

TOWN OF AUBURN

CHARTER

LAST AMENDED

2009

**Auburn Home Rule Charter
Adopted by
Election on 3/10/69**

TOWN OF AUBURN

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TOWN OF AUBURN

CHARTER

Chapter I - Incorporation, Powers, Rights and Obligations

Section 1.01 Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Auburn, as heretofore constituted, including "The Inhabitants of the Town of Auburn," shall continue to be a body politic and corporate under the name of "The Town of Auburn," hereinafter in this charter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said town, and any additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the constitution and general laws of the Commonwealth of Massachusetts.

Section 1.02 Powers

The town shall have all powers possible for a town to have under the constitution and laws of the Commonwealth of Massachusetts, as fully and completely as though they were specifically enumerated in this charter. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers stated in this section. The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or with the United States of America or any agency thereof.

Section 1.03 Rights and Obligations

All rights, including the ownership of land standing in the name of "The Inhabitants of The Town of Auburn," claims, actions, orders, contracts, and legal or administrative proceedings vested or pending in the town as of the date when this charter shall take effect, shall continue except as modified herein, and in each case shall be maintained, carried on or dealt with by the office, board or commission appropriate under this charter.

Chapter II - Elections

Section 2.01 Elections of Officers

Nominations and election of federal, state and county officers, and of such elective municipal officers, boards and commissions are as provided for in this charter shall be conducted, and the registrars of voters shall prepare lists of voters qualified to vote therefore, in the manner prescribed in the constitution and general laws of the Commonwealth of Massachusetts.

The annual election of municipal officers, boards and commissions shall be without party or political designation, and shall be held at such time and in such manner as prescribed in the town's by-laws.

Meetings of the qualified voters of the several precincts for primaries, elections or for voting on referenda shall be held at the same time and at such place or places as the selectmen shall direct and provide.

Each elected official shall be sworn to the faithful performance of his duties within seven calendar days of his election, shall see that such action is certified to the town clerk, shall take office immediately upon being sworn, and shall hold office until his successor is qualified.

Section 2.02 Voting Precincts

The town shall be divided into not less than five voting precincts. Each precinct shall contain not more than four thousand (4,000) inhabitants. The precincts shall be plainly designated and so established as to consist of compact and contiguous territory, and shall be bounded as far as possible by the center line of highways or by other well defined limits. The precincts shall be established in the manner prescribed by state law. (5/17/01)

Section 2.03 Method of Voting and Counting Ballots

Voting upon federal, state, county and town officers, and upon referenda, shall continue to be by printed-paper ballot except as provided herein. The Board of Selectmen may provide for the use of mechanical or other devices for voting or counting the ballots not inconsistent with the law.

Section 2.04 Eligibility, Vacancies, Forfeiture

No person shall be eligible for election to any town office who is not at the time of his election a registered voter of said town, and any person ceasing to be a resident of and voter in said town shall thereupon cease to hold effective office in the town. A vacancy in other elective town office, from whatever cause arising, shall be filled in the manner prescribed by law.

Chapter III - Town Officers

Section 3.01 Selectmen (5/21/09)

There shall be a board of selectmen consisting of 5 elected members who shall be compensated in such manner, as the town meeting shall determine. The selectmen who hold office at the time of the adoption of this charter shall continue to serve until their term of office expires. At each town election thereafter, selectmen shall be elected for 3-year terms to succeed those selectmen whose terms of office are expiring. A selectman may serve on not more than 1 appointive committee and shall hold no other elective office or compensated employment under the government of the town of Auburn during the term for which he is elected, nor any compensated appointive town office or employment for 1 year thereafter.

The selectmen shall have all powers and duties conferred upon them by the constitution and General Laws of the commonwealth and by this charter. The board of selectmen shall appoint and may remove the town manager, the town accountant and the town counsel as hereinafter provided. The board of selectmen shall vote to confirm or deny the appointment of any person designated by the town manager to head any department of municipal government not otherwise provided for by this charter.

