

Town of North Attleborough

Charter Commission Preliminary Charter

May 9, 2018



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ARTICLE 1 - INCORPORATION AND AUTHORITY

SECTION 1-1. INCORPORATION

The inhabitants of the Town North Attleborough, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of North Attleborough".

SECTION 1-2. DIVISION OF POWERS

All legislative powers of the Town shall be exercised by a Town Council. The administration of all Town fiscal, business and municipal affairs shall be vested in the executive branch headed by the Town Manager.

SECTION 1-3. POWERS OF THE TOWN

The intent and purpose of this Charter is to secure for the voters of the Town of North Attleborough all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the Commonwealth.

SECTION 1-4. INTERPRETATION OF POWERS

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of a particular power is not intended to limit in any way the general powers of the Town as enumerated in Section 1-3.

In places where the General Laws differentiate between city and town forms of government, the laws relative to city forms of government shall apply.

SECTION 1-5. 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.

SECTION 1-6. ETHICAL STANDARDS

Elected and appointed officers and employees of the Town shall demonstrate the highest ethical standards, in compliance with all state and federal laws, and faithfully discharge the duties of their offices or positions regardless of personal financial interest or other considerations.

SECTION 1-7. DEFINITIONS

As used in the Charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Bylaw”: A law enacted by the Town Council, or pursuant to other lawful means in accordance with this Charter, applicable only to the Town; provided, however, that G.L. c. 40, §32 shall not apply to such an enactment.

“Charter”: This Charter and any amendments thereto as may be made from time to time.

“Department Head”: Person in charge of Town department operations and administration, by whatever name, including, but not limited to, department head, agency head, director, agent, superintendent or officer, and excluding the Superintendent of Schools and the Manager of the Electric Department.

“Emergency”: A sudden, unexpected, unforeseen happening, occurrence or condition that necessitates immediate action.

“Majority vote”: A majority of those present and voting, provided a quorum is present, unless a higher number is required by law, this Charter, or by the Town Council's own rules.

“Measure”: a bylaw, order, resolution or other vote or proceeding adopted, or which may be adopted, by the Town Council.

“Multiple member body”: Any board, commission or committee in the Town, whether elected or appointed.

“Open Meeting Law”: General Laws c.30A, §§18-25, as it may be amended from time to time.

“Town”: the body politic and corporate called the Town of North Attleborough.

“Town agency or agency”: a board, commission, committee, department or office of Town government, whether elected, appointed or otherwise constituted.

“Town officer”: An individual who has been elected or appointed who exercises a portion of the sovereign authority of the Town and whose duties are not simply ministerial in nature.

“Voters”: registered voters of the Town.

ARTICLE II - LEGISLATIVE BRANCH

SECTION 2-1. COMPOSITION; ELIGIBILITY; TERM OF OFFICE

(a) Composition. There shall be a Town Council consisting of 9 members elected at large, which Council shall exercise the legislative powers of the Town.

(b) Eligibility. Any voter shall be eligible to hold the office of Town Councilor.

(c) Term of Office. The term of office for all Councilors shall be two years beginning July 1 following their election and through June 30, and until their successors are elected and qualified.

SECTION 2-2. GENERAL POWERS AND DUTIES

Except as otherwise provided by law or by this Charter, all powers of the Town shall be vested in the Town Council which shall provide for their exercise and for the performance of all duties and obligations imposed on the Town by law.

SECTION 2-3. COUNCIL PRESIDENT; ELECTION; ELIGIBILITY; TERM OF OFFICE; POWERS AND DUTIES; COUNCIL VICE PRESIDENT; FILLING VACANCIES

(a) Council President; Powers and Duties. The Councilor receiving the highest number of votes shall serve as the Council President. The Council President shall be recognized as the official head of the Town for all ceremonial purposes and by the courts for the purposes of serving civil process. The Council President shall be the presiding officer of the Town Council and shall have no power of veto, but shall have the same powers as any other member of the Town Council to vote upon all measures coming before it. The Council President, or another member of the Town Council as the President's designee, shall serve as an ex officio member of the School Committee, with a voice but no vote. The Council President shall perform such other duties consistent with the office, including appointment of committee members, as may be provided by this Charter, bylaw, or vote of the Town Council.

