

Town of North Attleborough

Charter

Effective July 1, 2019



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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, town Bylaws, 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.

SECTION 1-8. RULES OF INTERPRETATION

The following rules shall apply when interpreting the Charter:

- (a) Specific Provisions to Prevail. To the extent that a 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 and words imparting any gender shall include the all genders;
- (c) References to General Laws. All references to the general or special laws contained in the Charter refer to the general laws of the Commonwealth and are intended to include any amendments or revisions to the 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; and
- (d) Computation of Time. Unless otherwise specified by the General Laws, 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.

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 Board of Election Commissioners 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 a 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. The notice required by Section 2-10(a) shall be required for any investigation taken hereunder; provided, however, that notwithstanding the first clause of this sentence, the requirement for notice, particularly with respect to timing and detail, may be waived at the sole discretion of the investigating authority if such authority determines and documents that requiring the same would undermine the investigation.

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 Board of Election Commissioners 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 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, assign or appoint staff support for the town Council, 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, designate another to serve in such capacity, and to make appointments to such regional entities

as may be necessary or appropriate in accordance with Section 4-3(a)(2), and, further, 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 five 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: be the keeper of vital statistics for the Town; be the custodian of the town seal; administer the oath of office to all persons, elected or appointed to any Town office; and issue such licenses and permits as are required by law to be issue by town clerks. Except as otherwise provided herein, the Town Clerk shall have powers and duties as may be authorized by 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.

ARTICLE VI - FINANCIAL MANAGEMENT

SECTION 6-1. BUDGET DEVELOPMENT

The Town Manager shall develop guidelines for the preparation of departmental budget requests, and an initial budget development schedule. No later than December 31 in any year, department heads shall submit to the Town Manager budget requests consistent with such guidelines and schedule.

SECTION 6-2. ANNUAL BUDGET POLICY

The Council President shall call for a joint meeting of the Town Council, the School Committee, and Town Manager, and any other person determined by the Town Council or Town Manager to be necessary to the process, to be held no later than January 15, to review the financial condition of the Town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

SECTION 6-3. SUBMISSION OF PRELIMINARY PROPOSED BUDGET; BUDGET MESSAGE

(a) Submission of Preliminary Proposed Budget. On or before February 15 as the Council President and the Town Manager shall agree, the Town Manager shall submit to the Town Council a proposed operating budget for the ensuing fiscal year for all Town agencies and an accompanying message, as well as a proposed five-year capital budget. The preliminary proposed operating budget shall provide a complete fiscal plan of all Town funds and activities and shall be in the form the Town Manager, following consultation with the Council President, deems desirable and facilitates effective financial planning, management, and reporting, which shall include but not be limited to the following, to the extent practicable:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;
- (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and
- (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the Town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(b) Preliminary Budget Message. The Town Manager's preliminary budget message shall:

- (1) Explain the budget both in fiscal terms and work programs, linking those programs to organizational goals and community priorities;
- (2) Outline the proposed financial policies of the Town for the ensuing fiscal year and the impact of those policies on future years;

- (3) Describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes;
- (4) Summarize the Town's debt position, including factors affecting the ability to raise resources through debt issues; and
- (5) Include such other material as the Town Manager deems desirable.

SECTION 6-4 SUBMISSION OF FINAL PROPOSED BUDGET: CAPITAL IMPROVEMENT PLAN; BUDGET MESSAGE

(a) Submission of Final Proposed Budget. The Town Manager shall no later than the first Town Council meeting in April, submit to the Town Council by filing with the Town Clerk the final proposed budget and budget message. The Council President may approve a request from the Town Manager for an extension of time still permitting of reasonable and timely review of the proposed budget. Accompanying such final proposed budget shall be a five-year capital improvement program as described in Section 6-7.

(b) Content of Final Proposed Budget. The budget shall begin with a general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, and shall include in separate sections those items in Section 6-3(a)(1)-(3).

(c) Final Budget Message. The Town Manager's final budget message shall include all of the information required in Section 6-3, updated as appropriate.