The selectmen, within 7 days after each annual town election, shall meet, elect a chairperson and otherwise organize and shall fix the time and place of their regular meetings. They shall adopt their own rules of procedure. Three members of the board of selectmen shall constitute a quorum, but no resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than 3 affirmative votes.

Section 3.02 School Committee

There shall be a school committee consisting of five elected members, who shall serve without compensation except that they may be reimbursed for actual and necessary expenses incurred in the performance of their official duties. The school committeemen who hold office at the time of adoption of this charter shall continue to serve until their terms of office expire. At each town election thereafter, school committeemen shall be elected for three year terms to succeed those whose terms are expiring.

The school committee shall have all powers conferred upon it by the constitution and general laws of the commonwealth and by this charter, and shall exercise a general supervision over all matters concerning the public schools which are not otherwise provided for.

Section 3.03 Moderator

At each town election a moderator shall be elected. He shall be compensated in such manner and amount as the town meeting shall determine. The moderator shall have all powers and duties conferred upon him by statute and by this charter. He shall designate the personnel required for proper conduct of town meeting, and shall appoint the members of all committees established by vote of the town meeting unless otherwise provided for.

Section 3.04 Other Elected Officials (5/21/09)

Elected town officials who hold office at the time of the adoption of this charter shall continue to serve until their terms of office expire. At each town election thereafter when the term of an incumbent expires, except for an official whose position is no longer designated as an elected position or as otherwise provided by statute or by this charter, there shall be elected:

a town clerk for a term of 3 years who shall be compensated and who shall appoint assistant town clerks;

members of the Southern Worcester Vocational School Committee for a term of 3 years, each of whom shall serve without compensation except that they may be compensated for actual and necessary expenses incurred in the performance of their official duties; and 2 trustees of the Auburn Free Public Library for a term of 3 years, each of whom shall serve without compensation except that they may be compensated for actual and necessary expenses incurred in the performance of their official duties.

Section 3.05 Town Manager (5/21/09)

- (A) The selectmen shall appoint, as soon as practicable after the first town election following adoption of this charter or after the occurrence of any vacancy in such office, for a term of 3 years, a town manager who shall be a person especially fitted by education, training and experience to perform the duties of the office. He need not be a resident of the town or of the commonwealth when appointed but shall become a resident of the town within 12 months of such appointment; provided, however, that the board of selectmen may waive this residency requirement by a vote of four-fifths of the full membership of the board of selectmen. During the 12 months prior to his appointment, the town manager shall not have held any elected office in the town of Auburn but such prohibition shall not include election to the town meeting. The town manager shall be appointed without regard to his political beliefs. He may be appointed for successive terms of office. Before entering upon the duties of the office, the town manager shall be sworn to the faithful and impartial performance thereof by the chairperson of the board of selectmen. He shall execute a bond in favor of town for the faithful performance of his duties in such amount and with surety or sureties as may be fixed or approved by the selectmen.
- (B) Pending the appointment of a town manager or the filling of a vacancy or during the temporary disability of the town manager, the selectmen shall appoint a suitable person to perform the duties of the office.
- (C) The selectmen, by a majority vote of the full membership of the board, may remove the town manager upon notice and hearing; provided, however, that the non-renewal of any contract of employment at the expiration thereof shall not be considered a removal subject to notice and hearing.

Section 3.06 Powers and Duties of the Town Manager (5/21/09)

In addition to the specific powers and duties provided in this charter, the town manager shall have the general powers and duties enumerated in this section and such other powers and duties which the board of selectmen shall determine:

- (a) Except as otherwise provided by this charter and subject to chapter 31 of the General Laws and any other applicable laws, the town manager shall appoint upon merit and fitness alone the head of each department, subject to the confirmation of such appointment by the board of

selectmen, and such other employees of the town as deemed necessary; provided, however, that the chief of the police department shall appoint all police officers and officials pursuant to said chapter 31 and shall administer the department, including making all rules and regulations dealing with all department property, vehicles, firearms or other weapons, training and paid details and shall assign officers as the chief deems in the best interest of the department and public safety. The chief of the fire department shall appoint all firefighters and fire officials and shall administer the department pursuant to section 42 of chapter 48 of the General Laws.