(b) Council Vice President. The Councilor receiving the second highest number of votes shall serve as the Vice President. The Vice President shall act as president during the absence or disability of the Council President.

(c) Filling Vacancy in Position of Council President or Council Vice President. In the event of a vacancy in the office of Council President, it shall be filled by the Council Vice President. The ensuing vacancy in the position of Council Vice President shall be filled by the Councilor receiving the next highest number of votes at the most recent election for Town Council.

SECTION 2-4. FILLING OF VACANCIES IN OFFICE OF TOWN COUNCILOR

(a) By Eligible Candidate. If a vacancy occurs in the office of Town Councilor other than the Council President or Vice President, the vacancy shall be filled, in descending order of votes received, by the candidate for the office at the preceding Town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve. The Town Clerk shall certify such candidate to the office to serve for the balance of the then-unexpired term.

(b) By Town Council. If a vacancy occurs in the office and there is no available candidate to fill the vacancy in the manner provided in Subsection (a), above, the vacancy shall be filled by the remaining members of the Town Council from amongst the registered voters of the Town. Persons elected to fill a vacancy by the Town Council under this section shall serve only until the next regular election.

(c) Persons serving as Town Councilors under Subsection (a) and (b) shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

SECTION 2-5. EXERCISE OF POWERS; QUORUM; RULES OF PROCEDURE

(a) Exercise of Powers. Except as otherwise provided by any general or special law or this Charter, the legislative powers of the Town Council may be exercised in a manner determined by it.

(b) Quorum. The presence of 5 members shall constitute a quorum for the transaction of business.

(c) Rules of Procedure. The Town Council shall from time to time establish written rules for its proceedings and shall make the same available on the Town website, at its offices, and upon request. Regular meetings of the Town Council shall be posted on the Town website. Special meetings may be held on the call of the Council President, and notice of the time and place of any special meeting shall be provided to the members of the Town Council in accordance with Council Rules.

(d) Role.

(1) Appointments. The Town Council shall not direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of a person in the administrative service of the Town for which the Town Manager is responsible.

(2) Officers and Employees. The Town Council shall deal with the officers and employees serving under the Town Manager solely through the Town Manager and the Council President and members of the Town Council shall not give any orders or directions to any such officer or employee, either publicly or privately.

(e) The Town Council shall have such authority and perform such other duties consistent with the office as may be provided by this Charter or by bylaw consistent herewith.

SECTION 2-6. MEASURES; EMERGENCY MEASURES; CHARTER OBJECTION

(a) Bylaws and Other Measures: Proposed bylaws and other measures shall be introduced in writing in the form necessary for final adoption. A proposed bylaw to amend or repeal a portion of any general or zoning bylaw shall set out in full the portion to be so amended or repealed, or shall have such portion attached thereto. Any proposed bylaw, except an emergency measure, shall be posted for no less than 14 days prior to final passage on the Town website and in manner required by the Open Meeting Law for posting of meeting notices. Prior to final passage, each proposed bylaw shall be read at 2 separate Council meetings, except as provided in Section 2-6(b), below.

The affirmative vote of a majority of the full Town Council shall be necessary for the final passage of any bylaw, except in the event a higher quantum of vote is required by general laws or this Charter.

Unless otherwise provided by general law or this Charter, every vote adopting, amending, or rescinding a bylaw shall become effective at the expiration of 21 days after final passage or a later date specified therein.

