



## FINAL HOME RULE CHARTER TOWN OF CLINTON, MASSACHUSETTS

*Clinton Charter Commission  
Elected May 5<sup>th</sup> 2003*

*Robert L. Champagne (Chairman)-----20 Vineyard Avenue.  
William F. Connolly, Jr. (Vice-Chairman)---46 Winthrop Street.  
Philip Duffy (Clerk)-----260 Church Street.  
Joseph P. Notaro, Jr.-----90 Chace Street.  
John P. Kittredge-----249 Chace Street.  
Robert P. Latini-----117 Berlin Street.  
Joseph Grealis, Sr.-----25 Ash Street.  
Richard J. Hart-----16 Belmont Avenue.  
Anthony G.P. Marini-----93 Highland Street.*



# Town of Clinton, Massachusetts

## Charter Commission

### Final Report to the Citizens of Clinton

October, 2004

## The Charter at a Glance

### The Charter Proposal Compared with the Current System

<b>Major Changes</b>	<b>Town Administrator Position Replaced</b>	<b>Becomes... Appointed Town Manager</b> <ul style="list-style-type: none"> <li>• More Efficient</li> <li>• More Accountable</li> <li>• Improved Oversight</li> <li>• More Timely Decisions</li> </ul>	<b>WHY?</b> <ul style="list-style-type: none"> <li>• Centralized decision making</li> <li>• The buck stops here! Supervises all department heads. Professional team leader.</li> <li>• Increased strength of professional management.</li> <li>• Can make decisions without waiting for select board approval. Run more business like.</li> </ul>
	<b>Certain Elected Offices</b>	<b>Become...Appointed</b> <ul style="list-style-type: none"> <li>• Board of Health</li> <li>• Combined Town Collector/Treasurer</li> <li>• Town Solicitor</li> </ul>	<b>WHY?</b> <ul style="list-style-type: none"> <li>• Town Mgr can choose technically qualified team.</li> <li>• Combined office becomes more efficient.</li> <li>• Closes a loophole in the law.</li> </ul>
	<b>Financial Offices</b>	<b>Become...A Combined Team</b> <ul style="list-style-type: none"> <li>• Combined Town Collector / Town Treasurer.</li> <li>• Creates Department of Finance and Budget headed by a Financial Director.</li> <li>• Office of Assessors</li> </ul>	<b>WHY?</b> <ul style="list-style-type: none"> <li>• More efficient, improved oversight.</li> <li>• Ties all financial departments' together, single fiscal point of contact. Builds a "financial team".</li> <li>• Elected board for abatements / appointed professional staff for assessments and evaluations.</li> </ul>

<b>Continuing Functions And New Features</b>	<b>Open Town Meeting</b>	<b>Remains Intact...However:</b> <ul style="list-style-type: none"> <li>• Reduces Town Meeting Quorum to Zero.</li> <li>• Moderator's term changed to three years.</li> <li>• Occurs before the Town election.</li> </ul>	<b>WHY?</b> <ul style="list-style-type: none"> <li>• Proven method to increase voter attendance.</li> <li>• In line with other elected office terms.</li> <li>• So voters can make informed choices.</li> </ul>
	<b>Select Board</b>	<b>Continues...As Is:</b> <ul style="list-style-type: none"> <li>• Stays directly elected.</li> <li>• Three year term.</li> <li>• Now appoints Town Manager.</li> </ul>	<b>WHY?</b> <ul style="list-style-type: none"> <li>• Focal point for policy making and leadership.</li> <li>• Provide effective coordination.</li> <li>• Oversight of Town Manager.</li> </ul>
	<b>Citizen multiple member committees</b>	<b>Continue... Plus, Adds :</b> <ul style="list-style-type: none"> <li>• New Liquor Licensing Board formed.</li> <li>• New Capital Improvement Committee formed.</li> <li>• Appointments made by Town Manager, instead of Board of Selectmen</li> </ul>	<b>WHY?</b> <ul style="list-style-type: none"> <li>• Will help de-politicize the licensing process.</li> <li>• To provide a proactive approach for long range planning and large capital expenditures.</li> <li>• Opportunity for better coordination and selection process.</li> </ul>
	<b>Budget Process</b>	<b>Continues...However:</b> <ul style="list-style-type: none"> <li>• Financial budget submittal dates created.</li> <li>• Coordinated by the Town Manager and Department of Finance.</li> </ul>	<b>WHY?</b> <ul style="list-style-type: none"> <li>• To provide a timely fiscal budgeting schedule.</li> <li>• Will ensure budgets are formulated and presented in a timely manner</li> </ul>

# Ballot Question

Shall the Town of Clinton approve the new Home Rule Charter recommended by the Charter Commission, summarized below?      Yes/   /      No/   /

## BALLOT SUMMARY

If adopted, the proposed charter would (1) retain the open town meeting as the legislative body of the town, (2) replace the position of Town Administrator with the position of Town Manager, who will supervise and be responsible for the day-to day administration of the affairs of the Town, and who in concert with a Director of Finance and Budget established by the charter, would be responsible for implementing the budget process described in the charter, (3) combine the offices of Town Collector and Town Treasurer, to be appointed by the Town Manager, and create a Department of Finance and Budget, (4) replace the elective office of Town Solicitor with a Town Counsel to be appointed by the Board of Selectmen, (5) authorize the Town Manager to appoint a Board of Health, an Office of Assessors, and a Chief Assessor, (6) would establish new citizen committees, including a liquor license board, a capital program committee, charter review committee and a bylaw review committee.

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The above question and ballot summary will appear on the ballots for the Annual Town Election to be held on May, 2<sup>nd</sup> 2005. In order to familiarize yourself with the proposed charter, which is recommended, the members of the Charter Commission urge all voters to read the more detailed final report which follows and to read and understand the full text of the charter itself.

# FINAL REPORT OF THE CLINTON CHARTER COMMISSION

## Introduction

The Clinton Charter Commission is pleased to submit its final report to the voters of Clinton. We, the undersigned members of the Charter Commission, truly believe the adoption of the Clinton Home Rule Charter at the annual town election on May 2<sup>nd</sup> 2005 is in the best long-range interest of our town, therefore we encourage your favorable consideration when you cast your vote.

On May 5<sup>th</sup> 2003 the voters of Clinton elected a Charter Commission for the purpose of drafting and recommending a Home Rule Charter for the Town of Clinton. Under the state Constitution, Charter Commissions may propose, directly to the voters, changes in any aspect of local government. The nine members of the Commission represent a good cross section of the inhabitants of our town. Some of us have served on Town committees and boards (former Chairman of the Board of Selectmen, former Chairman of the School Committee, present Chairman of the Finance Committee, former President of the Clinton Historical Society, former Chairman of the Board of Library Trustees, former Chairman of the Clinton Recycling Committee, present Chairman of the Planning Board and the present Fire Chief) and some of us have our own life and private sector business experiences from which to draw. We agreed from the beginning that the local governmental structure in Clinton should be improved. The majority of us felt reform was necessary as the Clinton of today has clearly crossed the threshold of un-paralleled growth and development, well beyond the wildest dreams anyone would have had, even a few short years ago. Clinton's town government structure has clearly outgrown its existing form and begs to be restructured to enable it to respond efficiently to the needs and requirements this growth and development have placed on our already overtaxed infrastructure, and more importantly, must be able to respond expeditiously to the needs of all of our citizens. To do so, it must be structured such that coordination of effort between all Town officers, agencies and departments can be most effectively achieved.

We believe the Home Rule Charter presented here achieves just that, a town government structure that will be more efficient, effective, responsive and accountable in serving the needs of all the Town's citizens and which ensures open citizen participation in the decision-making process, enhances the delivery of services to our community, and preserves and enhances the quality of life we enjoy here now, and into the future.

We have taken our responsibility quite seriously. Over the course of 50+ open public meetings, many of which were televised, we listened to public comments and opinions. Commission members have also spent hundreds of hours of our own time researching and studying Town government. Town officers and agencies, whether elected or appointed, were also encouraged and invited to attend our weekly meetings and discuss their opinions, and also voice their concerns regarding their current and future roles in our town government. We have examined all facets of our town government and have held multiple public hearings for our fellow citizens, encouraging them to make suggestions and comments. All of this has been done in the public eye and we have encouraged any and all citizens to share their ideas with us.

We have studied and reviewed many Charters from similar Massachusetts communities. We debated and compromised and debated some more, all in the interest of creating the best possible Charter for Clinton.

The Charter we are presenting represents the culmination of more than a year's worth of our mental and physical labor. Whether you support this Charter or not, we believe we have been open and honest in our proceedings, and with the citizens of Clinton, we have done our best and hope you see us in that light.

## Statement of Major Differences and Improvements

We present this report in fulfillment of our duties. The changes we propose are designed to promote accountability, effectiveness and efficiency. This report details the Charter Commission's recommendations of both the organization and operation of our town government structure. It delineates the specific changes we have proposed in the form of our town government, which is designed to increase citizen participation and to more centralize and professionalize the delivery of public services to the citizens of Clinton. This report presents our vision of a town government structure that is not dependent on the personalities in government (decentralized) but to rely on a professional manager to execute and administer the day-to-day operations of town government (centralized). The major difference between the proposed Charter and our existing town government structure is in its form and presentation.

Many citizens will be surprised to learn that Clinton actually has no formal Charter. Rather, Clinton is governed by a loose collection of Massachusetts General Laws, local by-laws (circa 1914) and general laws. These laws have become effective in Clinton either by their express terms or because we the voters have "accepted" them. Unlike the U.S. Constitution (to use a familiar example), these laws do not exist in any one place. They are not collected in a particular document nor are they arranged in a logical and orderly fashion for citizens or town officials to review and understand. In direct contrast to this, the proposed Charter lays out the laws and organization of the town in clear language. In a sense, it is Clinton's Constitution. It specifically establishes the framework under how town government will function and how town business will be conducted going forward.

In the 155 years that the town of Clinton has existed, numerous boards, officials, and responsibilities have been added to the initial structure of town government to meet the needs of our growing community. In adding these functions to the town government we have also added complexity to our town governmental system. It has become far too complex and multi-faceted to be capable of effective management, coordination and control with the current governmental structure. At present we have 12 separate elected entities in addition to the Board of Selectmen, with no required obligation to interact or coordinate with other town agencies or officials. Because of this, conflicts can arise about which town agency can do what or which town official is ultimately responsible for a specific item, task or service. In general, these are autonomous compartmentalized positions and agencies that are decentralized and isolated from day-to-day administrative control and direction. To the credit of the many residents and employees who have served the town through the years, Clinton has managed to survive as a town. However, this complexity, along with the effect of reductions in state and federal funds, has slowly but surely had an impact on the operation and fiscal condition of our town. The current and past Town administrations have not done anything wrong; it's because of inefficiency, based on antiquated policies, practices and procedures from a bygone era.

Clinton is a great town and its citizens certainly deserve a more user-friendly, more centralized town government that is easier to do business with, and easier to receive town services from. The citizens of Clinton should feel confident that their elected and appointed officials and town employees have an organizational structure, framework and tools that allow them to work in harmony toward a common goal -- to serve *you* the citizen. They should be able to perform their duties with confidence and satisfaction. They should also be able to walk away from their terms of office and jobs with a feeling of fulfillment and self-satisfaction. Participating in and receiving services from town government in Clinton should be a rewarding experience for all citizens.

## **We would like to make the following items clear:**

1. The Open Town Meeting will remain the cornerstone of town government as this is indeed the purest form of democracy. It has been used for over 300 years and still is today. The reduction of the quorum to zero is a proven method of increasing voter attendance and participation. This has been used with great success in other towns and will help foster greater citizen involvement. A bylaw provision has also been created for the possibility of a quorum change if it is deemed necessary in the future.

2. The Board of Selectmen's role is clearly established. The board will be the central policy-making authority point around which town business and affairs will revolve. The Selectmen will be unencumbered from the day-to-day details, as these will now be the Town Managers responsibility: They will act strategically to address "voice of the citizen" issues. As such, the Board of Selectmen will now be able to concentrate on proactively setting the policies that will shape Clinton's long-term growth, and guide its operation and direction.