- (b) The town manager shall supervise and direct the administration of all departments, committees, boards and offices of the town, except those elected by the voters or appointed by the selectmen, the moderator, or as otherwise provided by this charter. In accordance with this charter and except as otherwise prohibited by the General Laws, the town manager may reorganize, consolidate or abolish any department, commission, board or office under his direction and supervision in whole and in part and may transfer the duties, powers and appropriation of 1 department, commission, board or office to another. The town manager may establish such new departments, commissions, boards or offices, as he deems necessary but subject to appropriation by the town meeting when such action by the town manager shall require an increase in any appropriation voted by the town meeting. The powers described in this subsection shall be known as a reorganization plan and any such reorganization plan shall be accompanied by an explanatory message when submitted. No such reorganization shall be effective until such action is approved or disapproved by vote of the board of selectmen; provided, however, that no amendment to the reorganization plan as submitted shall be made by the board of selectmen.
- (c) The town manager shall fix the compensation of all town officers and employees and employees appointed by him subject to any applicable provisions of chapters 31 and 150E of the General Laws.
- (d) The town manager shall attend all regular and special meetings of the board of selectmen and of the town meeting, except meetings at which his removal is being considered.
- (e) The town manager shall keep full and complete records of his office and shall render, as often as may be required by the board of selectmen, a full report of all operations during the period reported.
- (f) The town manager shall keep the selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.
- (g) The town manager shall have overall jurisdiction over, and be responsible for, the planning, construction, reconstruction, alteration, repair, improvement, use and rental of all town property except the property under the jurisdiction of the school committee and except as otherwise specifically voted by the town or provided by statute.
- (h) The town manager shall be the chief procurement officer of the town, as that term is defined under chapter 30B of the General Laws, except that the superintendent of schools shall be such officer for the school department. The town manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments and activities of the town except as otherwise provided for by this charter.
- (i) The town manager shall administer, either directly or indirectly through a person or persons appointed by him in accordance with this charter, all provisions of general and special laws applicable to the town, all by-laws of the town and all regulations of the selectmen.
- (j) With the approval of the board of selectmen, the town manager shall have the authority to prosecute, defend and compromise any claim or litigation to which the town is a party, and to employ special counsel whenever necessary.
- (k) The town manager shall perform such other duties consistent with his office as may be required by the by-laws or vote of the town or by vote of the board of selectmen.
- (l) The town manager shall have access to all town books and papers for information necessary for the proper performance of his duties and may, without notice, cause the affairs of any department or activity under his control or the conduct of any officer or employee appointed by him to be examined.

- (m) The town manager shall recommend for appointment to the board of selectmen the town accountant and the town counsel.
- (n) The town manager shall prepare and recommend an annual budget to the board of selectmen and the finance committee.

Section 3.07 Other Appointed Officials (5/21/09)

Appointed town officials who hold office at the time of the adoption of this charter shall continue to serve until their term of office expires or until removed for cause. Thereafter, when the term of an incumbent expires or an office is vacated for any cause, except as provided by statute or by this charter, the town manager shall appoint such officials subject to paragraph (a) of section 3.06.

Each official appointed pursuant to this section shall, within 7 calendar days of his appointment, be sworn to the faithful performance of his duties, ensure that such action is certified by the town clerk, take office immediately upon being so sworn and hold such office until his successor is qualified, or he is removed for cause or by operation of law or until such office or position is abolished.

Each appointed official shall have all the powers and duties conferred by statute, this charter, by-law, vote of the town or the appointing authority.

Any appointment to an appointive position which is made for the purpose of filling a vacancy due to an unexpired term shall be for the duration of the unexpired term.

When any appointive board, commission, office or committee is abolished or consolidated, the town manager shall issue a written directive to the appropriate person or persons relative to the disposition of records, property and equipment.