SECTION 6-5. ACTION OF THE BUDGET

(a) Notice/Public Hearing. Immediately following receipt of the final proposed budget and budget message, and no later than 14 days prior to the date of its public hearing thereon, the Town Council shall at a minimum: (1) post in the Town Clerk's office and on the Town website the complete final budget and budget message, and (2) post in the manner required by the Open Meeting Law for notices of meetings, notice of the availability of such budget and budget message, the time and place that copies of the complete package will be made available, including at the Town Clerk's office, and the date, time and place of the Town Council public hearing thereon.

(b) Adoption of the Budget. The Town Council shall adopt the budget, with or without amendments, no later than 15 days prior to the start of the fiscal year. The Town Council may delete or decrease any programs or amounts except expenditures required by-law or for debt service, and shall not increase any line item. If the Town Council fails to take action with respect to any item in the budget by the deadline set forth herein, the amount shall, without any action by the Town Council become a part of the appropriations for the year and be available for the purposes specified. The adopted budget shall be posted on the Town website.

(c) Budget to Actual Assessments. The Town Manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to the Town Council at a regular or special meeting, and more often as requested. The midyear assessment shall be posted on the Town website following the meeting.

SECTION 6-6. SUPPLEMENTARY BUDGETS AND APPROPRIATIONS

(a) Procedure. Whenever the Town Manager submits to the Town Council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the Town Council shall not act upon the request until it has given notice and held a public hearing in the manner set forth in Section 6-5(a) concerning the request:

- (1) Supplemental Appropriations. If during the fiscal year or before the fiscal year begins, the Town Manager certifies that there are available for appropriation additional revenues the Town Council may make supplemental appropriations for the year.
- (2) Emergency Appropriations. To address a public emergency affecting life, health, property or the public welfare, the Town Council may make emergency appropriations. Such appropriations shall be accompanied by a separate vote declaring the nature of the emergency, and otherwise be undertaken in accordance with Section 2-6 and consistent with applicable law.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Town Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Town Manager shall report the same to the Town Council without delay, and seek appropriate action to reduce appropriations as necessary.

(c) Transfer of Appropriations. At any time during a fiscal year, the Town Manager may transfer up to a maximum amount set by the Town Council, and subject to any rules adopted by the Town Council with respect to such transfers, from the unencumbered appropriation balance of one line in the operating budget, other than from an appropriation for the use of the Municipal Light Department, to any other line in the operating budget, whether the same or a different department or budget category. The Town Manager shall report the transfers to the Town Council in writing within 7 days. Further, on recommendation of the Town Manager, the Town Council may at any time during a fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, transfer any amount appropriated for the use of any department other than the Electric Department, to another appropriation for the same or a different department.

(d) Limitation; Effective Date. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption through the adoption of an emergency preamble as provided in Section 2-6(b).

SECTION 6-7 CAPITAL IMPROVEMENTS PROGRAM

(a) Preparation of Capital Improvements Program. The Town Manager shall prepare a Capital Improvements Program that shall include any capital improvement meeting one or more of the following criteria:

- (1) Any expenditure to be funded by permanent borrowing;
- (2) An acquisition of the fee interest in land;
- (3) New construction, major reconstruction, or renovation of buildings, water and sewer facilities, streets, or bridges, including planning, design and construction management, as well as any permanent related operating cost increases, and all incidental and related costs, which costs are anticipated to exceed a minimum amount established by the Town Council from time to time; and

- (4) The purchase of equipment or vehicles with a useful life of at least three (3) years and a cost exceeding a minimum amount established by the Town Council from time to time.

(b) Content. The Town Manager shall submit annually to the Town Council a five-year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next 5 years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year.

(c) Adoption; Posting. The Capital Improvements Program shall be considered and adopted in connection with the annual budget as provided in Sections 6-3 through 6-5 and shall be posted on the Town website following its submission to the Town Council and upon final approval.

SECTION 6-8 LONG TERM FINANCIAL FORECAST

The Town Manager shall annually prepare a 5-year financial forecast of Town revenue, expenditures and the general financial condition of the Town. The forecast shall include, but not be limited to: (1) an identification of factors which will impact on the financial condition of the Town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term actions which may be taken that may enhance the financial condition of the Town. The forecast shall be submitted to the Town Council and shall be available to the public for inspection. The long-term financial forecast shall be published on the Town's website and when updates occur, they shall be posted in a timely manner.