3. A Town Manager will assist in implementing the policies of the Board of Selectmen. Unlike the present "Town Administrator" position, the Town Manager will have specific powers, duties and responsibilities assigned to him/her by the Charter. This will make Clinton's Town Manager, like similar managers and administrators in other progressive Massachusetts communities, capable of drawing the lines of responsibility necessary for the successful, more efficient, more responsive day-to-day operation of our town government. In essence, the Town Manager assumes the role of chief operating officer (COO) of the Town of Clinton.

4. The new Charter clearly defines the role of the Town Manager and Department of Finance and Budget in preparing proposed operating and capital outlay budgets for the town. This will not reduce the vital role played by the Finance Committee in the budget process. In fact, it will help to augment their ability, because the Finance Committee will no longer have to assemble the budgets that it is responsible for reviewing; it will actually have more time to make specific and detailed comments and criticisms about the budget. This will help put the town on a strong and sound financial footing as Clinton is a now a \$31,000,000 + enterprise. We as a town spend \$600,000 per week or \$85,000 per day and our finances need to be managed accordingly.

5. The proposed Charter will reduce the number of offices filled by election. Offices responsible for major policy making decisions will continue to be elected by the voters. If an office is technical in nature, or requires special skills and / or training (such as the town's financial positions) then that office will be filled by appointment. The Commission recognizes that this aspect of its recommendations is the most sensitive of its proposals, but it is also the most critical to the success of this Charter. The technical abilities necessary to perform the duties of these offices today are much more extensive than were required when the system of electing these officials began. The only way to assure selection of the best-qualified person for a technical office is by appointment. Under the laws of the Commonwealth, the only qualification that can be established for an elective office is that the person be a registered voter of the Town. This only assures that the most popular, best-known person will be elected. When an office is to be filled by appointment however, specific qualifications can be used in establishing a job description or standard used in the evaluation of candidates.

We believe that at this time, Clinton has some uniquely qualified persons serving in these offices that will become appointive under the Charter. Some may see this as putting the jobs and livelihoods of these persons in question. However we believe the opposite will be true. A selection process based on merit and experience can only assure the continuation of these people in the offices they now hold. Those opposed to appointive positions rely on the argument that appointments take the critical selection process (via

election) from the citizens. We believe this couldn't be further from the truth. This begs the question "Why don't we elect the Emergency Services (police or fire personnel) in town"? The answer is of course that filling a critical position, whether in the public or private sector, is best accomplished based on a candidate's education, experience and qualifications, rather than as the result of the selection of a possibly unqualified candidate by a ballot vote. Popularity never assures competence or effectiveness.

6. Much of the towns business will continue to be conducted by citizen committees (multiple member bodies). In fact multiple new committees have been proposed thereby increasing citizen participation. The proposed Charter establishes a set of common rules governing the way these committees will conduct their business.

## **Explanation of the Proposed New Charter**

The only way to understand everything in the proposed Charter is to read the entire document. While it is impossible to summarize everything in the Charter, the following section will outline the key provisions:

**Section 1:** This section is technical in its content. It is designed to secure for us, as citizens of Clinton, all of the powers to which we are entitled, taking maximum advantage of "municipal home rule." This section also contains definitions of the keywords used in the Charter.

**Section 2:** This retains our traditional Open Town Meeting as Clinton's legislative body. It also reduces the quorum to zero. This is a proven method of increasing voter attendance and has been used with great success in other municipalities. Implementation of a zero quorum will not take from citizen participation, but will encourage a larger cross section of voters to attend, thereby increasing attendance and participation. This will also improve the efficiency of our Town Meeting by its being held on time.

A provision is written in the Charter creating a bylaw to allow for a change to the quorum by town meeting vote, if deemed necessary in the future.

**Section 3:** The proposed Charter provides for the election of:

- A five-member Board of Selectmen;
- A five-member School Committee;
- A Town Moderator;
- A Town Clerk;
- A three-member Board of Assessors;
- A five-member Planning Board;
- A six-member Board of Library Trustees;
- A five-member Parks and Recreation Commission;
- A five member Clinton Housing Authority, for terms of five years each (the fifth member to be appointed by the Commonwealth of Massachusetts).

*All positions are to be elected for terms of three years each, except where indicated. The powers and duties of each of these offices are explained in section 3.*

The Board of Selectmen will have general responsibility for town government except the school department. The board will also be the central policy-making authority around which town business and affairs will revolve. Recognizing that a five member board is ill-suited to conduct the day-to-day affairs of

the town in a timely and effective manner, the position of Town Manager has been established by the Charter. The Board of Selectmen will now be unencumbered from the day-to-day details, as these will now be the Town Managers responsibility. However, the Board of Selectmen defines the role of the Town Manager, establishes his/her priorities and evaluates his/her performance. The “buck stops” at the Board of Selectmen.

Also included in section 3 is the formation of a new Liquor Licensing Board, which is an appointed multiple member body, made up of town residents. This was previously a duty of the Board of Selectmen and has been created to de-politicize and create a fair, uniform liquor licensing process; this includes the issuance of liquor licenses and enforcement of laws pertaining to liquor. Additionally, since members are appointed to this board, based on their lack of conflicts of interest with liquor establishments in the town, this new board guarantees that business conducted before it will be voted on by **all** its members.

**Section 4:** This section provides for the appointment of a “strong” Town Manager as Chief Administrative Officer. He/she is charged with overseeing and coordinating the day-to-day operations of the Town’s departments and business, but subject at all times to policy guidelines laid down by the Board of Selectmen. This is the principal theme of this Charter. The administrative structure of our town government has, over the years, grown more and more compartmentalized and fragmented. Individually elected autonomous agencies, departments or officers conduct the Town’s business. As a result, the Town lacks a sense of central direction or common goals. This will be greatly improved by the appointment of a professional Town Manager. The Board of Selectmen is the appointing authority for the Town Manager, as they have been for the present Town Administrator position. Similarly, the Town Manager will be appointed to a three-year contract as the Town Administrator is today.

The powers, duties and responsibilities of the Town Manager are detailed in Charter section 4. The position will be, in many respects, similar to that of a superintendent of schools, running the day-to-day activities of the school system but answerable to the policies of, and accountable to the School Committee. Accordingly, the Town Manager will be responsible for running the day-to-day activities of the Town but will be answerable to the policies of, and accountable to the Elected Board of Selectmen.

**Section 5:** Explains how town departments and agencies are set up and organized. This includes new and combined departments, commissions and agencies. A brief synopsis of these includes:

**Creation of a Department of Finance and Budget** – Once implemented a Department of Finance and Budget would responsible for the fiscal affairs of the town and for the coordination and overall supervision the fiscal and financial activities of all town governmental agencies. The department of finance will include the functions of accounting, tax and fee collections, treasury management, assessing and other functions assigned by the Town Manager. The Department of Finance and Budget will be under the direction of a Finance Director who shall be appointed by the Town Manager. The director of the Department of Finance and Budget shall be responsible for coordinating the fiscal management practices of the accountant’s department, the collector/treasurer’s department, the assessing department and assist in budget preparation.

**A Provision for a Town Treasurer/Collector** – This provision would combine offices of Town Collector and Town Treasurer. These positions are currently elected and will now as a new position appointed by the Town Manager. This will create greater efficiency in the fiscal coordination of the Town’s finances.

**A Provision for a Department of Planning** – This would when implemented, be responsible for coordinating and guiding the safe, healthy and economic development of the town. Duties would include the functions of planning, zoning enforcement, sub-division control, building inspections and code enforcement and conservation.

**Board of Health** – This will change from an elected board to an appointed board. This will allow the Town Manager to appoint personnel to the Board of Health that will have had the benefit of having worked in the health or a related field and further augment the efficacy and effectiveness of the Board.

**Office of Assessors** – Created will be an Office of Assessors that would be responsible for the assessment of all classes of property in the Town of Clinton. This task would be accomplished through the work of an assessment staff, including professional assessors, clerical and support staff appointed by the Town Manager. The current elected Board of Assessors would eventually evolve into an un-paid citizen board that would perform the functions and duties required by statute for Boards of Assessors except for the duties performed by the Office of Assessors.

**Section 6:** Explains how the annual operating budget of the town will be prepared, reviewed and adopted. This process will be completed earlier and more efficiently. The entire budget process will be more open and available for public review and scrutiny. The preparatory work done by the Town Manager and Department of Finance in assembling all of the basic supporting data and the organization of this material will be of tremendous assistance to the Finance Committee in performing its tasks. Being freed from the detail of putting together all of the raw data will enable finance committee members to concentrate on their principal function of recommending actions to the town meeting.

The Town Manager will also be responsible for the creation of a Capital Program Committee. This committee will prepare an annual report outlining any capital expenditures in excess of \$35,000 and will project capital outlays for the five ensuing fiscal years.

**Section 7:** Outlines general standards and procedures that will govern the operation of all appointed multiple member bodies, it also requires that public notice be posted whenever a vacancy occurs in a town office, position of employment or multiple member body and provide a method for the removal of any official or employee who are not performing their duties. Also provides for the formation of committees to perform a periodic review of both the Charter and the town's by-laws. The Charter will be reviewed every ten years, in each year ending in a zero. The first review would then be in 2010. The by-laws will be reviewed in years ending in one or six.

**Section 8:** Article 8 details the transition from our present form of government to the new form, once the Charter is adopted. The key section, 8-5 (Time of taking effect) provides for a smooth and orderly period of transition. This includes the formation of a Charter implementation committee to review the effective implementation of the Charter. It also provides provisions for the continuation of positions and personnel whose positions will be changed from elected to appointed.

**Disposition of Special Acts** – The Fuller Field Commission will be merged into the Parks and Recreation Commission, creating a single department tasked with overseeing the maintenance and overall usage and coordination of all Clinton's public parks and recreational facilities. In effect we believe that Fuller Field will become much better utilized and there would be personnel who could be contacted on a daily basis to provide for better coordination. This would exclude any school owned property.

**Bylaw creation of a Capital Improvement Program** - This bylaw change will create a Capital Program Committee. It will be a seven-member board consisting of three town officials and four citizens. The committee will be tasked with studying and recommending proposed capital expenditures involving the acquisition of land or expenditures of thirty-five thousand dollars (\$35,000) or greater or having a useful life of at least three years. All town departments will provide information concerning projects and large expenditures anticipated by them during the ensuing six years. The committee will study the need, timing and cost projections of these projects and expenditures and the effect each will have on the town's financial position. The Committee will prepare and submit an annual report containing a budget for any

such expenditure, to the Finance Committee and to the Selectmen at the annual budget hearing. The Committee will annually report to the Town Manager its five year capital program. The Committee will also review all expenditures from the Enterprise and similar Funds to verify that such expenditures conform to the Fund's original intent. The Committee shall include its findings in the annual report.

We believe this committee will be a great benefit to the Town as it will provide for proactive long range planning. We feel that this is a greatly needed function and long overdue in our local government.

**Other Town Bylaw additions include;** reducing the quorum to zero at town meeting, changing the date of the town meeting to the first Monday in May, changing the date of the annual town election to the third Monday in May and adding the submission dates for the school department budget and for the budgets of all other town departments that submit a budget.

### **Summary and Conclusion**

In conclusion, the majority of the Charter Commission believes this Charter will provide a new beginning towards an improved town government. One that is strong and more accountable to our fellow citizens, more efficient, has a much less confusing and more open financial process than in the past, and also has better defined administrative coordination that will bring formerly disparate and isolated town departments under routine administrative control.