Section 3.08 Limitations (5/21/09)

No elected or appointed town officer, employee, board or committee shall engage, for official town business, the service of any attorney or incur monetary obligations to any attorney, other than town counsel appointed pursuant to section 3.01, unless such engagement is authorized by the town manager. This limitation shall not apply to the board of selectmen and shall not apply to any officer, board or committee specifically authorized by the General Laws to retain the services of an attorney provided that such officer, board or committee has a specific appropriation sufficient to pay for such services.

Chapter IV - Boards, Commissions and Committees

Section 4.01 Establishment (5/21/09)

In addition to a board of selectmen and a school committee as established in sections 3.01 and 3.02, there shall be the following boards, commissions and committees:-

- (a) a board of assessors, composed of 3 members appointed by town manager;
- (b) a board of health, composed of 3 members appointed by town manager;
- (c) a board of cemetery commissioners composed of 3 members appointed by town manager;
- (d) a planning board composed of 5 members appointed by town manager;
- (e) a parks commission composed of 3 members appointed by town manager;
- (f) a board of trustees of the Auburn free public library composed of 6 trustees elected by the voters;
- (g) a board of sewer commissioners composed of 3 members appointed by town manager;
- (h) a finance committee composed of 7 members appointed by the board of selectmen;
- (i) a board of appeals composed of 5 members appointed by the board of selectmen;
- (j) a board of registrars composed of 3 members appointed by the board of selectmen;
- (k) a conservation commission composed of 7 members appointed by town manager;
- (l) a historical commission composed of 7 members appointed by town manager;

- (m) a council on aging composed of 9 members appointed by town manager;
- (n) an industrial development and finance authority composed of 5 members appointed by board of selectmen; and
- (o) such other boards, commissions and committees as may be required by statute, established by town meeting or by the voters, or deemed necessary by the board of selectmen.

The members of each such board, committee or commission shall be appointed in accordance with paragraph (a) of section 3.06; provided, however, that no person shall be eligible for appointment who is not at the time of appointment a registered voter of the town and any person ceasing to be a resident of, and voter in, the town shall thereupon cease to hold any appointment.

No board, commission or committee, except the representative town meeting, library trustees and district committee shall be established with an even number of members. The terms of office of the members of each permanent board or standing committee shall be so established as to provide overlapping terms, with as nearly as possible equal numbers expiring each year.

Section 4.02 Administration (5/21/09)

All town agencies shall be under the direction and supervision of elected or appointed officials. Except for purposes of investigation, town officials shall deal with town employees solely through the elected or appointed officials who direct or supervise such employees and may not give orders to such employees either publicly or privately.

A majority of any board, commission or committee shall constitute a quorum.

Chapter V - Representative Town Meeting

Section 5.01 Annual and Special Town Meetings

The annual town meeting for the transaction of all business with the exception of the election of town officers and the determination of such matters as legally require a vote by ballot shall be held as required by law and as set forth in the town by-laws. Special town meetings may be called from time to time by the selectmen, as set forth in the town by-laws.

It shall be the duty of the selectmen and of the chairman of each board or committee of the town and of the head of each town department to attend that part of every representative town meeting at which matters other than those to be acted upon or determined by ballot are to be considered.

The town clerk shall mail a copy of the warrant to each town meeting member at least seven days before the annual town meeting and at least fourteen days before a special town meeting. (5-15-86)

The town shall have the capacity to act through and to be bound by the action of its town meeting members, who even convened from time to time shall constitute a representative town meeting. The representative town meeting shall have and may exercise all powers vested in the municipal corporation so far as is consistent with the provisions of this charter.

Action by a representative town meeting in conformity with laws now or hereafter applicable to the transaction of town affairs in town meeting shall have the same force and effect as if taken in a town meeting open to all voters of the town, as organized and conducted before the establishment of representative town government.

Section 5.02 Members

The membership of the representative town meeting elected in each precinct shall consist of registered voters other than elected town officials and may not include the executive secretary. The number of members of the representative town meeting elected in each precinct shall be approximately in the same ratio to the number elected in the town as the number of residents in the precinct is to the number in the town. The membership in each precinct shall consist of the largest number divisible by three which will result in a total elected membership in the town not exceeding one hundred and twenty.