SECTION 6-9 ANNUAL INDEPENDENT AUDIT

The Town Council shall designate, no later than 30 days after the beginning of the fiscal year, an independent auditor to conduct an annual audit of all Town accounts, and may provide for more frequent audits as it deems necessary, which audit(s) shall be performed in accordance with generally-accepted auditing and governmental auditing standards.

SECTION 6-10 FINANCIAL MANAGEMENT STANDARDS

The Town Council may by rule or bylaw establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

ARTICLE VII - ELECTIONS AND RELATED MATTERS

SECTION 7-1. TOWN ELECTIONS; TERMS

The annual Town election shall be held on the first Tuesday in April.

SECTION 7-2. NON-PARTISAN ELECTIONS

All elections for Town offices shall be non-partisan and election ballots shall be printed without any party designation whatsoever.

SECTION 7-3. SIGNATURE REQUIREMENTS; INFORMATION TO VOTERS; BALLOT POSITION

- (a) Signature Requirements. The number of signatures of voters required to place the name of a candidate on the official ballot shall be 25 voters.
- (b) Ballot Position. The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the Board of Election Commissioners at a properly posted meeting for which the matter appears on the meeting notice posted in accordance with the Open Meeting Law.
- (c) Information to voters. There shall be printed below each question appearing on an annual or special Town election ballot a fair and concise summary thereof prepared by the Town Attorney, including one sentence statements describing the effect of a “yes” vote and “no” vote.

SECTION 7-4. APPLICATION OF ELECTION LAWS

Except as expressly provided in the Charter, all Town elections shall be governed by the General Laws relating to the right to vote, registration of voters, nomination of candidates, and conduct of elections.

SECTION 7-5. RECALL

- (a) Recall authorized. Any person who holds an elected office in the Town of North Attleborough with more than six months remaining in the term of such office on the date of filing of the affidavit, referred to in Section 7-5(b), may be recalled from office by the voters in the manner herein provided.
- (b) Recall affidavit. Two-hundred voters of the Town of North Attleborough may file with the Board of Election Commissioners an affidavit signed under the penalties of perjury containing the name of the officer whose recall is sought, the office held, and a statement of the grounds upon which the petition is based. The form, available from the office of the Board of Election Commissioners, shall include a blank for one signer to be identified as the “lead petitioner”, and blanks for the names of 3 signers from each precinct whose names will be printed on the petitions.
- (c) Recall petitions. The Board of Election Commissioners shall prepare and notify the lead petitioner of the availability of petition blanks demanding said recall, printed forms of which the Board of Election Commissioners shall keep available. Said blanks shall be addressed to the Town Council; they shall contain the names of the persons listed on the affidavit for such purposes, the name of the person sought to be recalled, and the office from which the recall is sought and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and contain the signatures of the Board of Election Commissioners. A copy of the petition shall be kept on file in the office of the Board of Election Commissioners and shall be deemed a permanent record of the Town. The recall petitions shall be returned and filed in the office of the Board of Election Commissioners within 14 days following the date the lead petitioner was notified of the availability of the petitions. The petitions shall be signed by at least ten percent of the total number of registered voters, as of the date the affidavit was filed.
- (d) Recall election. If the petition shall be certified by the Board of Election Commissioners to be sufficient, it shall forthwith submit the same to the Town Council. Upon its receipt of the certified petition, the Town Council shall forthwith hold a special meeting and provide written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign from office within five days following delivery of said notice, the Town Council shall order an election to be held not less than 64 nor more than 80 days after the date the

election is called. If, however, another election is to occur within 100 days after the date of the Board of Election Commissioner's certificate, the Town Council shall hold a separate special recall election on the date of said other Town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(e) Election procedures. An officer whose recall is sought may be a candidate at the recall election and such officer's name shall be printed on the ballot without further nomination unless the officer notifies the Town Clerk otherwise no later than 35 days prior to the date of the election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provision of laws relating to elections, unless otherwise provided in this Charter.

(f) Incumbent officer; successor; timing. The incumbent shall continue to perform the duties of the office until the recall election. If the officer is not recalled in the election the officer shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided herein. If the officer is recalled in the election, the officer shall be deemed removed upon the qualification of the officer's successor who shall hold office during the unexpired term. If the successor fails to qualify within 10 business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) Ballot format. Ballots used at a recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer as registered, office)

Against the recall of (name of officer as registered, office)

Adjacent to each proposition, there shall be a place to mark a vote. Below the propositions shall appear the word "Candidates" followed by the names of candidates arranged as provided in Section 7-3(b). If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for the candidates shall not be counted, except as provided in the last sentence of Section 7-5(d).