We understand that there has been some criticism of the manner in which the Charter was derived. A minority view is that we "rushed" to our conclusion that the most effective form of governance for our town would be the Select Board/Town Manager/Open Town Meeting form of government. And rather than basing our decisions on "data", we chose to use our intuition to make decisions and come to our conclusions. We strongly disagree with this view. On the contrary, we collected a large amount of data, reviewed almost all of the city and town charters in the Commonwealth, interviewed most of our town officials, interviewed or had contact with many town officials from other communities, and held numerous open hearings to obtain both citizen and town official feedback during our endeavors to draft the Charter. Certainly we relied on our collective experiences and intuitions in making our decisions – this is the wisdom that the citizens elected us to utilize during the Charter process. However, given the limited timeframe we were constrained within, we couldn't afford to become mired in "analysis paralysis". But this did not mean that every topic contained in the Charter and every decision pertaining to it didn't have a full and vigorous discussion. We debated the entire content of the Charter until we were convinced, in the majority viewpoint, that we have the best document possible for the home rule governance of the Town of Clinton

Some pundits believe that government is not intended to conduct itself efficiently. It should be elected and political – a sole reflection of the voice of the voter. They argue that citizens are best served by a set of public officials that are elected and use a combination of skill and politics to serve the public. We believe that voters make wise choices; however these choices are always restricted to a limited slate of candidates that may or may not fit the criteria of the offices, and ultimately the positions, for which they vie. This is very much counter to the notion that government should be efficient, effective and accountable to its citizens. Furthermore, we believe that for certain critical positions where expertise is required, that citizens would prefer a candidate appointed to an office based on his/her education, experience, and background over an elected selection. This does not take away any power or rights from the voter, but rather provides efficient and effective Town services to all our citizens.

We understand that some people are inherently resistant or reluctant to change, and will speak of the associated detriments and risks. We speak of the opportunities and hope for a more efficient, effective,

responsive local government. We hope that you, the voters in Clinton, say "YES" to positive change on May 2nd, 2005. We recognize that some of you will disagree with one or some provisions of the Charter. We hope, however, that you will not lose sight of the immense positive aspects this Charter contains. The issue is not whether this is the "perfect" Charter, but rather if this Charter is better suited to meet the needs of our ever-changing community than our present Town government system. We urge you to evaluate the Charter in total, and not dismiss or oppose it due to your disagreement with a single issue or provision. The best question to ask and answer is "Does the Charter serve the needs of the Town in the future?" We believe the answer is a resounding "YES"! We urge you to read the Charter carefully and discuss it with others in order to be able to fully evaluate its effectiveness for the Town of Clinton.

We also want to stress that nothing in this proposed Charter should be seen as reflecting negatively in any way upon anyone now serving this town. This is not a criticism of our present system, but rather a vision for our future. We are unanimously proud of our town and are grateful to all of all the people who serve in Clinton's town government. We also recognize the significant contributions they make and have made to our common good. However, our town government must periodically be examined, improved upon and updated to meet the changing times and increasing complexity of our town's business. Working together we can help modernize and improve our town's government. If we can replace things that are antiquated, inefficient and outdated with better more efficient, more effective and more responsive ways of doing the town's business, then Clinton will thrive and reap the benefits and efficiencies provided for in this Charter for years to come.

The vote you will make on this Charter at the annual town election on May 2nd, 2005 will decide what course Clinton will take in the 21st century. We strongly urge the citizens of Clinton to adopt this Charter, Vote YES for improved town government. Vote YES for the Charter. Vote YES for the future.

Respectfully Submitted,

**The Clinton Charter Commission**

The following members have voted **TO** recommend that this proposed Charter and final report be submitted to the voters of Clinton:

Robert L. Champagne (Chairperson) 20 Vineyard Avenue

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William F. Connolly, Jr. (Vice-Chairperson) 46 Winthrop Street

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Joseph P. Notaro, Jr. 90 Chace Street

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John P. Kittredge 249 Chace Street

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Robert P. Latini 117 Berlin Street

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Richard J. Hart 16 Belmont Avenue

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Anthony G.P. Marini 93 Highland Street

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The following members have voted **NOT** to recommend that this proposed Charter and final report be submitted to the voters of Clinton and have filed Minority Reports:

Philip Duffy 260 Church Street (Clerk)

Joseph Grealis Sr. 25 Ash Street

## A Minority Report

Does Clinton want a town government run by Clinton people, or a professional bureaucrat with dictator-like authority? The majority has reasoned that a Town Manager would make our town more efficient and structured, yet not once during our meetings were they able to point out any specific inefficiencies. In fact, throughout our proceedings all the commissioners continuously praised the good works of each board we interviewed.

This Charter will drastically change the structure of our town government. Elected positions would become appointed (Solicitor, Board of Health), or weakened (Parks & Rec., Assessors and Library Trustees). A case in point is that the elected Parks&Rec. officials whom make policy for our parks and recreational programs, will have no power to enforce policies because this Charter will make the Parks&Rec. Director an appointed subordinate to the Town Manager. The Liquor Board and the Board of Health are policy making boards appointed by an appointed official. There is no provision in the Charter that all appointees be from Clinton. The salary cost of a Town Manager will be greater than our current Town Administrator. The Town Manager would likely request an Assistant T.M. considering all the responsibilities and duties this document would entail. Increasing administrative expenses is not an efficient way to run our town. Since when did professional bureaucrats make any government more efficient?

The majority wishes to take the politics out of government. In a democracy they go hand in hand. The Town Manager will need only to please 2 or 3 select persons to keep his/her job. Hence, that person will be quite political. The majority considers open Town Meetings “sacred”, and offer no quorums as a way to promote greater attendance. They feel the will of the people in the legislative process is very important. I couldn't agree more. At the 1999 and 2004 Annual Town Meetings articles were presented to the voters for a 0 quorum. They were soundly defeated. This Charter proposes a 0 quorum, so much for “the will of the people”. Obviously Town Meeting is not so “sacred” to the majority if they try to circumvent it.

There are provisions in this Charter that I do agree with. Many of the good provisions in this Charter can be brought before you, the voter, to decide at Town Meeting; centralized purchasing, a strong police chief, mandated Town Meeting before elections and Town Reports before those meetings, as well as combining the Treasurer and Collector. However, there are simply too many major changes called for in this Charter for me to endorse it. Often our beautiful town is referred to as being unique. If we create a Town Manager because other communities have, if we appoint the Town Solicitor because other communities have, where is the uniqueness? There are nearly 300 towns in the Commonwealth, only 45 have a Town Manager; therefore not “everybody is doing it”. I recommend a “NO” VOTE FOR THIS CHARTER.

THANK YOU.

Respectfully,

Joseph M. Grealis Sr.

Over the last eighteen months, the nine members of the Clinton Charter Commission have worked diligently and in the manner that each believed would best serve the future interests of our town. I would like to extend my personal thanks to each member for their time and consideration. Unfortunately however, I feel that the agenda followed by the commission was poorly suited to the task and that the proposed Charter is fundamentally wrong for Clinton. It is for these reasons that I am opposed to the Charter.

Rather than conduct a substantive analysis that identified the specific strengths and weaknesses of our town government, rather than verify the successes and failures that other towns have had when they have reorganized, the Charter Commission instead took an early decision to pursue the form of government—a strong town manager—that is presented in this Charter. Rather than pursue a “data-driven” agenda, the process was instead “intuitive”, and much time was spent in the close reading of a handful of charters that approximated the majority’s predisposition. Intuition may be one way to arrive at a good outcome, but it leaves me ill at ease in supporting the substantial changes that are proposed.

The sum of these substantial changes, and the Charter’s fundamental flaw, is this: it invests too much authority in appointed officials—be they the Town Manager or the Finance Committee—and too little in the elected representatives of the people. The Charter proposes to grant the Town Manager broad authority over hiring, personnel, budget and finance, property management, and through the liquor commission, licensing. Some of these transfers of power obtain a degree of administrative efficiency, and are sensible. Others however, harmfully curtail the authority of the Select Board and the other citizen boards. In my opinion, when the boards and individuals charged with articulating the common interest and implementing the public will are disempowered, the public interest suffers. The manner in which authority is structured in this document leaves me unconvinced that the citizen boards will be capable of exercising the mandate vested in them by the voters.

The best description of a Town Manager I have heard was given by Dan Morgado, of Shrewsbury, who suggested the Town Manager should be thought of as “a tool”. The Charter Commission has fashioned a very powerful tool, but a powerful tool in a weak set of hands won’t get the job done right. I suspect the proper course for Clinton lies somewhere between what we have now and what is proposed in the Charter. Should the Charter fail, I would urge that its sensible provisions be brought to Town Meeting as changes to our Administrative By-Law.

If passed, this Charter will be of profound consequence for our town. I urge all voters to educate themselves about the document, and to follow closely and participate in the discussions that are sure to follow as we near elections in May 2005. If in the end you share my concerns, please vote “NO” on the Charter.

Thank you,

Phil Duffy

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**PREAMBLE:**

We, the people of the Town of Clinton, Massachusetts, in order to affirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment of the constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for this Town.

**ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY**

**SECTION 1-1: Incorporation**

The inhabitants of the Town of Clinton within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name “Town of Clinton”.

**SECTION 1-2: Short Title**

This instrument shall be known and may be cited as the Clinton Home Rule Charter.

**SECTION 1-3: Powers of the Town**

It is the intent and purpose of the voters of the Town of Clinton, through that adoption of this Charter, to secure for the Town all of the powers possible to secure under the Constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

**SECTION 1-4: Division of Powers**

The administration of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Board of Selectmen and a Town Manager. The legislative powers shall be exercised by an open Town Meeting.

**SECTION 1-5: Interpretation of Powers**

The powers of the Town of Clinton under this Charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Clinton as stated in section 1-3.

**SECTION 1-6: Intergovernmental Relations**

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

**SECTION 1-7: Precedence of Charter Provisions**

To the extent any bylaws, votes, rules or regulations of or pertaining to the Town of Clinton are in force and contravene or otherwise conflict with the provisions of this Charter, then the Charter provisions shall take precedence over existing bylaws, votes, rules, special acts or regulations, excepting such votes as are expressly intended to amend this Charter.

**SECTION 1-8: Ethical Standards**

Elected and appointed officers and employees of the Town of Clinton are expected to demonstrate, by their example, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards, to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and appointed officers and employees of the Town of Clinton are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the

public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officers and employees of the Town of Clinton shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

### **SECTION 1-9: Definitions**

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this Charter shall have the following meanings:

- (a) **Charter** - Shall mean this Charter and any amendments to it, which may hereafter be adopted.
- (b) **Days** - Shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days. When the time set is seven days or more, every day shall be counted.
- (c) **Emergency** - Shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition, which necessitates immediate action.
- (d) **general laws** - The words “general laws” (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Clinton is a member.
- (e) **General Laws** - The words “General Laws” (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (f) **Local Newspaper** - Shall mean a newspaper of general circulation in the Town of Clinton.
- (g) **Majority Vote** - Shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless law requires a higher number.
- (h) **Multiple Member Body** - Shall mean any Town body, consisting of two or more persons and whether styled as board, commission, committee, subcommittee, or otherwise and however elected or appointed or otherwise constituted.
- (i) **Quorum** - Unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies, which might then exist.
- (j) **Supermajority Vote** – Shall mean a vote that requires a majority plus one for passage.
- (k) **Town** - Shall mean the Town of Clinton Massachusetts.
- (l) **Town Agency** - Shall mean any board, commission, committee, department, division or office of the town government.
- (m) **Town Bulletin Board** - Shall mean the bulletin board in the town hall, located in the Town Clerks office on which official town notices are posted and those at other locations within the Town, which may from time to time be designated as town bulletin boards by bylaw.
- (n) **Town Meeting** – Shall mean the open Town Meeting established in article 2.
- (o) **Town Officer** - When used without further qualification or description, shall mean a person having charge of an office or department of the Town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the Town.
- (p) **Voters** - Shall mean registered voters of the Town of Clinton Massachusetts.
- (q) **Warrant** – A document required to warn and notify inhabitants of the Town, qualified to vote in Town affairs, to meet at a specified place to act on the published articles, to wit notification to all residents.