(5-15-80)

The registered voters in each precinct, at the first annual town election held after the establishment of the precinct, and those in any precinct affected by a revision of precincts at the first annual town election following such revision, shall elect by ballot the number of registered voters in the precinct, determined as herein provided, to be town meeting members of the town. The first third of members elected in order of votes received shall serve for three years, the second third for two years, and the remaining third for one year from the day of the annual town meeting.

In case of an equal vote affecting the division into thirds, the members from the precinct shall determine the same by ballot. Thereafter, except as otherwise provided herein, the registered voters of each precinct at each annual town election shall elect for the term of three years in like manner such number to which the precinct is entitled.

The nomination of candidates for town meeting members shall be made by nomination papers, which shall bear no political designation. Such papers shall be signed by not less than ten registered voters of the precinct in which the candidate resides and shall be filed with the town clerk not later than the last day on which the nomination papers of candidates for other town offices must be filed. They shall be submitted to the registrar of voters and shall be certified in the manner provided by law for the certification of the nomination papers of candidates for town offices. Nomination papers shall not be valid for any candidate whose written acceptance is not endorsed thereon or attached thereto when filed.

A town meeting member may become a candidate for re-election by giving written notice to the town clerk not later than fourteen days prior to the last day on which the nomination papers of candidates for other town offices must be filed.

The town meeting members shall be elected in conformity with the laws relative to elections, and the provisions of law relating to precinct voting at elections shall apply to all elections and primaries in the town so far as such laws are not inconsistent with this charter. The town clerk, after every election of town meeting members, shall notify each member by mail of his election. In case of an equal vote affecting the determination of which two or more candidates for town meeting member shall serve, the remaining members elected in such precinct shall determine by ballot which of the candidates shall serve as town meeting members.

If the boundaries of any precinct are revised or any new precinct established there shall be a new election of town meeting members in such precinct at the first annual town election following such a revision. The terms of office of the town meeting members from any precinct whose boundaries are revised shall cease upon the election of their successors.

A town meeting member may resign by filing a written resignation with the town clerk, effective upon the date of filing. A member who removes from the town shall cease to be a member, and a member who removes from one precinct to another may serve only until the next annual town meeting.

A vacancy in the number of town meeting members from any precinct arising from any cause shall be filled by the unsuccessful candidate receiving the highest number of votes at the preceding election in the precinct and who consents to accept the office. Such candidate shall be deemed to be elected and the town clerk shall give notice of his election upon the filing of his written acceptance. If there be no such candidate willing to accept, then the vacancy shall be filled by the remaining members from the precinct as hereinafter provided. (5/15/80)

The town clerk shall call a meeting of the remaining members from the precinct for the purpose of filling the vacancy, notice of which shall be mailed to such members not less than seven days before the time of the meeting. A majority of the members from the precinct shall constitute a quorum at such meeting and shall elect one or their number as chairman and one as clerk. The vote shall be by ballot and a plurality of votes cast shall be necessary for a choice. The chairman and clerk shall count the

ballots, and the chairman shall make a certificate of the choice which shall be filed with the town clerk together with a written acceptance of the person so chosen, who thereupon shall be deemed to be elected as a town meeting member.

Section 5.03 Procedure

The portions of the warrant for every town meeting which relate to the election of moderator, town officers, and town meeting members, and to referenda and all matters to be acted upon and determined by ballot, shall be acted upon and determined by the registered voters of the town in their respective precincts. All other articles shall be acted upon and determined exclusively by the town meeting members at meeting held at time and place specified by the selectmen in the warrant for the meeting, subject to referendum as herein provided.

The members of the town meeting shall be the judge of the election and qualifications of their own members. The members shall receive no compensation for serving as members of the town meeting. Two-thirds of the members shall constitute a quorum for the transaction of business. A lesser number may organize temporarily and may adjourn from time to time, but a meeting shall not adjourn beyond the date of an election of town meeting members.