(h) Limitations.

- (1) No recall affidavit shall be filed against an officer within three months of taking office.
- (2) No recall affidavit may be filed against a member of the Town Council who is subjected to a recall election and not recalled thereby. In the case of any other officer subjected to a recall election and not recalled thereby, no recall affidavit may be filed against said officer until six months has passed since the recall election.

ARTICLE VIII - CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1 CITIZEN OR FREE PETITION

The Town Council shall hold a public hearing and act with respect to every citizen petition addressed to it, which petition shall not be required to take any particular form, is signed by no less than 25 voters, and seeks the passage of a measure other than those ineligible measures numbered 1-8 in Section 8-5. The hearing shall be held by the Town Council or by a subcommittee thereof. Action shall be taken on a citizen petition filed under this section not later than two months after the petition is filed with the Board of Election Commissioners. Hearings on two or more petitions filed under this section may be held at the same time and

place. The Town Clerk shall provide notice to the lead petitioner by e-mail or first class mail at least 48 week-day hours prior to the hearing.

SECTION 8-2 PUBLIC PARTICIPATION

At each regular meeting of the Town Council a period of time shall be provided for residents and voters to speak to matters not listed on the agenda. Comments with respect to a pending agenda item may be permitted by vote of the Town Council. The duration of such public participation period, and any rules relative to such participation, shall be set by Council rule; provided, however, that nothing in this paragraph shall be deemed to limit the authority of the Council President as the presiding officer for purposes of the Open Meeting Law.

SECTION 8-3 INITIATIVE PETITION

(a) Commencement. Initiative procedures shall be started by the filing of an initiative petition with the Clerk of the Town Council. The petition shall be addressed to the Council, shall contain a request for the passage of a particular measure, which shall be set forth in full in the petition, and shall be signed by at least 10% of the total number of voters as of the date of the most recent annual Town election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same (the “lead petitioner”). With each signature on the petition there shall also appear the street and number of the residence of each signer.

Within 10 days following the filing of the petition the Board of Election Commissioners shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent Town election. The Board shall attach its certificate to the petition. A copy of the certificate shall also be provided to the lead petitioner.

(b) Referral to Town Attorney. Following issuance of the certificate of the Board of Election Commissioners, the Town Clerk shall deliver a copy of the petition to the Town Attorney. Within 15 days thereafter, the Town Attorney shall, in writing, advise the Town Council whether, in the opinion of the Town Attorney, the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the Town Council. If the opinion of the Town Attorney is that the measure is not in proper form to be lawfully adopted by the Town Council under Section 8-3, the Town Attorney shall state the reasons in full in the reply, and the remaining provisions of Section 8-3 shall not apply to said petition. A copy of the opinion shall also be provided to the lead petitioner.

(c) Action on Petitions. Within 30 days following the date a petition has been returned to the Town Clerk by the Town Attorney, and after posting as required by Section 2-8, the Town Council shall act with respect to each initiative petition by passing it without change, passing a measure stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure in lieu of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of the said 30 days the Town Council has not voted on such petition, such inaction shall be deemed a rejection of the petition. The Charter privilege described in Section 2-6(c) shall not be available in connection with Town Council action on an initiative petition.

(d) Supplementary Petitions. Within 45 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the Town Clerk. The supplemental initiative petition shall be signed by a number of additional voters equal to five percent of the

total number of voters as of the date of the most recent annual Town election. If the Board of Election Commissioner certifies on such petition a sufficient number of signatures, the Town Council shall call a special election to be held on a date fixed by it not less than 35 nor more than 45 days following the date the election is called, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other Town election is to be held within 120 days following the date of the said certificate, the Town Council may omit the calling of such special election and cause said question to appear on the ballot at such approaching election for determination by the voters.

(e) Publication. The full text of any initiative measure submitted to the voters shall be posted on the Town website along with a notice stating the times and places at which paper copies may be obtained or reviewed, and shall be available upon request in the office of the Town Clerk.