(b) Emergency Measures: An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain a separate statement after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in specific terms. The preamble that declares the emergency shall be separately approved by a 2/3 vote of those Town Councilors present. An emergency measure shall become effective upon adoption or at such later time as it may specify. An emergency measure may be passed, with or without amendment, or rejected, at the same meeting at which such measure is introduced. Emergency measures shall stand repealed on the 61st day following their adoption, unless an earlier date is specified in the measure or the measure is sooner acted upon in accord with Section 2-6(a).

(c) Right to Postpone: On the first occasion that the question on adoption of a non-emergency measure is put to the Town Council, if a single member present objects to the taking of the vote, a so-called "Charter privilege", the vote shall be postponed until the next meeting of the Town Council, whether regular or special. This procedure shall not be used more than once for any specific measure whether or not such measure is amended. The use of this right to postpone shall have privilege over all motions, must be raised prior to or at the call by the Council President for the vote, and, once invoked, all debate on the measure shall cease.

SECTION 2-7. COUNCIL APPOINTMENTS AND CONFIRMATIONS

(a) Council Appointments. The Town Council shall appoint an independent Town Auditor as provided in Section 6-9 and a Town Manager as provided in Section 4-1.

(b) Confirmation of Certain Town Manager Appointments. Appointments made by the Town Manager of department heads and members of multiple member bodies shall be subject to confirmation of the Town Council, all as provided in Section 4-3(a).

SECTION 2-8. BYLAW PUBLICATION REQUIREMENTS

Each proposed bylaw, appropriation order or loan authorization, except when proposed as an emergency measure as provided in Section 2-6(b), shall be posted on the Town website at least five days before final passage in its entirety, along with a notice stating the times and places at which paper copies may be obtained or reviewed. After final passage, such bylaw,

appropriation order or loan authorization shall be posted on the Town website and be available upon request in the office of the Town Clerk.

SECTION 2-9. STANDING AND AD-HOC COMMITTEES

The Town Council shall by bylaw provide for the establishment of standing committees, including but not limited to a finance or ways and means committee, a rules committee, and a municipal bylaw committee, by whatever names, all to be appointed by the Council President. In each case, the bylaw shall establish the size of the committee and scope of duties, provided that no committee, other than a committee of the whole, shall be composed of a quorum of the full Town Council. Residents of the Town may be appointed by the Council President to standing committees of the Town Council, but the majority of members of each committee shall be composed of Councilors. All such committees shall be subject to the Open Meeting Law and shall provide a period at each regular meeting for public commentary subject to such rules as may be adopted by the Town Council from time to time and to such limitations as may be imposed by the committee chairperson in the chairperson's sole discretion. Committees established under these provisions shall consist of an odd number of persons to be appointed for one-year terms who may be removed therefrom by the Council President at the President's sole discretion. Nothing herein shall prohibit the Council from creating ad hoc advisory committees, to be appointed by the Council President, to assist the Council in carrying out its duties under the Charter as it determines necessary or appropriate.

SECTION 2-10. INQUIRIES AND INVESTIGATIONS

(a) Inquiries. The Town Council may require any Town officer or member of an appointed board, commission or committee to appear before it and give such information as the Town Council may reasonably require in relation to the office held by or administered by such person, its function and performance.

Except in cases of emergency the Town Council shall give not less than five days notice in writing to any person it may request to appear before it under the provisions of this section. The notice shall include specific questions on which the Town Council seeks information, and no person called to appear before the Town Council under this section shall be required to respond to any question not relevant or related to those presented to the person in advance and in writing. Notice shall be by delivery in hand, by electronic mail, (with notification of receipt requested), or by registered or certified mail to the last known place of residence of any such person. If the person whose presence is requested is appointed by the Town Manager, the notice required by this section shall instead be provided to the Town Manager.