All representative town meetings shall be open to the public. Any registered voter of the town who is not a town meeting member may, subject to such conditions as the town meeting may determine, speak at least once on any matter at such meeting, but he shall have no vote.

A vote of the representative town meeting, either passing or rejecting a measure under any article in the warrant shall not be operative until the expiration of seven days exclusive of Sundays and holidays, from the dissolution of the meeting 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 revenue; (d) to enact an emergency measure required for the immediate preservation of the public peace, health or safety and so declared by a preamble and adopted by a two thirds vote of the town meeting members present and voting thereon.

Section 5.04 Referendum

If within a period of seven days exclusive of Sundays and holidays from the dissolution of a town meeting a petition signed by not less than three percent of the registered voters in each precinct is filed with the board of selectmen asking that any question involved in such a vote be submitted to the voters of the town at large, then the board of selectmen within five days thereafter shall call a special meeting to be held within twenty eight-days following such call for the sole purpose of presenting the question to the voters at large. (5-21-87)

Any question submitted shall be stated upon the ballot substantially in the same language and form in which it was finally presented to the representative town meeting by the moderator as recorded in the records of the meeting.

The polls for voting upon such a question shall be opened at two o'clock in the afternoon and closed not earlier than eight o'clock in the evening. The vote shall be taken by ballot and the check list used in the several precincts in the same manner as for the election of town officers. A question submitted shall be determined by the same proportion of votes as would be required if the question were determined by a representative town meeting, but an action of the representative town meeting shall not be reversed unless at least twenty percent of all the registered voters shall so vote.

If such petition for a referendum is not filed within seven days the vote of the representative town meeting shall become operative and effective upon the expiration of that period.

Section 5.05 General Meetings

This charter shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the constitution of the commonwealth, nor confer upon any representative town meeting the power finally to commit the town to any measure affecting its municipal existence or

substantially changing its form of government without action thereon by the voters at large, using the ballot and check list therefor.

Chapter VI - Procedure

Section 6.01 By-Laws, Ordinances, Rules and Orders

The town meeting shall have the power to adopt such by-laws and ordinances as it deems desirable, which shall have the effect of law provided that they are adopted in conformance with and do not conflict with the general laws or with this charter.

The board of selectmen shall have the power to promulgate such rules and orders as they deem necessary to the well-being of the community, provided that they are adopted in conformance with and do not conflict with the general laws, with this charter or with other statute, and further provided that any appropriation of funds necessary for their execution shall be approved by the town meeting or the finance committee.

No by-law, ordinance, rule or order shall be effective until suitable notice shall have been given to the towns people by publication, posting or otherwise, as required by statute.

Section 6.02 Budget

Each officer, board, commission and committee charged with the expenditure of town money shall each year, as provided by the by-laws, prepare detailed estimates of the amounts deemed necessary for the operation of their respective offices or departments for the ensuing fiscal year, and of all probable items of income to their offices or departments which may be received during the ensuing fiscal year. Said estimates and statements shall be filed with the Town Accountant and the Executive Secretary as provided by the by-laws and the Executive Secretary shall then transmit these requests and the Executive Secretary's recommendations to the finance committee with the approval of the board of selectmen. The finance committee shall duly consider the estimates and statements submitted to it for the various town boards, offices and committees and shall prepare its report and recommendations, which shall be distributed to all town meeting members prior to the annual town meeting, as provided by the by-laws.

Section 6.03 Capital Expenditure Program

The finance committee shall with the assistance of the executive secretary, the planning board, and such other town agencies as may be involved, shall annually prepare and submit to the annual town meeting a capital expenditure program, which shall include

- (a) a clear general summary of its contents, (b) a list of all capital improvements proposed to be undertaken during the next ensuing five fiscal years
- (c) cost estimates, recommended time schedules and methods of financing of each improvement, and (d) estimated overall impact on the property tax rates of each of the five fiscal years.