(f) Form of Question. The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, proposed by initiative petition by voters of the Town of North Attleborough in conformance with Section 8-3 of the Town Charter, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary, as determined and prepared by the Town Attorney.)

(g) Time of Taking Effect. If at least 20% of the total number of voters as of the last annual Town election participate in the election at which the question appears, and a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure.

SECTION 8-4 REFERENDUM

(a) Petition, Effect on Final Vote. If, within 21 days following the date on which the Town Council has voted finally to approve of any measure, a petition is filed with the Town Clerk signed by a number of voters equal to 15% of the total number of voters as of the date of the most recent annual Town election and addressed to the Town Council, against the measure, or any part thereof, the effective date of such measure shall be temporarily suspended. The Town Council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded, the Town Council shall provide for the submission of the question to the voters at a special election or at the next regular Town election; pending the vote at such election, the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply. The petition described in this section shall be termed a referendum petition and insofar as applicable, Section 8-3(a), (b), (e) and (g) shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative" in each instance in which such words occur in said sections.

(c) Form of Question. The question that shall appear on the ballot shall take the following form:

Shall the following measure enacted by the Town Council take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary of the measure, as determined and prepared by the Town Attorney)

SECTION 8-5 INELIGIBLE MATTERS

None of the following shall be subject to the initiative or the referendum procedures set forth herein: (1) proceedings relating to the internal organization or operation of the Town Council or of the School Committee; (2) an emergency measure adopted in conformity with the Charter; (3) the Town budget as a whole; (4) revenue loan orders; (5) any appropriation for the payment of the Town's debt or debt service; (6) an appropriation of funds to implement a collective bargaining agreement; (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, or any other action that is executive rather than legislative in nature; (8) any proceedings repealing or rescinding a measure or part thereof that is protested by referendum procedure; (9) any proceedings providing for the submission or referral of any measure to the voters at an election; and (10) resolutions, memorial actions, citations, and other non-binding actions meant to convey a sense of the Council rather than to establish rules for the operation of government.

SECTION 8-6 SUBMISSION OF OTHER MATTERS TO THE VOTERS

The Town Council may of its own motion submit to the voters at any regular or special Town election for adoption or rejection any measure or non-binding public opinion advisory question.

ARTICLE IX - GENERAL PROVISIONS

SECTION 9-1. GENERAL PROVISIONS APPLICABLE TO APPOINTED AND ELECTED MULTIPLE MEMBER BODIES

(a) Role. It is the intention of this section to affirmatively establish that elected and appointed multiple-member bodies shall act only through the adoption of broad policy guidelines and the exercise of their respective statutory and regulatory responsibilities, subject to the provisions of this Charter, and the functions assigned to such bodies by this Charter or by bylaw. Such broad policy guidelines shall be implemented by officers and employees serving under such body; provided, however, that the Town Manager, or a department head so designated, shall oversee and be responsible for day-to-day administrative, personnel, and operational issues pursuant to Section 4-2(a)(1), (3), and (11). Nothing in this Charter shall be construed to authorize any individual member of an elected or appointed multiple-member body, nor a majority of members of such body, to become involved in such day-to-day matters with respect to any Town agency, including appointment and supervision of department heads and staff, other than as provided in Section 4-3(a)(1).

(b) (i) Expenses. Any person elected under Articles II and III of this charter or appointed to a multiple member body shall be entitled, subject to appropriation therefor, to reimbursement of actual and necessary expenses incurred in the performance of their duties.

(ii) Town Council. The Town Council shall serve without compensation.

(iii) Other Stipends. The Town Council by a vote of 2/3 of the entire council may, prior to July 1 in any fiscal year, and subject to appropriation therefor, establish an annual stipend for the ensuing fiscal year for service on any multiple member body elected under Article III or appointed to a multiple member body specifically listed in Article V or otherwise as designated by ordinance.

(iv) Regardless of whether a multiple member body elected under Articles II or III of this Charter receive compensation for services, the individual members thereof shall not be eligible to participate in the Town's contributory health and life insurance plan unless they pay 100% of

the costs of participation in the plan plus any administrative costs that may be assessed by the Town in connection therewith.

(c) Felony Conviction. Any Town official elected under Articles II or III of this Charter or appointed to a multiple member body under Section 4-3(a)(2) who is finally convicted of a state or federal felony offense while holding office shall be deemed to have vacated their office.