(b) Investigations. The Town Council may make investigations into the affairs of the Town and the conduct of any Town agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

SECTION 2-11. PROHIBITIONS

No Councilor shall, while a member of the Town Council, hold any other Town office or position other than a member of an elected Charter Commission or in an *ex officio* capacity, provided however, that election or appointment to a regional or state office shall not be a Town office or position for purposes of this section. No former Councilor shall hold any compensated appointive Town office or Town employment until 1 year after the expiration of the Councilor's service on the Town Council. This provision shall not prevent a Town officer or employee who has taken a leave of absence from such duties in order to serve as a member

of the Town Council from returning to such office or employment immediately following service as a member of the Town Council.

ARTICLE III - ELECTED OFFICIALS

SECTION 3-1. GENERAL PROVISIONS

(a) Offices to be Elected. The other offices to be filled by the voters of the entire Town shall be a Board of Electric Commissioners, Board of Public Works, Park Commission, and School Committee, as well as members of regional authorities or districts as may be established by general or special law, intergovernmental agreement or otherwise.

(b) Eligibility. Any voter shall be eligible to hold any elective Town office listed above; provided, however, that no person shall simultaneously hold an elected Town office and be employed by the Town, and, if sworn into office, shall be deemed to have vacated such other office or position.

(c) Coordination of Town Government. Notwithstanding their election by the voters, the Town officers named in this section shall be subject to the call of the Town Council and the Town Manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(d) Filling Vacancies in Elected Offices other than Town Council.

(1) By Eligible Candidate. If a vacancy occurs in any of the offices listed in Section 3-1(a), the vacancy shall be filled, in descending order of votes received, by the candidate for the office at the preceding Town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve. The Town Clerk shall certify such candidate to the office to serve for the balance of the then-unexpired term.

(2) By Joint Appointment. If a vacancy occurs in the office and there is no available candidate to fill the vacancy in the manner provided in subsection (a), above, the vacancy shall be filled until the next annual election by joint appointment of the Town Council and the remaining members of the multiple member body on which the vacancy exists from amongst the registered voters of the Town; provided, however, that notice of such vacancy and the deadline for submitting an application for appointment thereto shall be posted on the Town website for no less than seven days prior to the appointment.

(3) Persons appointed under subsections (1) and (2) shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

SECTION 3-2 BOARD OF ELECTRIC COMMISSIONERS

(a) Composition. There shall be a Board of Electric Commissioners of five members elected for three year rotating terms.

(b) Powers and Duties. The Board of Electric Commissioners shall have all the powers and duties vested in such boards by chapter 164 of the general laws and any other general or special law, including but not limited to authority to establish policy for, and oversee planning and operation of, the electric department, and to appoint a Department Manager.

SECTION 3-3 BOARD OF PUBLIC WORKS

(a) Composition. There shall be a Board of Public Works of five members elected for three year rotating terms.

(b) Powers and Duties. Except as otherwise provided herein, the Board of Public Works shall have the powers and duties vested by general or special laws with respect to following boards, departments and offices: road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, cemetery commissioners, tree warden, moth superintendent and forestry department, as well as such other duties as may be determined by the Town Council. Such powers, rights and duties provide for in this Section 3-3(b) shall be exercised by a Department of Public Works, under the direction of a Department of Public Works Director.

SECTION 3-4 PARKS AND RECREATION COMMISSION

(a) Composition. There shall be a Parks and Recreation Commission of five members elected for three year rotating terms.

(b) Powers and Duties. The Parks and Recreation Commission shall maintain land and facilities for park and recreation purposes and conduct and promote recreation, physical education and similar activities. Except as otherwise provided herein, the Parks and Recreation Commission shall have powers and duties as may be authorized by the general laws, this Charter or by bylaw.

SECTION 3-5 SCHOOL COMMITTEE

(a). Composition. There shall be a School Committee of seven members elected for three year rotating terms.

(b) Powers and Duties. The School Committee shall have general charge of the public schools of the Town, including authority to select and to terminate a superintendent of schools and establish educational goals and policies for the schools consistent with the requirements of the laws of and standards established by the Commonwealth. The School Committee shall have all the powers and duties given to school committees by general or special law, and such additional authority as provided by this Charter or by bylaw.