## **ARTICLE 2: LEGISLATIVE BRANCH**

### ***SECTION 2-1: Town Meeting***

The legislative powers of the Town shall be exercised by a Town Meeting open to all voters. The quorum to conduct business at Town Meeting shall be zero; however a quorum other than zero may be established by bylaw.

### ***SECTION 2-2: Presiding Officer***

The Moderator, elected as provided in section 34, shall preside at all sessions of the Town Meeting. Annually, at the first session of the Annual Town Meeting, the Moderator shall appoint a Deputy Moderator to serve until the next Annual Town Meeting, or until a successor has been chosen and qualified. The Deputy Moderator shall serve as acting Moderator in the event of the temporary absence or disability of the Moderator. The appointment of a Deputy Moderator shall be subject to ratification by the Town Meeting. The Deputy Moderator shall have all of the powers of the Moderator when presiding at Town Meeting sessions, but shall have no other powers or duties of the Moderator.

The Moderator, at Town Meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by general law, by this Charter, by bylaw or by other vote of the Town Meeting.

### ***SECTION 2-3: Committees***

(a) **In General** - Subject to the provisions of this Charter and such bylaws or other Town Meeting votes regarding committees as may be provided, the Town Moderator shall appoint for fixed terms the members of such committees of the Town Meeting, special or standing, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be provided to a Town Meeting committee by the bylaw or vote establishing it, each such committee when acting within the scope of its authority shall have a right, subject to any other bylaw affecting such access generally, to examine the pertinent records of any Town Agency and to consult with, at reasonable times, any Town officer, employee or agent.

(b) **Finance Committee** - There shall be a Finance Committee, the members of which shall be appointed by the Moderator. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by bylaw. The subject matter of all proposals to be submitted to a Town Meeting by warrant articles shall be referred to the Finance Committee by the Board of Selectmen at the earliest practical time following their receipt by the Board of Selectmen. The finance committee shall report the action it recommends be taken on the articles contained in a Town Meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Provisions for the format and distribution of such report shall be made by bylaw. The Finance Committee shall have such additional powers and duties as may be provided by general law or by bylaw.

### ***SECTION 2-4: Annual Town Meeting***

The Annual Town Meeting shall be held on a date fixed by bylaw. Further, the Annual Town Meeting shall be held before the annual Town Election, which shall be held on a date fixed by bylaw.

### ***SECTION 2-5: The Town Report***

The Board of Selectmen shall publish the Annual Town Report. The Annual Town Report shall be published and made available at least 14 days in advance of the Annual Town Meeting, so that voters may review it and be informed. A number of reports at least equal to the previous year's Town Meeting attendance shall be printed and conveyed to the Town Clerk's office and Bigelow Public Library.

## **SECTION 2-6: Special Town Meetings**

Two Special Town Meetings may be held at the call of the Board of Selectmen at such times as they deem necessary, in order to transact the legislative business of the Town in an orderly manner. Any additional special Town Meetings called by the Board of Selectmen must be voted and approved in the affirmative by a supermajority vote of the full Board of Selectmen. Special Town Meetings may also be held on the petition of one hundred or more voters, in the manner provided by general law. The Town Clerk shall, upon request, make available to voters forms for the calling of a special Town Meeting.

## **SECTION 2-7: Warrants**

Every Town Meeting shall be called by a warrant issued by the Board of Selectmen, which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every Town Meeting shall be in accordance with a Town bylaw governing such matters.

## **SECTION 2-8: Initiation of Warrant Articles**

**(a) Initiation** - The Board of Selectmen shall receive at any time petitions addressed to it which request the submission of any matter to the Town Meeting and which are filed by: (1) any elected town officer, (2) any multiple member body acting by a majority of its members, (3) any ten voters for a regular Town Meeting and any one hundred voters for a Special Town Meeting.

**(b) Referral** - Forthwith following receipt of any petition containing a proposed warrant article, the Board of Selectmen shall cause a copy of the proposal to be delivered in hand, or mailed, to the residence of the chairperson of the Finance Committee, a copy to be posted on the Town bulletin board and shall cause such other distribution to be made of each such proposal as may be required by law or by bylaw.

**(c) Inclusion on the Warrant** - The Board of Selectmen shall include on the warrant, for a regular Town meeting, the subject matter of all petitions which have been received by the board 30 or more days prior to the date fixed by this Charter for Town Meeting to convene. If such petition is found to be untimely for inclusion into the warrant, the petition shall be marked as "Received" and scheduled for inclusion in the warrant of the next Town Meeting.

Whenever a Special Town Meeting is to be called, the Board of Selectmen shall give notice by publication in a local newspaper of such intention and shall notify all Town Agencies of its intention to do so. The Board of Selectmen shall include in the warrant, for such Special Town Meeting, the subject matter of all petitions, which are received at its office on or before the close of the tenth business day following such publication.

## **SECTION 2-9: Availability of Town Officials at Town Meetings**

Every Town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the Town Meeting at which warrant articles pertinent to their agency are or may be acted upon for the purpose of providing the Town Meeting with information pertinent to all such matters as appear in the warrant for the Town Meeting.

In the event any Town officer, chairperson of a multiple member body, department or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the Town Meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

## **SECTION 2-10: Clerk of the Meeting**

The Town Clerk shall serve as clerk of the Town Meeting, give public notice of all adjourned sessions of the Town Meeting, record its proceedings, and perform such additional duties in connection therewith as may

be provided by general law, by this Charter, by bylaw or by other Town Meeting vote.

**SECTION 2-11: Rules of Procedure**

The Town Meeting may, by bylaw, establish and from time to time amend, revise or repeal rules to govern the conduct of all Town Meetings.

**SECTION 2-12: General Powers and Duties**

All powers of the Town, except as otherwise provided by law or this Charter, shall be vested in the Town Meeting. The Town Meeting shall provide for the exercise of all of the powers of the Town and for the performance of all duties and obligations imposed upon the Town for which no other provision is made in this Charter, or by bylaw.

## **ARTICLE 3: ELECTED OFFICERS**

### **SECTION 3-1: General**

(a) **Elective Town Offices** - The Town offices to be filled by the voters shall be a Board of Selectmen, a School Committee, a Town Clerk and a Town Moderator.

(b) **Other Offices Filled at Town Elections** - In addition to the Town offices enumerated above, members of a Clinton Housing Authority, a Planning Board, a Board of Library Trustees, a Board of Assessors, a Parks and Recreation Commission and such other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement shall also be filled by ballot at Town elections.

(c) **Eligibility** - Any voter shall be eligible to hold any elective Town office, provided however, no person shall simultaneously hold more than one elected Town office as defined in this section.

(d) **Town Election** - The annual election of Town officers and for the determination of all questions to be referred to the voters, shall be held on a date fixed by bylaw, provided that no date shall be fixed which precedes the date fixed for the Annual Town Meeting.

(e) **Compensation** - Elected Town officers shall receive such compensation for their services as may be appropriated at the Annual Town Meeting, for such purpose.

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

#### **(g) Filling of Vacancies**

(1) **Multiple Member Body** - If there is a vacancy in a board consisting of two or more members, other than the Board of Selectmen, the remaining members shall forthwith give written notice of the existence of any such vacancy to the Board of Selectmen. After one week's notice of the date on which the vote shall be taken, the Board of Selectmen with the remaining members or member of such board shall fill such vacancy by a joint vote until the next Town election, at which the voters will fill the vacancy for the remainder of the original term. If such notice is not given within thirty days following the date on which said vacancy occurs the Board of Selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

(2) **Board of Selectmen** - If there is a failure to elect or if a vacancy occurs in the office of selectmen, the remaining selectmen may call a special election to fill the vacancy and shall call such special election upon the request in writing of one hundred voters of the Town.

(h) **Recall of an Elected Official** - Any holder of an elective Town office, as defined in sections 3-1(a & b), with more than six months remaining of the term for which elected, may be recalled by the provisions accepted by the Town election, passed by the state legislature, and approved by the governor as Chapter 433 of the Acts of 1983.

### **SECTION 3-2: Board of Selectmen**

(a) **Composition, Term of Office** - There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly equal number of members as is possible shall expire each year.

(b) **Powers and Duties** - The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the Town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise, except those powers and duties assigned by this Charter, by bylaw or by other Town Meeting vote to the Town Manager. The Board of Clinton Home Rule Charter

Selectmen shall serve as the chief policy making agency of the Town. The Board of Selectmen shall be responsible for the formulation and promulgation of policy to be followed by all Town Agencies serving under it and, in conjunction with other elected Town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all Town Agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day to day administration of any Town Agency.

**(c) Licensing Power Other Than Liquor** - The Board of Selectmen shall be the license board of the Town and shall have the power to issue licenses, to make reasonable rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest provided such rules, regulations, conditions and restrictions are not incompatible with applicable law. The Board of Selectmen shall enforce the laws relating to all businesses for which it issues licenses. The Board of Selectmen may delegate such licensing authority unless specifically prohibited by the laws of the Commonwealth.

**(d) Liquor Licensing Board** - There shall be a Liquor Licensing Board established in accordance with the laws of the Commonwealth, provided however, the Town Manager is authorized to appoint five (5) members to said board. The appointments shall be considered filled unless rejected by a majority of the Board of Selectmen within (14) days of their appointment. Provided further, the Town Manager shall appoint one alternate member, the appointment shall be considered filled unless rejected by a majority of the Board of Selectmen within (14) days of their appointment. The five-member board shall designate their chairperson and vice-chairperson. All members so appointed shall be residents and voters of the Town of Clinton and shall serve for terms of three years so arranged as nearly an equal number of members as possible shall expire each year. The alternate member shall sit on the board at the designation of the chairperson in the case of absence or inability to act on the part of any member of the board, or in the event of a vacancy on the board until such vacancy is filled by the Town Manager. All vacancies shall be filled by the Town Manager for the remainder of the un-expired term in the manner provided for an original appointment. This board could be changed if necessary by Town Meeting vote or by bylaw.

Any person appointed to the Liquor Licensing Board shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, or be in conflict of interest, per Massachusetts General Laws, Chapter 268A, and if once appointed a member engages in such manufacture or sale, or has a conflict of interest, that member's office shall immediately become vacant.

**(e) Appointing Powers** - The Board of Selectmen shall appoint the Town Manager, Town Counsel, Board of Election Commissioners, and members of multiple members bodies for whom no other method of selection is provided by the Charter or by bylaw, except officials appointed by state officers.

**(f) Investigations** - The Board of Selectmen may make investigations and may authorize the Town Manager to investigate the affairs of the Town and the conduct of any Town Agency including any doubtful claims against the Town. The report of the results of such investigation shall be placed on file in the office of the Town Clerk and a report summarizing the results of such investigation shall be printed in the next annual Town report.

### **SECTION 3-3: School Committee**

**(a) Composition, Term of Office** - There shall be a School Committee consisting of five members elected for terms of three years each so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

**(b) Powers and Duties** - The School Committee shall have all of the powers and duties which are given to the School Committees by general laws *and* it shall have such additional powers and duties as may be authorized by the Charter, by bylaw, or by other Town Meeting vote. The powers of the School Committee shall include, but are not intended to be limited to the following:

- (1) To select and to terminate the superintendent, and /or any other appointments allowed by Massachusetts General Law
- (2) To review and approve budgets for public education in the district,
- (3) To establish educational goals and policies for the schools in the district with the requirements of law and statewide goals and standards established by the board of education.

### **SECTION 3-4: Town Moderator**

(a) **Term of Office** - There shall be a Town Moderator elected for a term of three years.

(b) **Powers and Duties** - The Town Moderator shall be the presiding officer of the Town Meeting, as provided in section 2-2, regulate its proceedings and perform such other duties as may be provided by general law, by Charter, by bylaw or by other Town Meeting vote.

(c) **Appointments** – The Town Moderator shall appoint a Finance Committee and any other appointments provided for by this Charter, by bylaw or by Massachusetts General Laws.