SECTION 9-2. CHARTER REVISION OR AMENDMENT

(a) In General. The Charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution and any general or special law enacted to implement the constitutional amendment.

(b) Periodic Review

Charter Review Committee. There shall be a Charter review committee of five voters appointed for three year rotating terms.

(1) Duties.

- (i) The Charter Review Committee shall study the Charter and implementation thereof and make a report with recommendations for revisions, if any, to the Town Manager and Town Council in each year ending in five and in zero, and more often as it deems necessary and appropriate. Notwithstanding anything in this paragraph to the contrary, however, the first committee appointed after the effective date of this Charter shall provide a report no later than 12 months after its appointment.
- (ii) Should a free petition or initiative petition be filed with respect to an amendment to the Charter, it shall be referred by the Town Council to the Charter Review Committee for review and recommendation.

ARTICLE X - TRANSITIONAL PROVISIONS

SECTION 10-1. CONTINUATION OF EXISTING LAWS

All bylaws, resolutions, rules, regulations and votes of the Town Meeting that 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 or special acts or acceptances of laws, the Charter provisions shall govern. All provisions of Town by-laws, rules, regulations, orders and special acts not superseded by this Charter shall remain in force.

SECTION 10-2. CONTINUATION OF GOVERNMENT

All Town offices, boards, commissions or agencies shall continue to perform their duties until reappointed 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 10-3. CONTINUATION OF PERSONNEL

A person holding a Town office or a position in the administrative service of the Town, or a person holding full-time employment under the Town, shall retain the office, position or

employment or be retained in a capacity as similar to their former capacity as it is practical to do so. The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the Town shall forfeit the person's pay grade or time in service of the Town.

SECTION 10-4. TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of a Town 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 the office, board, commission or agency.

SECTION 10-5. EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the Town before the adoption of this Charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter and no legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption of this Charter.

SECTION 10-6. TIME OF TAKING EFFECT

This Charter shall take effect immediately upon approval of the voters at the 2019 Annual Town Election and in accordance with the following schedule:

- (a) Continuation of Government. All Town officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed prior to the adoption by the voters of the Charter, being mindful that upon the swearing in of the Town Council in July of 2019, the powers of the Town shall vest in the office of Town Manager and Town Council; in addition:
 - (i) Role of Board of Selectmen and Town Meeting. The Board of Selectmen shall continue to serve and exercise all its powers and duties under the General Laws, including calling for and holding any needed Special Town Meeting, until the date on which the Town Council takes office in July of 2019; and the exercise by the Board of Selectmen, Town Administrator and Annual or Special Town Meeting of any of their respective powers and duties under this Charter and any applicable general and special law shall be undertaken in such manner as to further, and not frustrate, this Charter and the transition process outlined herein;
 - (ii) Transfer of Authority to Office of Town Manager and Town Council. Upon the qualification of a quorum of members of the Town Council, (1) the term of all incumbent members of the Board of Selectmen, regardless of their date of election, shall be terminated and the Office of the Board of Selectmen shall be abolished and (2) the Town Meeting shall be abolished; such powers shall vest, respectively, in the Town Manager and Town Council as set forth in this Charter.
- (b) Special Election. Following the effective date of this Charter, the Board of Selectmen shall meet forthwith to schedule a special election to be held on a convenient date in June 2019, no earlier than 64 days from the date the Board calls for the election. The offices to be included on the ballot at such election shall be:

- Town Council (nine members, all with terms to begin on July 1, 2019 and to expire on June 30, 2021);
- Electric Commissioner (2 members, one for a two-year term to begin immediately after being sworn to the office and to expire on the date of the 2021 Annual Town Election, and one for a three-year term, to begin immediately after being sworn to the office and to expire on the date of the 2022 Annual Town Election); and
- Board of Public Works (2 members, one for a two-year term to begin immediately after being sworn to the office and to expire on the date of the 2021 Annual Town Election and one for a three-year term, to begin immediately after being sworn to the office and to expire on the date of the 2022 Annual Town Election).