ARTICLE IV - TOWN MANAGER

SECTION 4-1. APPOINTMENT, QUALIFICATIONS, TERM OF OFFICE

The Town Council shall, by a majority vote of the full Town Council, appoint a Town Manager. The Town Manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a City or Town Manager or an Assistant City or Town Manager or the equivalent public or private sector level experience. The Town Council may from time to time establish additional qualifications as deemed necessary and appropriate. The Town Manager shall devote full-time to the duties of the office and shall not hold any other elective or appointive office in the Town, other than in an ex officio capacity, nor shall the Town Manager engage in other business unless such business is approved in advance by a majority vote in public session of the Town Council. The Town Manager need not be a resident of the Town, but must be a United States citizen.

SECTION 4-2. ADMINISTRATIVE POWERS AND DUTIES

(a) The Town Manager shall be the chief executive officer of the Town and shall be responsible to the Town Council 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 shall not be limited to, the following:

- (1) to supervise, direct and be responsible for the efficient administration of all officers and employees appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility under this Charter, by bylaw or by vote of the Town Council;
- (2) to administer, in accordance with this Charter, all provisions of any general or special law applicable to the Town, all bylaws and all regulations established by the Town Council;
- (3) to coordinate all activities of Town departments or appointed boards, committees or agencies;
- (4) to attend all regular and special meetings of the Town Council, unless excused, and have a voice but not vote in the discussion of the Council;
- (5) to keep the Town Council fully informed as to the needs of the Town, and to recommend to the Town Council for adoption such measures and policies as the Town Manager deems necessary or expedient;
- (6) to ensure that complete and full records of the financial and administrative activity of the Town are maintained and to render reports to the Town Council as may be required;
- (7) to be responsible for the rental, use, maintenance and repair of all Town facilities, excluding those under the custody of the School Department and the Electric Department;
- (8) to serve as the Chief Procurement Officer for purposes of G.L. c.30B, and in connection therewith to be responsible for the purchase of all services, supplies, materials and equipment and approve, award, and execute all such contracts; but excluding contracts for the School Department and the Electric Department; and shall have authority to execute all other construction contracts, etc., provided however, that insofar as they require appropriations, such contracts shall be subject to the approval of the Town Council;
- (9) to execute warrants for payment of bills and payrolls, provided, however, that the Town Manager shall report the same to the Town Council, in such detail as the Council shall request, at the first meeting following such action;
- (10) to develop and maintain a full and complete inventory of all Town-owned real and personal property, to include that of the School Department and Electric Department;
- (11) to adopt and administer personnel policies, practices or rules and regulations, any compensation plan and related matters for all Town employees and to administer all collective bargaining agreements entered into by the Town, excepting the School Department and Electric Department;
- (12) to fix the compensation of all Town employees and officers appointed by the Town Manager within the limits established by appropriation and applicable compensation plan, and, at the discretion of the Town Manager, to enter into individual employment contracts with employees subject to such plan for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and leave;
- (13) to be responsible for the negotiation of all contracts with Town employees over wages, and other terms and conditions of employment; insofar as they require appropriations, such contracts shall be subject to the approval of the Town Council;