### **SECTION 3-5: Clinton Housing Authority**

(a) **Composition, Term of Office** - There shall be a Clinton Housing Authority, which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. The voters shall elect four of these members and the fifth member shall be appointed as provided in the general laws.

(b) **Powers and Duties** - The Clinton Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Clinton Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

### **SECTION 3-6: Planning Board**

(a) **Composition, Term of Office** - There shall be a Planning Board consisting of five members elected for terms of five years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) **Powers and Duties** - The Planning Board shall have those powers and duties given to Planning Boards under the constitution and general laws of the Commonwealth, except those powers and duties assigned by this Charter to the Town Manager, and shall also have such additional powers and duties as may be authorized by the Charter, by bylaw or by other vote of Town Meeting.

### **SECTION 3-7: Town Clerk**

(a) **Term of Office** - There shall be a Town Clerk elected for a term of three years.

(b) **Powers and Duties** - The Town Clerk shall be the keeper of vital statistics for the Town, the custodian of the Town seal and all records of the Town, shall administer the oath of office to all Town officers, elected or appointed, shall issue such licenses and permits as are required by general law to be issued by such clerks, supervise and manage the conduct of all elections and matters relating thereto, be the clerk of the open Town Meeting, keep its records and in the absence of the Town Moderator and the deputy Town Moderator, serve as temporary presiding officer. The Town Clerk shall have all the other powers and duties, which are given to Town Clerks by general laws and such additional powers and duties as may be provided by Charter, by bylaw or by other Town Meeting vote.

(c) **Vacancy** - If a vacancy occurs in the office of Town Clerk, the Assistant Town Clerk, shall serve as Town Clerk until a new Town Clerk is elected and sworn into office. Should the Assistant Town Clerk be unable to serve as Town Clerk, the Select Board shall appoint an acting Town Clerk to fill the term until the next annual election, at which the voters will fill the vacancy for the remainder of the original term.

### **SECTION 3-8: Board of Library Trustees**

(a) **Composition, Term of Office** - There shall be a Board of Library Trustees consisting of six members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) **Powers and Duties** - The Board of Library Trustees shall have the custody and management of the public library and of all property of the Town related to the said library. All of the funds of money and property that the Town may receive by gift or bequest for the purpose of library support and maintenance shall be administered by the board in accordance with the provisions of any such gift or bequest. The board shall have all of the other powers and duties, which have been given to boards of library trustees by general law, by this Charter, by bylaws or by other Town Meeting, vote.

(c) **Appointments** - The appointment of Library Director made by the Town Manager shall become effective on the fifteenth day following the day notice is filed with the Board of Library Trustees, unless the Board of Library Trustees, by a majority vote of the full board, vote to reject such appointment within that period. The Town Manager, when appointing the Library Director, shall consult with the elected board prior to making said appointment.

### **SECTION 3-9: Board of Assessors**

(a) **Composition, Term of Office** - There shall be a Board of Assessors consisting of three members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year. Positions on this board shall now be non-paid part time positions.

(b) **Powers and Duties** - The Board of Assessors shall perform the functions and duties required by statute for Boards of Assessors except the duties which are performed by the Office of Assessors as established by this charter in section 5-6.

### **SECTION 3-10: Parks and Recreation Commission**

(a) **Composition, Term of Office** - There shall be a Parks and Recreation Commission consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) **Powers and Duties** - The Parks and Recreation Commission shall have the powers and duties, which have been given to the Parks and Recreation Commission by general law, this Charter, by bylaws or by other Town Meeting, vote. Additionally, the Parks and Recreation Commission shall assume all the duties and responsibilities as required and directed by the Fuller Trust bequest.

(c) **Parks and Recreation Director** - The Parks and Recreation Director shall assist the parks and recreation commission in the implementation of policies established by the commission.

(d) **Appointments** - The appointment of Parks and Recreation Director made by the Town Manager shall become effective on the fifteenth day following the day notice is filed with the Parks and Recreation Commission, unless the Parks and Recreation Commission, by a majority vote of the full board, vote to reject such appointment within that period. The Town Manager, when appointing the Parks and Recreation Director, shall consult with the elected board prior to making said appointment.

### **SECTION 3-11: Other Elected Officers**

**Powers and Duties** - All other elected officers shall have the powers and duties that have been conferred upon their offices by general law, by this Charter, by bylaws or by other Town Meeting vote.

## **ARTICLE 4: TOWN MANAGER**

The following section describes the appointment, qualifications, term of service, powers and duties, reappointment, as well as the suspension and removal process for the Town Manager. This section also contains the process required to fill a vacancy in the office of Town Manager after his/her removal, resignation or inability to serve in the office.

### ***SECTION 4-1: Appointment, Qualifications, Term and Re-appointment***

(a) The Board of Selectmen, by an affirmative vote of a majority of the full board, shall appoint a Town Manager for a three (3) year term, and fix the compensation of the Town Manager within the amount annually appropriated for this purpose. The office of the Town Manager shall not be subject to the Town personnel plan or bylaw, if any. The Town Manager shall be appointed solely on the basis of his/her executive and administrative qualifications. He/She shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. His/Her education shall consist of a Bachelor's degree. A Master's Degree is preferred. He/She shall have had at least five (5) years of full time paid experience as City or Town Manager or Assistant City or Town Manager, or the equivalent level public or private sector experience. He/she shall not have served as a member of the Board of Selectmen for at least twelve (12) months prior to his/her appointment.

(b) He/she shall devote full time to the office and shall hold no other public office, elective or appointive, nor engage in any other business or occupation during his/her term, unless such action is approved in advance, in writing, by the Board of Selectmen. The Town may from time to time, by bylaw, establish such additional qualifications, as it deems necessary and appropriate.

(c) The Town Manager shall execute a bond, in a form and amount satisfactory to the Board of Selectmen, in favor of the Town of Clinton, for the faithful performance of his/her duties. The Town shall pay the cost of the bond.

(d) If it is the desire of the Board of Selectmen, by an affirmative vote of a majority of the full board, the Town Manager may be re-appointed after the expiration of his/her three-year term of office. The selectmen shall provide written confirmation of this re-appointment in writing to the Town Manager at least 90 days prior to the expiration of his/her term of office.

### ***SECTION 4-2: Powers and Duties***

The Town Manager shall be the chief administrative officer of the Town and shall be responsible to the Board of Selectmen for the proper administration of all Town affairs placed in his/her charge by this Charter. He/she shall have the following powers and duties:

(a) To supervise and be responsible for the efficient administration of all functions under his/her control, as may be authorized by the Charter, by bylaw, by other Town Meeting vote or by the Board of Selectmen, including all officers appointed by him/her and their respective departments.

(b) To appoint and remove, subject to the civil service laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment or removal is provided in the Charter, except employees of the School Department and appointments made by officers of the Commonwealth. Appointments of department heads made by the Town Manager shall become effective on the fifteenth day following the day notice is filed with the Board of Selectmen, unless the Board of Selectmen by a majority vote of the full board, vote to reject such appointment within that period. The Town Manager, when appointing the Library Director, Parks and Recreation Director or any other department head having an elected board, shall consult with the elected board prior to making said appointment. All applicants must have verified work records and any other credentials as deemed necessary, and must also be required to submit to a criminal background check.

**(c)** The Town Manager shall be the Personnel Director for the Town, to be entrusted with the administration of all personnel policies, practices and related matters for all municipal employees as established by the Town compensation plan, the personnel policy guide, by-law, and all collective bargaining agreements entered into by the Board of Selectmen on behalf on the Town. The Town Manager shall be responsible for the negotiation of all collective bargaining agreements that are subject to the approval of the Board of Selectmen by general law.

**(d)** To conduct an annual performance evaluation of all department heads subject to his/her appointment and consult with elected boards prior to preparing evaluations of department heads associated with such departments.

**(e)** To fix the compensation of all Town officers and employees appointed by him/her within the limits established by appropriations and the Town salary and classification plan and collective bargaining agreements or as required by Massachusetts General Laws.

**(f)** To attend all regular and special meetings of the Board of Selectmen, except those meetings where the Town Managers removal is to be discussed, unless excused at his/her own request, and have a voice, but no vote, in all discussions.

**(g)** To attend all sessions of the Town Meeting and answer all questions directed to him/her which are related to the office of Town Manager.

**(h)** To see that all provisions of the general laws, of the Charter, of the by-laws and other Town Meeting votes, and directives of the Board of Selectmen that require enforcement by him/her or officers and employees subject to his/her direction and supervision, are faithfully carried out.

**(i)** To annually prepare and submit a proposed budget and to assist the Capital Program Committee as provided in articles 6-4 and 6-8 of this Charter to prepare their Annual Report.

**(j)** To assure that a full and complete record of the financial and administrative activities of the Town is kept and render a full report to the Board of Selectmen at the end of each fiscal year and at such other times as it may require.

**(k)** To have full jurisdiction over the rental and use of all town facilities, except schools and related facilities controlled by the school department. The Town Manager shall be responsible for the maintenance of all town property placed under the Town Manager's control by this Charter, by bylaw or by other Town Meeting vote.

**(l)** To at any time inquire into the conduct of any office or officer, employee or department under his control. The Town Manager shall have access to all Town records to obtain information necessary for this purpose.

**(m)** To keep a full and complete inventory of all Town property of the Town, both real and personal.

**(n)** To be responsible for the negotiation of all contracts involving any subject within his/her jurisdiction.

**(o)** As the Chief Procurement Officer of the Town, he/she shall be responsible for the purchase of all supplies, material and equipment, and shall award all contracts for all departments and activities of the Town according to Massachusetts General Law 30B. He/she shall examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies and equipment delivered to or received by any Town Agency secured through the purchasing procedure.

**(p)** To be the Town's Risk Administrator. He/she shall be responsible for ensuring that all pertinent policies are in effect, that adequate insurance coverage is provided, that claims are properly processed, and shall conduct cost benefit analyses on existing policies or proposed changes. He/she shall render an annual report to the Board of Selectmen on all claims and losses.

(q) To oversee grant applications by Town departments and agencies, except the school department, and establish procedures for grant applications to ensure fiscal and program compliance.

(r) To delegate, authorize or direct any subordinate or employee appointed by the Town Manager to exercise any power, duty or responsibility which the office of the Town Manager is authorized to exercise, provided that all acts performed under such delegation are deemed to be acts of the Town Manager.

(s) To serve, in the event of a vacancy, as the head of any department to which the Town Manager is authorized to appoint the department head.

(t) To perform any other duties required by bylaw, other Town Meeting vote, or by the Board of Selectmen and that are not inconsistent with the Charter.

(u) The Town Manager or his/her designee shall be the “enforcing person” for any and all non-criminal dispositions within the Town of Clinton, in accordance with M.G.L. c. 40 section 21D.

(v) Any appointments made by subordinates of the Town Manager shall be considered filled unless rejected within (14) days by the Town Manager.

(w) To serve as, or appoint someone to serve as the Town of Clinton’s Americans With Disabilities Act (ADA) Coordinator ensuring compliance with the ADA and other applicable local, state and federal laws concerning the rights of the disabled.

(x) To serve as, or appoint someone to serve as the Town of Clinton’s Affirmative Action Officer, Contract Compliance Officer and Fair Housing Officer to ensure compliance with Massachusetts Commission Against Discrimination (MCAD) rules and regulations as well as other relevant local, state and federal laws.

### **SECTION 4-3: Suspension**

(a) The Board of Selectmen may suspend the Town Manager by the affirmative vote of a majority vote of the full Board of Selectmen. At least thirty (30) days before such proposed suspension shall become effective, the selectmen shall adopt a preliminary resolution setting forth the reasons for the proposed suspension. The resolution shall be given to the Town Manager forthwith or mailed to him/her by registered mail at his/her last known address.

(b) The manager may, within seven (7) days of receipt of such resolution, file a written request with the Board of Selectmen for a public hearing as to the reasons for his/her suspension. If the manager so requests, the Board of Selectmen shall hold a public hearing neither earlier than three (3) days nor later than twenty (20) days after the filing of such request. The chairman of the Board of Selectmen shall conduct the hearing, or may designate a hearing officer.