Following the calling of the election, the Board of Election Commissioners shall prepare and release a schedule for such special election and shall make nomination papers available forthwith. Such efforts as may be reasonably made to notify the public of the availability of nomination papers and the schedule for and holding of the special election shall be undertaken by the Board of Election Commissioners and Town Administrator, including posting the notice and election schedule on the Town website, the web pages of the Board of Selectmen, Town Clerk and Town Administrator, at all places where warrants are posted, on the Town Clerk bulletin board, and at the Library and Senior Center.

(c) Change of Certain Offices from Elected to Appointed.

(i) Multiple-Member Bodies. Upon the swearing in of the Town Council, the elected offices of Board of Assessors, Board of Health, Board of Library Trustees, Housing Authority, and Planning Board shall be converted to appointed offices; provided, however, that the elected incumbents holding office on the effective date of this Charter, including those persons elected at the 2019 Annual Town Election, shall serve for the remainder of their respective elected terms or earlier vacating of office. Thereafter, appointments to such bodies shall be made by the Town Manager, with the confirmation of the Town Council, in accordance with Section 4-3 of this Charter.

(ii) Town Clerk. Upon the swearing in of the Town Council, the elected office of Town Clerk shall be converted to an appointed office; provided, however, that the elected incumbent holding office on the effective date of this Charter shall serve as the first appointee to the position without any further action by the Town Manager or Town Council, notwithstanding any provision of Section 4-3 to the contrary.

(iii) Town Treasurer Collector. Upon the swearing in of the Town Council, the elected office of Town Treasurer Collector shall be converted to an appointed office; provided, however, that the elected incumbent holding office on the effective date of this Charter shall serve as the first appointee to the position without any further action by the Town Manager or Town Council, notwithstanding any provision of Section 4-3(a) to the contrary.

(d) Acting Town Manager. Upon the swearing in of the Town Council, the position of Town Administrator shall be abolished and the appointed incumbent thereof shall serve as the Acting Town Manager; provided, however, that nothing herein shall be deemed to prohibit the Town Council from seeking to fill the permanent position in accordance with Section 4-1 in the manner it deems in the best interest of the Town, including but not limited to appointment of such Acting Town Manager as the Town Manager.

(e) Town Council Pre-Meeting Authorized. Forthwith following the election of the Town Council in June of 2019, the persons elected as Councilors shall begin the process of transition

from the existing form of government to the new form of government and may, but need not, meet solely for the purpose of adopting interim rules that will govern the conduct of the business of the Town Council, other procedural issues, and reviewing matters essential to a smooth transition. Such meeting, if any, shall be called by the Council President-elect and shall be open to the public, although the business of any such meetings shall be confined to the topics identified here and no public participation period shall be provided. The Town Clerk and Town Administrator shall provide whatever support is needed in connection with this endeavor.

(f) Appointment of Licensing Board: The Town Administrator shall, immediately following passage of this Charter, begin a process of identifying candidates for appointment to the Licensing Board; provided, however, following the swearing in of the Town Council, and until such Licensing Board is appointed, the Town Manager shall hear and act upon any licensing matter that would otherwise fall to the Licensing Board under the Charter. The Licensing Board shall be appointed by the Town Manager within 60 days of the Town Council's assumption of office. The initial terms of office for the members shall be for such general period as indicated, but with all such terms expiring on the first Tuesday in April in the appropriate year, as follows: one member for a one-year term; two members for two-year terms; and two members for three-year terms. Following the completion of such initial terms, their successors shall serve three-year terms, and until the qualification of their successors.

(g) Transition Committee. There shall be a Transition Committee that shall, immediately after passage of this Charter, meet to identify and prioritize those issues and matters required for a smooth transition to the Town Manager/Town Council form of government established hereunder. Membership on the Transition Committee shall include: the Board of Selectmen chair, or the Chair's designee; the Charter Commission chair, or the Chair's designee; two members of the Charter Commission as determined by the Commission; and the Town Moderator, or the Moderator's designee; provided, however that if any of the Committee members listed herein shall file nomination papers for the office of Town Council member, such members shall resign from the Committee, and the Town Administrator shall appoint such person as, in the Administrator's or "their" discretion, is most appropriate when considering the overall intent of this Charter provision to provide for a smooth transition, to fill the vacancy in the total membership. The Town Clerk and Town Administrator shall provide whatever support is needed in connection with this endeavor. Such Transition Committee shall continue in existence after the Town Council takes office for a period of 30 days, unless, at the Council's request, the tenure of such committee is extended.