- (14) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in article 6;
- (15) to ensure that the Town Council is kept fully informed of and fully involved in the Town's emergency preparedness planning and preparation;
- (16) to keep the Town Council fully informed as to the financial condition of the Town and to make recommendations to the Town Council as the Town Manager determines necessary or expedient;
- (17) to assist the Town Council to develop long-term goals for the Town and strategies to implement the Town's financial and programmatic goals;
- (18) to investigate or inquire into the affairs of any Town department, agency or office;
- (19) to provide staff support services for the Council President and Town Council members;
- (20) for the purpose of providing for financial and operational efficiencies, to propose to the Town Council, a bylaw for the reorganization or consolidation of Town agencies, in whole or in part, or to propose the establishment of new Town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing, provided, however, that such reorganization or consolidation shall not eliminate any of the boards, committees, commissions or positions included in this Charter;
- (21) to serve as the Town's liaison to any regional entity of which the Town is a member and to explore opportunities for intergovernmental cooperation;
- (22) to promote partnerships among Town Council, staff, citizens and businesses in developing public policy and building a sense of community;
- (23) to delegate, authorize or direct a subordinate or employee of the Town to exercise any power, duty or responsibility which the office of Town Manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the Town Manager; and
- (24) to perform such other duties as necessary or as may be assigned by this Charter, by bylaw or by vote of the Town Council.

SECTION 4-3. POWERS OF APPOINTMENT

(a) Appointment of Department Heads and Multiple Member Bodies. The Town Manager shall have the power to make the appointments below subject to confirmation by the Town Council, which may, within 21 days of notice of such appointment, vote to reject the same or sooner confirm; failure to take any action within said period shall constitute confirmation for purposes of this section:

- (1) Department Heads. Except as otherwise provided by this Charter, and, as appropriate, in accordance with applicable provisions of the Civil Service Law, collective bargaining agreement or employment contract, the Town Manager shall appoint, based upon merit and fitness alone, all department heads other than the Superintendent of Schools and the Manager of the Electric Department. The Town Manager shall consult, or at the Manager's discretion, engage in a joint recruitment and selection process, with multiple member bodies before the appointment of department heads who perform tasks under their jurisdiction.

(2) Multiple-member Bodies. Except as otherwise provided by this Charter, the Town Manager shall appoint all members of multiple member bodies of the Town from amongst the residents of the Town.

(b) Appointment of Officers, Subordinates and Employees. The Town Manager shall appoint officers, subordinates and employees for whom no other method of selection is provided in this Charter, other than persons serving in the School Department or the Electric Department.

(c) Consultation. The Town Manager shall consult with residents, department heads, and/or others concerning the recruitment, evaluation and selection of individuals for appointment and shall strive to make appointments that are inclusive of the diversity of the population of the Town.

SECTION 4-4. POWERS OF SUSPENSION, REMOVAL

The Town Manager shall have the authority to suspend or remove persons appointed under Section 4-3 for cause in accord with any applicable provision of the Civil Service Law, collective bargaining agreement or employment contract, and consistent with procedures established for such purposes in personnel rules adopted pursuant to Section 4-2(a)(11), if any. The Town Manager may authorize an administrative officer subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

SECTION 4-5. COMPENSATION

The Town Manager shall receive such compensation for services as the Town Council shall determine within the limits of appropriations made therefor.

SECTION 4-6. VACANCY IN OFFICE; ACTING TOWN MANAGER

A vacancy in the office of Town Manager shall be filled as soon as possible by the Town Council. Pending appointment of the Town Manager or the filling of any vacancy, the Town Council shall forthwith appoint some other qualified person to perform the duties of the Town Manager. The appointment of an acting Town Manager shall be for a term not to exceed six months; provided, however, that a renewal, not to exceed an additional six months, may be provided.

SECTION 4-7. TEMPORARY ABSENCE; TEMPORARY TOWN MANAGER

The Town Manager shall designate by letter filed with the Town Council and Town Clerk, a qualified officer of the Town to perform the duties of the Town Manager during a temporary absence or disability not in excess of 14 days. Thereafter, the Town Council may extend such designation, or appoint another officer of the Town or another person to perform the duties of the Town Manager. 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 Town Council, the Town Council may designate some other qualified person to temporarily perform the duties of the Town Manager until the Town Manager returns.

SECTION 4-8. REMOVAL OF TOWN MANAGER

The Town Council, by affirmative vote of two-thirds of the full Town Council, may terminate, remove or suspend the Town Manager from office, and may establish by contract any other terms and conditions applicable thereto.