(c) After such public hearing, if any, otherwise at the expiration of thirty (30) days following the adoption of the preliminary resolution, and after full consideration, the Board of Selectmen, by an affirmative vote of a majority of the full board, may adopt a final resolution of suspension. Until the final resolution, the Town Manager shall receive compensation according to the terms of his/her contract.

(d) If the Board of Selectmen vote for a final resolution of suspension, said suspension may be for a period of time determined by the Board of Selectmen and the suspension may be with or without compensation as determined by the Board of Selectmen.

(e) The action of the Board of Selectmen in suspending the Town Manager shall be final.

### **SECTION 4-4: Removal**

The Board of Selectmen may choose to remove the Town Manager in one of two ways: by not re-employing or by removal for cause. If the Board of Selectmen act not to renew the Town Manager’s contract at the end of his/her three year term, by the affirmative votes of three members of the full board, then the

selectmen shall notify the Town Manager of this decision in writing at least ninety (90) days before the expiration of his/her term. If the Board of Selectmen removes the Town Manager for cause, then the following procedure shall be used:

(a) The Selectmen may remove the Town Manager by the affirmative vote of a majority vote of the full Board of Selectmen. At least thirty (30) days before such proposed removal shall become effective, the selectmen shall adopt a preliminary resolution setting forth the reasons for the proposed removal. The resolution shall be given to the Town Manager forthwith or mailed to him/her by registered mail at his/her last known address. The selectmen may at the same time choose to suspend the Town Manager from duty, but shall pay any unpaid balance of his/her salary for the then current month, and any additional amount, not in excess of one month's salary.

(b) The Town Manager may, within seven (7) days of receipt of such resolution, file a written request with the Board of Selectmen for a public hearing as to the reasons for his/her removal. If the Town Manager so requests, the Board of Selectmen shall hold a public hearing neither earlier than three (3) days nor later than twenty (20) days after the filing of such request. The chairman of the Board of Selectmen shall conduct, or may designate a hearing officer for, said hearing.

(c) After such public hearing, if any, otherwise at the expiration of thirty (30) days following the adoption of the preliminary resolution, and after full consideration, the Board of Selectmen, by an affirmative vote of a majority of the full board, may adopt a final resolution of removal.

(d) If the Board of Selectmen vote a final resolution of removal, the termination pay of the Town Manager, so removed, shall be as specified in the terms of his/her contract.

(e) The action of the Board of Selectmen in removal of the Town Manager shall be final.

#### **SECTION 4-5: Resignation**

In the event that the Town Manager resigns his/her position with the Town of Clinton, he/she must provide written notification to the Board of Selectmen at least 45 days prior to the effective date of his/her resignation. The Town Manager may not make any permanent personnel appointments or changes during this forty-five day period.

#### **SECTION 4-6: Vacancy in the Office of Town Manager**

(a) **Permanent Vacancy** – The Board of Selectmen shall fill any permanent vacancy in the office of Town Manager as soon as possible in accordance with section 4-1 (a) of this Charter. Pending the appointment of a Town Manager or the filling of any vacancy, the Board of Selectmen shall, within a reasonable period of time, not to exceed 14 days appoint some other capable person to temporarily perform the duties of the Town Manager until a permanent replacement is appointed.

(b) **Temporary Absence or Disability** - The Town Manager may designate by letter filed with the Town Clerk and Board of Selectmen a capable officer of the Town to perform the duties of the Town Manager during a temporary absence or disability.

If such absence or disability exceeds thirty days, any designation made by the manager shall be subject to the approval of the Board of Selectmen. In the event of failure of the Town Manager to make such designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other capable person to perform the duties of the Town Manager until the Town Manager shall return.

(c) **Powers and Duties** - The powers of a temporary or acting Town Manager, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to Town office or employment, but not to make permanent appointments or designations.

## **ARTICLE 5: ADMINISTRATIVE ORGANIZATION**

### ***SECTION 5-1: Organization of Town Agencies***

The organization of the Town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

(a) Bylaws – Subject only the express prohibitions in general law or the provisions of this Charter, the Town Meeting may, by bylaw, reorganize, consolidate, create, merge, divide or abolish any Town Agency, in whole or in part; establish new Town Agencies as it deems necessary or advisable, determine the manner of selection, the terms of office and prescribe the functions of all such entities; provided however, that no function assigned to a particular Town Agency may be discontinued or assigned to any other Town Agency, unless this Charter specifically so provides.

(b) Administrative Code – The Town Manager may, from time to time, prepare as an administrative order, a plan of organization or reorganization of Town government for the orderly, efficient and convenient conduct of the business of the Town. The administrative orders may; (1) consolidate, create, merge, divide or abolish any Town department, commission or office, except the school department, in whole or in part; (2) establish such new Town departments, commissions or offices as he or she deems necessary or advisable; (3) prescribe the functions and the administrative procedures to be followed by all such departments, commissions or offices, and; (4) so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriation of one Town Agency to another; provided, however, that no function assigned by this Charter to a particular Town Agency may be discontinued or assigned to any other Town Agency unless this Charter specifically so provides.

The Town Manager shall submit such administrative orders to the Board of Selectmen. The Board of Selectmen shall conduct at least one public hearing on said administrative orders within thirty days of receipt, giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held. Following the public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Board of Selectmen for its final review.

An organization or reorganization plan submitted by the Town Manager shall become effective at the expiration of sixty days following the date of its first submission to the Board of Selectmen unless the Board of Selectmen by a vote of at least three of its members has sooner voted to approve or to reject it.

### ***SECTION 5-2: Department of Finance and Budget***

(a) There shall be a Department of Finance and Budget responsible for the fiscal affairs of the Town and for the coordination and overall supervision of all fiscal and financial activities of all Town government agencies. The Department of Finance and Budget shall include the functions of accounting, tax and fee collections, treasury management, assessing and those functions further assigned by the Town Manager.

(b) The Department of Finance and Budget shall be subject to the direction of a Finance Director who shall be appointed by the Town Manager.

(c) The Finance Director shall be responsible for coordinating the fiscal management practices of the Accountant's department, the Collector/Treasurer's department, the Assessing Department and assist in budget preparation.

(d) The powers and duties of the Finance Director shall include, but not be limited to, the following:

(1) To coordinate with all Town departments and manage the collection of all budget and financial information, including the forecasting of revenues for the forthcoming fiscal year in order to prepare an annual budget for the Annual Town Meeting.

(2) To set policies and procedures, subject to the Town Managers approval, for the collection of all revenues due and owed to the Town of Clinton as a result of tax levies, and the issuance of licenses and permits.

(3) To review and oversee, on an annual basis, the various Town trust funds, and to insure that funds are prudently invested.

(4) The finance director upon request shall make reports to the Town Manager, Finance Committee and the Board of Selectmen concerning any financial matters affecting Town government.

(5) Coordinate with the Department of Revenue pertaining to all matters on their municipal calendar.

(6) Coordinate and manage all financial information received from the board of assessors to forecast future financial growth and anticipated revenues, and to advise the Town Manager, finance committee and Town Meeting accordingly.

(e) Pursuant to all state, federal and municipal statutes, laws, regulations and bylaws, the department of finance and budget shall make detailed estimates of all money necessary to maintain the proper operation of government.

(f) The Town Manager may delegate or assign administrative and personnel duties to the Finance Director.

(g) Notwithstanding the provision of any general or special law to the contrary, the Town Manager may establish an employment contract for the Finance Director for a period not to exceed three years, to provide for the salary, fringe benefits and other conditions of employment, subject to Town Meeting appropriation. Said contract shall become effective on the fifteenth day following the day the contract is filed with the Board of Selectmen; unless the Board of Selectmen, within that period, by majority vote of the full board, vote to reject such contract. Said contract shall prevail over any conflicting provision of any local personnel bylaw, rule or regulation.

(h) Nothing contained in this section shall affect the appointment or removal powers of the Town Manager over any position previously mentioned, nor shall it grant tenure to such officer.

### ***SECTION 5-3: Office of Town Treasurer/Collector***

The offices of Town Treasurer and Town Collector shall be combined into the Office of Town Treasurer/Collector, as permitted by Massachusetts General Laws. Said Town Treasurer/Collector shall be appointed by the Town Manager for a term of not to exceed three years and the person so appointed shall have all the powers and duties vested in the office of Town Treasurer and the office of Town Collector by the General Laws of the Commonwealth.

### ***SECTION 5-4: Department of Planning***

(a) There shall be a Department of Planning responsible for coordinating and guiding the safe, healthy and economic development of the Town. The Department of Planning shall include the functions of planning, zoning enforcement, sub-division control, building inspections and code enforcement, conservation, and those functions further assigned by the Town Manager. It shall be the responsibility of the Director of the Department of Planning, or the Town Manager if there is no Director, to coordinate the activities of the staff of the department in serving the public and in support of the Planning Board, Conservation Commission and Zoning Board of Appeals and such other offices and boards as are concerned with buildings and land use.

(b) The staff of the Department of Planning shall be subject to the direction of the Director of the Department of Planning appointed by the Town Manager. The Planning Director shall be especially qualified

by training, education and experience for the duties of the office. The Planning Director may also serve as the Town Planner, Town Engineer or Building Inspector. Except as specifically provided for elsewhere in this Charter, this section shall not subsume the powers and duties of the above boards and commissions as prescribed by general laws and Town bylaws.

(c) The appointment of the Director of the Department of Planning made by the Town Manager shall become effective on the fifteenth day following the day notice is filed with the Planning Board, unless the Planning Board, by a majority vote of the full board, vote to reject such appointment within that period. The Town Manager, when appointing the Director of the Department of Planning, shall consult with the elected board prior to making said appointment.

### **SECTION 5-5: Board of Health**

(a) **Composition, Term of Office** - There shall be a Board of Health consisting of three members appointed by the Town Manager for terms of three years each, so arranged that the term of office of one member shall expire each year.

(b) **Powers and Duties** – The Board of Health may make reasonable health regulations and shall enforce the laws relating to public health, the provisions of the state sanitary code, and all local health regulations. The board shall have all of the other powers and duties, which have been given to Boards of Health by general law, by this Charter, by bylaws or by other Town Meeting vote.

(c) **Appointments** – The appointment of Health Agent, Health Inspector or any Health Board employee with inspectional or investigative responsibilities made by the Town Manager shall become effective on the fifteenth day following the day notice is filed with the Board of Health, unless the Board of Health, by a majority vote of the full board, vote to reject such appointment(s) within that period. The Town Manager, when appointing the Health Agent, Health Inspector or any Health Board employee, shall consult with the Board of Health prior to making said appointment. These employees shall enforce the laws relating to public health, the provisions of the state sanitary code, and all local health regulations.

### **SECTION 5-6: Office of Assessors**

The Office of Assessors is responsible for the assessment system to develop fair and equitable values for all classes of property in the Town of Clinton. This department is charged with establishing market-based assessments for all real estate parcels in the Town. This task will be accomplished through the work of an assessment staff, including professional assessors, clerical and support staff, appointed by the Town Manager. The assessment staff is responsible for supporting the activities of the Board of Assessors, maintaining the valuation models and other technical details, and maintaining proper records for public access.

The appointment of prospective positions to the assessment staff made by the Town Manager shall become effective on the fifteenth day following the day notice is filed with the Board of Assessors, unless the Board of Assessors, by a majority vote of the full board, vote to reject such appointment within that period. The Town Manager, when appointing the prospective positions to the assessment staff, shall consult with the elected board prior to making said appointments.

### **SECTION 5-7: Merit Principle**

All appointments and promotions of Town officers and employees shall be made on the basis of merit and diligence demonstrated by examination or other evidence of competence and suitability.

## **ARTICLE 6: FINANCE AND FISCAL PROCEDURES**

### ***SECTION 6-1: Fiscal Year***

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June, unless general law requires another period.

