissions

No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business.

Section 2-13 Referendum Procedures

(a) Effective Date of Final Votes

No final affirmative vote of a town meeting on any warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two thirds vote of the town meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of ten days from the dissolution of the town meeting. If a referendum petition is not filed within the said ten days, the vote of the town meeting shall become operative.

*Voters may
override the
vote of Town
Meeting.*

(b) Referendum Petition

If, within said ten days a petition signed by not less than five percent of the voters containing their names and addresses is filed with the board of selectmen requesting that any question, not yet operative as defined in (a) above, be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The board of selectmen shall, within fourteen days after the filing of such petition, call a special election that shall be held within twenty days after issuing the call, for the purpose of presenting to the voters any such question. If, however, a regular or special election is to be held not more than thirty days following the date the petition is filed, the board of selectmen may provide that any such question be presented to the voters at the same election.

(c) Referendum Election

All votes upon the question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating to elections, unless

otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the town meeting shall be reversed unless at least ten percent of the voters vote on the question.

(d) Format of Questions

Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the town meeting, as appears in the records of the clerk of the meeting.