ARTICLE V - ADMINISTRATIVE ORGANIZATION

SECTION 5-1. BOARDS, COMMITTEES AND POSITIONS

There shall be in the Town of North Attleborough the multiple-member bodies and positions set forth herein, in addition to any other boards, committees and positions that may be established from time to time.

SECTION 5-2. BOARD OF ASSESSORS

(a) Composition. There shall be a Board of Assessors of three members appointed for three year rotating terms.

(b) Powers and Duties. The Board of Assessors shall annually make a fair cash valuation of all the estate, real and personal, subject to taxation within the Town, annually determine the rate of taxation to apply against property in the Town, based on such valuations and such sums as may be authorized to be expended by the Town Council and consideration of other income and expenses of the Town, make abatements of taxes as appropriate and authorized by law, and be responsible for determining and designating the numbers of buildings on public ways. Except as otherwise provided herein, the Board of Assessors shall have powers and duties as may be authorized for boards of assessors by the general laws, and by this Charter or bylaw.

SECTION 5-3. BOARD OF ELECTION COMMISSIONERS

(a) Composition. There shall be a Board of Election Commissioners of four members appointed for four year rotating terms, with two members appointed from each of the two leading political parties as required by law.

(b) Powers and Duties. The Board of Election Commissioners shall be responsible for preparation and maintenance of street and voters lists, certification of signatures on nomination papers and petitions, preparing and providing absentee and other ballots, and taking all such other actions as required for the conduct of elections. Except as otherwise provided herein, the Board of Election Commissioners shall have powers and duties as may be authorized for boards of election commissioners by the general laws, and by this Charter or bylaw.

SECTION 5-4. BOARD OF HEALTH

(a) Composition. There shall be a Board of Health of three members appointed for three year rotating terms.

(b) Powers and Duties. The Board of Health shall be responsible for the formulation, adoption and enforcement of rules and regulations affecting the environment and the public health, provided that any regulations promulgated hereunder shall be posted on the Town's website for at least two weeks prior to the effective date thereof. Except as otherwise provided herein, the Board of Health shall have powers and duties as may be authorized for boards of health by the general laws, and by this Charter or bylaw.

SECTION 5-5. BOARD OF LIBRARY TRUSTEES

(a) Composition. There shall be a Board of Library Trustees of seven members appointed for three year rotating terms.

(b) Powers and Duties. The Board of Library Trustees shall have the care, custody and management of the public library and all property related to the library. All funds of money and other property that the Town may receive by gift or bequest for the purpose of library support, development or maintenance shall be administered by the Board of Library Trustees in

accordance with the terms of such gift or bequest. Except as otherwise provided herein, the Board of Library Trustees shall have powers and duties as may be authorized for boards of library trustees by the general laws, and by this Charter or bylaw.

SECTION 5-6. HOUSING AUTHORITY

(a) Composition. There shall be a Housing Authority of five members, four of whom shall be appointed hereunder for three year rotating terms, one of whom shall be appointed by the State Department of Housing and Community Development or otherwise consistent with the requirements of G.L. c.121B.

(b) Powers and Duties. The Housing Authority shall make studies of the housing needs of the community, provide programs to make available housing for low-income persons, including families and the elderly, and provide for the administration of all public housing in the Town. Except as otherwise provided herein, the Housing Authority shall have powers and duties as may be authorized for housing authorities by the general laws, and by this Charter or bylaw.

SECTION 5-7. LICENSING BOARD

(a) Composition. There shall be a Licensing Board of five members appointed for three year rotating terms.

(b) Powers and Duties. The Licensing Board shall have the power to issue licenses provided for by the general laws or bylaws that would otherwise be issued by a board of selectmen or city or town council, make all necessary rules and regulations regarding the issuance of such licenses, and attach such conditions and restrictions thereto as it deems to be in the public interest. The Licensing Board shall enforce the laws relating to all businesses for which it issues licenses. Except as otherwise provided herein, the Licensing Board shall have such powers and duties as may be authorized for licensing authorities by the general laws, or by this Charter or bylaw.