### ***SECTION 6-2: School Committee Budget***

(a) **Public Hearing** - At least seven days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for distribution and examination by the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The School Committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) **Submission to Town Manager**- The budget as adopted by the School Committee shall be submitted to the Town Manager before a date fixed by bylaw. This is before the date the Town Manager is required to submit a proposed Town budget to the Finance Committee to enable the Town Manager to consider the effect of the school department's requested appropriation upon the total Town operating budget which is required to be submitted under this article.

### ***SECTION 6-3: All Other Elected and Appointed Officials' Budgets***

The budgets as prepared by all other elected and appointed officials shall be submitted to the Town Manager before a date fixed by bylaw.

### ***SECTION 6-4: Submission of Budget and Budget Message***

Within the time fixed by bylaw, before the Town Meeting is to convene in its annual session, the Town Manager, after consultation with the Board of Selectmen, shall submit to the Finance Committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Town Manager shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

### ***SECTION 6-5: Budget Message***

The budget message of the Town Manager shall explain the budget for all Town Agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the Town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the Town's debt position and include other material as the Town Manager deems desirable, or the Board of Selectmen may reasonably require.

### ***SECTION 6-6: The Budget***

The proposed operating budget shall provide a complete financial plan for all Town funds and activities for the ensuing fiscal year, except as may otherwise be required by general law or this Charter, it shall be in the form that the Town Manager deems desirable or the Board of Selectmen may require. In the presentation of the budget, the Town Manager shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the

following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by Town Agency and position in terms of work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by Town Agency, and the proposed method of financing each such capital expenditure;
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- (d) General long-term debt group of accounts and a statement of general long-term debt that shall include: inside and outside debt limit, date of bond, maturity year, rate of interest, amount of original issue, bonds outstanding at end of current fiscal year, and bonds outstanding at end of proposed budget year.
- (e) All encumbered funds for prior fiscal years.

### **SECTION 6-7: Finance Committee Action on the Budget**

(a) **Review** - The Finance Committee shall consider, in open public meetings, the detailed expenditures proposed for each Town Agency and may confer with representatives of each such agency in connection with its review and consideration. The Finance Committee may require the Town Manager, or any other Town Agency, to furnish it with such additional information, as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(b) **Public Hearing** - Forthwith upon its receipt of the proposed operating budgets and subsequent review of all Town Agencies and departments budgets the finance committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(c) **Action by Town Meeting** - The Finance Committee shall file a report containing its recommendations for the action to be taken by the Town Meeting on each line item in the proposed operating budget, which report shall be available at the Town Clerks office at least seven days before the date on which the Town Meeting acts on the proposed budget. When the amendments that have been submitted subsequent to their initial filing are before the Town Meeting for action, the budget shall first be subject to amendments, if any, proposed by the Finance Committee before any other amendments shall be proposed. The budget to be acted upon by any Annual or Special Town Meeting shall be the budget approved by the Finance Committee.

### **SECTION 6-8: Capital Improvement Program**

The Town Manager shall submit a capital improvement program to the Board of Selectmen and the Finance Committee at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by the Capital Improvement Committee established by bylaw, if any including:

- (a) A clear and concise general summary of its contents.
- (b) A list of all capital improvements proposed to be undertaken during the next ensuing five years with supporting information as to the need for each capital improvement.
- (c) Cost estimates methods of financing and recommended time schedules for each improvement and the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the Town Manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

**SECTION 6-9: Approval of Warrants**

The Town Manager shall be the Chief Fiscal Officer of the Town. Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provisions of the general laws shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager shall be sufficient authority to authorize payment by the Town Treasurer/Collector, but the Board of Selectmen alone shall approve all warrants in the event of the absence of the Town Manager or a vacancy in the office of Town Manager.

**SECTION 6-10: Audits**

The Board of Selectmen shall provide for an independent audit of all financial books and records of the Town whenever the Commonwealth fails, in any two-year period, to provide for such audit, or whenever it deems an audit of the whole Town, or, of any particular Town Agency, to be necessary.

Audits of the Town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the Town. The Finance Committee and its agents shall have access at all times to books and financial records of all Town departments for its review.

The time and place of such audit shall be published on the Town hall bulletin board and in a local newspaper at least 48 hours prior to the audit. The results of the audit shall be made available to the public in the Town Clerk's office.

## **ARTICLE 7: GENERAL PROVISIONS**

### **SECTION 7-1: Charter Changes**

This Charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

### **SECTION 7-2: Severability**

The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

### **SECTION 7-3: Specific Provisions to Prevail**

To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

### **SECTION 7-4: Number and Gender**

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

### **SECTION 7-5: Rules and Regulations**

A copy of all rules and regulations adopted by any Town Agency shall be filed in the Office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information, No rule or regulation adopted by any Town Agency shall become effective until ten days following the date it has been so filed in the office of the Town Clerk.

### **SECTION 7-6: Periodic Review, Charter and Bylaws**

**(a) Charter Review** - At least once in every ten years, in each year ending in a zero, a special committee to consist of nine members shall be established for the purpose of reviewing this Charter and to make a report, with recommendations, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who shall be chosen as follows: the Board of Selectmen, the School Committee, and the Finance Committee shall each designate two persons, and three persons shall be appointed by the Town Moderator. Persons appointed by the said agencies may, but need not, be members of the agency, which designates them. The committee shall meet to organize forthwith following the final adjournment of the Annual Town Meeting.

**(b) Bylaw Review** - The Board of Selectmen shall at five (5) year intervals, in each year ending in six (6), or in one (1), cause to be prepared by a special committee appointed by it for that purpose, a proposed revision or re-codification of all bylaws of the Town which shall be presented to the Town Meeting for reenactment not later than at the Annual Town Meeting in the year following the year in which the said committee is appointed. The said committee in its final or in an interim report shall include recommendations for such substantive change in Town bylaws, as it deems necessary or advisable. The review of Town bylaws shall be in conjunction with the Town Counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the Town Meeting, copies of the revised bylaws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by general laws. Copies of the revised bylaws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

**(c) Charter Review Implementation Committee** - A Charter Review Implementation Committee to review and consider the efficient and effective implementation of any changes made to the Clinton Home Rule Charter shall be formed no sooner than sixteen (16) months or later than eighteen (18) months after the adoption of Charter changes, made by the Charter review committee as described in section 7-6 sub-section A. If no Charter changes are made the committee will not convene. The duties of the committee will be to review the implementation of changes to the Charter for consistency and correctness and make a report with recommendations to the following Annual Town Meeting. The committee shall consist of two (2) members of the Charter Review Committee who will be selected by the chairman before the dissolution of said committee, two (2) members of the Board of Selectmen and one (1) person selected by the Town Moderator.

No sooner than sixteen (16) months or later than eighteen (18) months following the Town Meeting approval of Charter changes, if any, the Town Clerk shall call and convene a meeting of the persons chosen, to meet and organize. The committee shall proceed notwithstanding the failure of any Town Agency to designate its representatives.

The committee established shall remain intact for a period of three months following their report to the Annual Town Meeting. This is for the purpose of making and clarifying recommendations and observations pertaining to the correct and efficient implementation of the Town Charter changes. The committee established hereunder shall then be considered discharged.

### **SECTION 7-7: Procedures Governing Multiple Member Bodies**

**(a) Meetings** - All multiple member bodies shall meet regularly at such times and places within the Town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held at the call of the respective chairperson or by one-third of the members thereof, by suitably written notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the Town bulletin board(s). Special meetings of any multiple member body shall also be called within one week after the date of the filing with the Town Clerk a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

**(b) Agenda** - At least forty-eight hours before any meeting of a multiple member body is to be held, an agenda containing all items that are scheduled to come before the multiple member body at the meeting shall be posted on the Town bulletin board. Action on any and all matters not included in the agenda may be taken and shall be effective if the multiple member body first adopts, by a separate majority vote, a resolution declaring that the particular matter is added to the agenda. Any action taken under this provision is to be considered valid if the above referenced provision is followed.

**(c) Rules and Minutes of Meetings** - Except as otherwise provided in this Charter, each multiple member body shall determine its own rules and order of business unless otherwise provided by this Charter or by law and shall provide for keeping minutes of its proceedings. These rules and minutes shall be public records, and certified copies shall be kept available in the office of the Town Clerk.

**(d) Voting** - Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be recorded.

**(e) Quorum** - A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time.

**(f) Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy the remaining members of the

multiple member body shall fill such vacancy for the remainder of any un-expired term by majority vote of the remaining members.

**(g) Composition of Multiple Member Bodies** - All multiple member bodies when established shall be composed of an odd number of members, except where otherwise provided for by bylaw. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

### **SECTION 7-8: Removals and Suspensions**

Any appointed Town officer, member of a multiple member body or employee of the Town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the Town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the Town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, member of a multiple member body or employee of the Town shall act in accordance with the following procedure:

**(a)** A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered in hand or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

**(b)** Within five days following delivery of such notice the officer, member of a multiple member body or employee of the Town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

**(c)** Between one and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the Town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the Town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the term for which such person was appointed has expired.

### **SECTION 7-9: Notice of Vacancies**

Whenever a vacancy occurs in any Town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall cause public notice of such vacancy to be advertised in a local newspaper for two weeks and be posted on the Town bulletin board for not less than fourteen days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be

effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

**SECTION 7-10: *Loss of Office, Excessive Absence***

Any person appointed to serve as a member of a multiple member body that shall fail to attend five or more consecutive regular meetings, or one-half or more of all of the meetings of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by certified mail, return receipt requested, notice of such proposed impending vote to the last known address of such person.

## **ARTICLE 8: TRANSITIONAL PROVISIONS**

### ***SECTION 8-1: Continuation of Existing Laws***

All general laws, special laws, Town bylaws, votes, rules and regulations of or pertaining to the Town which are in force when the Charter takes effect and which are not specifically or by application repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

### ***SECTION 8-2: Continuation of Government***

All Town Agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town Agency in accordance with the provisions of this Charter.

### ***SECTION 8-3: Continuation of Administrative Personnel***

Any person, holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town, shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the Charter, for the performance of the said duties by another person or agency.

### ***SECTION 8-4: Transfer of Records and Property***

All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

### ***SECTION 8-5: Time of Taking Effect***

This Charter shall take effect upon its adoption by the voters of Clinton, except as is hereinafter provided:

(a) Forthwith following the election at which this Charter is adopted each Town Agency shall designate some person to represent it at all sessions of the Town Meeting to be held in this calendar year, in accordance with the provisions of section 2-8.

(b) A screening committee to appoint the Town Manager shall consist of nine persons who shall be chosen as follows: the Board of Selectmen, the School Committee, the Finance Committee and the Personnel Board shall each designate one person; three persons shall be chosen by the Town Moderator and two members of the Charter Commission, chosen by said commission. Persons chosen by said agencies other than those chosen by the Charter Commission may, but need not, be members of the agency by which they are designated; appointments made by the Town Moderator shall be made last in time, in order that in making appointments the Moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the Town.

Not more than thirty days following the election at which the Charter is adopted, the Town Clerk shall call and convene a meeting of the several persons chosen as aforesaid shall meet to organize and to plan a process to advertise the position and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any Town Agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, including a criminal background check and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of not less than three nor more than five persons

whom it believes to be best suited to perform the duties of the office of Town Manager.

Within thirty days following the date the list of nominees is submitted to it the Board of Selectmen shall choose one of the said nominees to serve as Town Manager. In the event the Board of Selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the Town Manager.

Upon the appointment of a Town Manager the committee established hereunder shall be considered discharged.

Until such time as some other provision is made, by bylaw, for another screening committee, a committee as above shall be established whenever the office of Town Manager shall become vacant, provided, however, that in the second paragraph the phrase "Not more than thirty days following the date of such vacancy, or pending vacancy, becomes known," shall be substituted for the phrase "Not more than thirty days following the election at which the Charter is adopted," and the provision requiring two members of the Charter Commission to serve shall be void. The number of the screening committee shall hereafter be reduced to seven members.