Section 6.04 Financial and Public Records

Copies of the annual town report, the entire proposed budget, capital improvement program, town warrant and finance committee recommendations, shall be distributed to all town meeting members and shall be available for examination by citizens at the town hall during normal working hours, at least seven days prior to the annual town meeting.

Statements of action taken on the proposed budget, warrant articles, and expenditures by each of the town departments shall be included in the annual report.

Section 6.05 Warrants and Collections

Town funds shall be disbursed on the basis of warrants prepared under the direction of the town accountant and approved by the board of selectmen. The signatures of the town accountant and a majority of the board of selectmen shall constitute adequate authority of payment, except that warrants

of the payment of school department vouchers and payrolls shall also require the signatures of a majority of the school committee members.

Section 6.06 Audit

In the event that the Commonwealth of Massachusetts fails within 30 days of a request by the board of selectmen to provide of the independent audit of all the records and accounts of the town, the board of selectmen may provide for such audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers.

Costs of such audits shall be raised by the assessors by general taxation if payment is made prior to the fixing of the annual tax rate, and otherwise shall be provided by transfer by the treasurer from available funds or by borrowing in the manner provided by the law, but need not be appropriated by the town meeting.

Chapter VII - General Provisions

Section 7.01 Definitions

The following definitions shall be in effect in this charter. A “general Law” shall be a statutory provision which is applicable to all cities and towns, or to all cities, or to all towns, or to a combination of not fewer than two enacted by the general court of the Commonwealth of Massachusetts. A “town agency” shall be any town office, department, board, commission or committee. “Referenda” shall include all matters, other than election of officers, to be acted upon and determined by ballot by the registered voters in their respective precincts.

Section 7.02 Charter Amendment

This charter may be amended in the manner prescribed by law.

Section 7.03 Prohibitions

No town official or other employee shall (a) discriminate against any appointment to town office because of sex, race, political or religious opinion or affiliations; (b) willfully commit a fraud which prevents impartial execution of personnel rules and regulations; and no town official shall; (c) solicit a political contribution from any compensated town employee; and no person shall; (d) offer to pay money to obtain an appointment or promotion.

Violation of any of the foregoing shall be misdemeanors punishable by a fine or imprisonment as provided by statute. Any person convicted under items (b) or (d) of these provisions shall be ineligible for a five year period thereafter to hold any town office or position, and, if an officer or employee of the town, shall immediately forfeit his office or position.

Section 7.04 Severability (5/21/09)

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions relating to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 7.05 Existing Law (5/21/09)

All laws, by-laws, votes, resolutions, rules and regulations or petitions thereof which are in force in the town when this charter or any amendment thereto takes effect, and which are consistent with this charter, shall continue in full force and effect until rescinded or amended.

Elected town officials who hold office at the time of the adoption of this charter, or any amendment thereto, shall continue to serve until their term of office expires or until removed for cause.

Notwithstanding any general or special law, by-law, vote, rule or regulation to the contrary, insofar as the provisions of this charter, as amended, are inconsistent with the provisions of such general or

special law, by-law, vote, rule or regulation, the provisions of this charter, as amended shall be controlling.

Notwithstanding any general or special law to the contrary, any town agency, board or commission, the membership of which was originally appointed pursuant to general or special law, and for which this charter or an amendment thereto provides for appointment thereto under paragraph (a) of section 3.06 or section 4.01, shall continue as an agency, board or commission of the town, subject to this charter.

Section 7.06 Transition (5/21/09)

Nothing in this charter shall affect or impair the rights or privileges of persons who are town officials or employees at the time it takes effect.

If, at the time this charter, or any amendment thereto, takes effect, a town official holds an office or position in conflict with any provision of this charter, such official shall continue in his office or position until the expiration of his elected or appointed term. If such official holds an appointive office of an indefinite term, he shall serve until a successor is appointed by the appointing authority as specified by this charter, but not later than 30 days following the next annual town election.

Section 7.07 Effective Date

This charter or any amendment thereto shall be in full effect immediately following its approval by a majority of the voters of the town voting thereon, or as such other time as specified in the case of the amendment.