SECTION 5-8. PLANNING BOARD

(a) Composition. There shall be a Planning Board of five members appointed for three year rotating terms.

(b) Powers and Duties. The Planning Board shall be responsible for administering the Subdivision Control Law, G.L. c.41, §§81A through 81Y, issuing certain special permits and site plan approvals where provided under Zoning Bylaw, drafting and reviewing Zoning Bylaw revisions, undertaking planning studies, and, with sums available for such purposes, revising and updating the comprehensive master plan. Except as otherwise provided herein, the Planning Board shall have powers and duties as may be authorized for planning boards by the general laws, and by this Charter or bylaw.

SECTION 5-9. ZONING BOARD OF APPEALS

(a) Composition. There shall be a Zoning Board of Appeals of five regular members and three alternate members, appointed for three year rotating terms.

(b) Powers and Duties. The Zoning Board of Appeals shall have the power to hear and decide on variances, certain special permits where provided in the Zoning Bylaw, hear and decide on appeals from the Building Inspector, Zoning Enforcement Officer, and/or Zoning Administrator by whatever name. Except as otherwise provided herein, the Zoning Board of Appeals shall have powers and duties as may be authorized for zoning boards of appeal by the general laws, and by this Charter or bylaw.

SECTION 5-10: HUMAN RESOURCES DIRECTOR

The Human Resources Director shall serve all departments of the Town, including the School Department, but excluding the North Attleborough Electric Department. Notwithstanding the provisions of Section 4-3, the Human Resources Director shall be appointed by the Town Manager and Superintendent of Schools in accord with a written job description and such qualifications as they shall deem appropriate. The Human Resources Director shall not simultaneously hold an elected office in the Town.

SECTION 5-11: TOWN ACCOUNTANT

The Town Accountant shall approve financial payments, control expenditures, audit financial records and transactions, prepare all warrants for payment, and disallow and refuse to approve payment in whole or in part if the Accountant determines that any claim is fraudulent, unlawful or excessive. Except as otherwise provided herein, the Town Accountant shall have powers and duties as may be authorized for town accountants by the general laws, and by this Charter or bylaw.

SECTION 5-12: TOWN ATTORNEY

The Town Attorney shall be a competent and duly qualified and licensed attorney or a law firm practicing in the Commonwealth. The Town Attorney shall, at the direction of the Town Manager, provide legal advice to the Town and its officers and departments, other than the School Committee and the North Attleborough Electric Department, and consistent therewith, represent the Town in all litigation and legal proceedings brought by or against the Town in any court or other tribunal in the Commonwealth, review contracts, prepare legal instruments and perform such other duties as may be requested. The Town Attorney shall have other powers and duties as may be authorized by the Town Manager, this Charter or bylaw.

SECTION 5-13: TOWN CLERK

The Town Clerk shall serve as the clerk to the Town Council and keep its records, be the keeper of vital statistics for the Town; be the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed to any Town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and all other matters relating to elections. Except as otherwise provided herein, the Town Clerk shall have powers and duties as may be authorized for city and town clerks by the general laws, and by this Charter or bylaw.

SECTION 5-14: TREASURER COLLECTOR

The Town Treasurer Collector shall receive and take charge of all monies belonging to the Town including fees, charges, demands and other amounts due, collect all accounts due to the Town and regularly turn over such monies and accounts to the Town Treasury along with a complete accounting of all such receipts and accounts so received or collected have all of the powers available to town treasurers and town collectors in the collection of taxes, have custody of all trust funds, and shall serve as the tax title custodian for the town. Except as otherwise provided herein, the Treasurer Collector shall have powers and duties as may be authorized for treasurers and collectors by the general laws, and by this Charter or bylaw.