(c) The sum of \$10,000 shall forthwith be credited to an account established for the screening committee for the purpose of meeting its anticipated expenses. Additional sums as required shall be provided.

(d) The position of Administrative Assistant to the Board of Selectmen established by a vote under article 21 of the warrant for the 1986 Annual Town Meeting is hereby abolished effective upon the assumption of office by the first Town Manager, appointed pursuant to the provision of this Charter. Provided, however, the incumbent of said office may be continued in Town service for a period of up to ninety days following such assumption of office for the purpose of providing transitional assistance to the first Town Manager. Nothing contained in the Charter shall be construed as to grant to the incumbent of that office at the time the Charter is adopted any right or privilege to be retained in the employment of the Town. It is the specific intention of this provision that such person not automatically be continued in office under the designation of Town Manager, whose office is created by Article 4 of this Charter. There shall be a widespread search for candidates to be considered for appointment to the office of Town Manager. The incumbent Town Administrator may be such a candidate if the qualifications in section 4 are met.

(e) A Charter Implementation Committee to review and consider the efficient and effective implementation of the Clinton Home Rule Charter shall be established no sooner than sixteen (16) months or later than eighteen (18) months after the adoption of said Charter. The duties of the committee will be to review the implementation of the Charter for consistency and correctness and make a report with recommendations, to the following Annual Town Meeting. The committee shall consist of two (2) members of the current Charter Commission who will be selected by the chairman before the dissolution of the commission, two (2) members of the Board of Selectmen and one (1) person selected by the Town Moderator.

No sooner than sixteen (16) months or later than eighteen (18) months following the election at which the Charter is adopted, the Town Clerk shall call and convene a meeting of the persons chosen, to meet and organize. The committee shall proceed notwithstanding the failure of any Town Agency to designate its representatives.

The committee established shall remain intact for a period of three months following their report to the Annual Town Meeting. This is for the purpose of making and clarifying recommendations and observations pertaining to the correct and efficient implementation of the Town Charter. The committee established hereunder shall then be considered discharged.

(f) Until such time as the Town Meeting may act, by bylaw, to amend, repeal or otherwise revise them, the following provisions shall have the force of Town bylaws and shall be construed so as to supersede any contrary or inconsistent provision of any existing bylaw:

**1) Date of Annual Town Meeting** - The Annual Town Meeting shall be held on the first Monday in May.

**2) Date of Town Elections** - The annual Town election for the election of Town officers and for the determination of all other matters to be referred to the voters shall be held on the third Monday in May.

**3) Reports of the Finance Committee** - The report of the Finance Committee shall be printed and copies shall be made available for distribution to every person who shall request a copy thereof at the office of the Town Clerk, at the public library, and at other places in the Town chosen by the Finance Committee for the convenience of the voters. The reports shall be available at least seven days before the Town Meeting is to act on any article contained in the warrant for the said Town Meeting.

**4) Time for Submission of Proposed Operating Budgets** - For the purpose of section 6-2(b), section 6-3 and section 6-4 the following shall apply: The Town Manager shall submit a proposed Town operating budget to the Finance Committee not less than sixty days prior to the date on which the Town Meeting is to convene in its annual session. The School Committee shall submit its proposed operating budget to the Town Manager at least seventy-five days prior to the date on which the Town Meeting is to convene in its annual session.

**5) Town Administrative Organization** - Until such time as a different form of Organization shall be provided, in accordance with the provisions of article 5 of this Charter, the following outline of organization shall be operative:

**The Board of Selectmen Shall Appoint:**

- A Town Manager, to serve for a renewable three year term;
- A Town Counsel, to serve at the discretion of the Board of Selectmen for a term not to exceed three years;
- A Board of Registrars of Voters and other election officers, in the manner provided by general law;
- A Zoning Board of Appeals, to consist of five regular members, appointed for renewable terms of three years each, and two associate members, appointed for terms of three years each, as provided in the zoning bylaws;
- An Animal Control Officer and an Animal Disposal Officer;
- A Personnel Board to consist of five members;
- Constables;
- A Conservation Commission;
- A Clinton Historical Commission;
- A Council on Aging;
- A Cultural (Arts) Council;
- A Commission on Disability;
- A Clinton Cable Television Commission;
- A Recycling Commission.

Unless otherwise provided all appointments made by the Board of Selectmen shall be for renewable terms of three years, appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms of members as possible shall expire each year.

### **The Town Manager Shall Appoint:**

- A Town Accountant to serve for a renewable three-year term;
- A Financial Director to serve for a renewable three-year term;
- A Town Collector / Treasurer to serve for a renewable three year term;
- A Chief Assessor to serve for a renewable three-year term;
- A Board of Health to serve for three-year terms;
- A Health Agent, Health Inspector and / or any Health Board employee with inspectional or investigative responsibilities;
- A Department of Public Works Superintendent with the authority to hire department personnel;
- A Police Chief, serving as a strong chief under MGL chapter 41, Chapter 97A, with the authority to hire police officers and other department personnel, to serve for an indefinite term;
- A Fire Chief, serving as a strong chief under MGL chapter 48, Section 42 with the authority to hire firefighters and other department personnel, to serve for an indefinite term;
- A Liquor Licensing board to serve for three-year terms;
- A Library Director with the authority to hire department personnel, to serve for a three-year term;
- A Parks and Recreation Director with authority to hire department personnel;
- A Director of Community and Economic Development with the authority to hire department personnel;
- An Emergency Management Director with authority to appoint department personnel;
- A Building Inspector to serve for an indefinite term;
- A Wiring Inspector to serve for an indefinite term;
- A Gas Inspector to serve for an indefinite term;
- A Plumbing Inspector to serve for an indefinite term;
- A Sealer of Weights and Measures;
- A Veteran's Services Director, Veterans Agent, Veteran's Graves Officer and Burial Agent;
- All other officers, department heads, and employees for whom no other method of selection is provided.

Unless otherwise provided all appointments made by the Town Manager shall be for renewable terms of three years, appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms of members as possible shall expire each year.

### **Elected Positions**

- Board of Selectmen;
- Town Moderator;
- School Committee;
- Town Clerk;
- Planning Board;
- Library Trustees;
- Housing Authority;
- Parks and Recreation Commission;
- Board of Assessors.

**(g)** All Town officers and all members of all boards, commissions and committees who have hereto before been elected and who will henceforth be appointed under the provisions of this Charter, shall serve for the balance of the term for which they were elected (subject to their retirement or resignation) but their successors shall be appointed. Members of the Board of Assessors shall serve the balance of their respective elective terms at the time of the adoption of the Charter, whereupon they shall be appointed for a subsequent three-year term by the Town Manager. At the end of this three-year appointment, they or their successors shall be appointed at the discretion of the Town Manager.

**(h)** Forthwith following the election at which this Charter is adopted a special committee of seven members shall be appointed by the Board of Selectmen to revise the bylaws of the Town in order to fully implement the provisions of this Charter. The said committee shall submit a report and recommendations to the Town Meeting for adoption by a warrant article at a session of the Town Meeting held not more than one year following the election at which the Charter is adopted. At least two members of the said committee shall have been members of the Charter Commission.

**(i)** Upon the establishment of the Department of Finance and Budget, all incumbents in the offices of Collector, Treasurer and Assessors and all present employees of any departments or offices referenced in sections 5-2 and 5-3 shall be transferred to the Department of Finance and Budget, to serve under the direction of the Director of Finance and Budget and shall not forfeit pay grade or time in service.

The offices of Town Treasurer and Town Collector shall be combined into a single office, to be appointed by the Town Manager, effective on the first day of July in the year following the year in which this Charter is adopted. The terms of office of the persons serving as Town Treasurer and as Town Collector shall be terminated upon the appointment of a Town Treasurer/Collector. Nothing in this section shall be construed to prevent either of said persons from being a candidate for appointment, or from being appointed to the combined office. If a vacancy shall occur in either office prior to the said July first effective date of the merger it shall be filled, pending such consolidation of the offices, by a majority vote of the full Board of Selectmen if it occurs before the appointment of a Town Manager, or, by the Town Manager if it occurs after such appointment.

**(j)** Notwithstanding any provision of this Charter to the contrary, it is not expected that the first person to serve as Town Manager shall forthwith upon appointment begin at once to perform all of the duties and exercise all of the powers, duties and responsibilities assigned by this Charter to the office. It is recognized that in the best long-range interest of the Town of Clinton, that such assumption must be gradual and on a phased-in basis.

**(k)** Notwithstanding any provision of this Charter to the contrary, during the first calendar year following the appointment of the first Town Manager the votes of four members of the Board of Selectmen shall be necessary to remove said Town Manager from office.

**(l)** The provisions of section 6-2 and section 6-6 of the Charter shall not become fully effective until the fiscal year following the year in which the Charter is adopted.

**(m)** Disposition of certain special acts: The following act of the legislature, Chapter 375 section 3 that established the Fuller Field Commission and was approved June 1<sup>st</sup>, 1945 is hereby repealed and shall no longer apply to the Town of Clinton. The Clinton Parks and Recreation Commission shall assume all the duties and responsibilities of the Fuller Field Commission as required and directed by the William A. Fuller bequest.

**(n)** The following provisions of existing bylaws or new additions to Town bylaws are hereby created, amended, repealed or revised as indicated:

**Created:**

**Section 1 Capital Improvement Program**

1) A committee, to be known as the Capital Program Committee, shall be established within one year of the appointment of the Town Manager. It shall be a seven-member board composed of one member from and appointed by the Finance Committee, one member from and appointed by the Planning Board, and one member from and appointed by the Board of Selectmen. The Finance Committee, Planning Board and Board of Selectmen members shall be appointed for two year terms. Additionally, there shall be four members appointed by the Town Moderator. All other members shall be appointed for four year terms in such manner that one shall expire every year. The Town Moderator shall appoint no Town employee or Town officer. The Town Finance Director, the Town Accountant and the Town Manager shall be ex-officio members without the right to vote. Any vacancy shall be filled for the un-expired term in the manner of the original appointment.

2) The committee shall study proposed capital outlays involving the acquisition of land or an expenditure of thirty-five thousand dollars (\$35,000) or greater or having a useful life of at least three years. All Officers, Boards and Committees including the Selectmen and School Committee, shall by September first of each year give to the Capital Program Committee on forms prepared by it, information concerning all projects anticipated by them as needing Town Meeting approval during the ensuing six years. The committee shall study the need, timing and cost projection of these projects and the effect each will have on the financial position of the Town and the quality of life of its inhabitants.

3) The Capital Program Committee shall prepare an annual report containing a budget for such outlays for the first year of the presentation to the Finance Committee and to the Board of Selectmen at the annual budget hearing. The Capital Program Committee will annually report to the Town Manager the five year capital program. It may make such investigations and hold such hearings, as it may deem necessary.

4) The Capital Program Committee shall review all expenditures from the Enterprise and similar Funds to verify that such expenditures conform to the Fund's original intent. The Committee shall include its findings in the annual report.

**Section 2 Notice of Public Hearing on Capital Program**

1) The Capital Program Committee shall publish, in one or more newspapers of a general circulation in the Town, The general summary of the capital program and a notice stating: (a) the times and places where copies of the capital improvements program are available for inspection; and (b) the date, time and place, not less than seven days following such publication, when the committee shall conduct a public hearing on said program.

**Section 3 Town Meeting Quorum**

The quorum to conduct business at Town Meeting shall be zero.

**Section 4 Town Meeting**

The annual Town Meeting shall be held on the first Monday in May.

**Section 5 Town Election**

The annual election of Town Officers shall be held on the third Monday in May.

**Section 6 School Committee Budget Submission Date**

The budget as adopted by the School Committee shall be submitted to the Town Manager by February 15<sup>th</sup>.

**Section 7 All Other Elected and Appointed Officials' Budgets Submission Date**

The budgets as prepared by all other elected and appointed officials shall be submitted to the Town Manager no later than February 1<sup>st</sup>.