

THE WALPOLE CHARTER



This Walpole Charter was adopted at the Annual Town meeting on January 15, 1973. The Charter was updated December 1, 1988 and by Town Meeting Action on October 19, 1998. It was further updated by Town Meeting Action on October 18, 1999 and signed by the Governor on December 15, 2000. Updated January 2001 to reflect approved changes. It was further updated by 2005 Fall Town Meeting Action and approved September 19, 2006 by the Legislature as Chapter 300 of the Acts of 2006.

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ARTICLE 1

Existence and Authority

Section 1-1 Incorporation

The inhabitants of the Town of Walpole within the corporate limits as established by law, since 1724, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Walpole".

Section 1-2 Seal

The official seal of the Town of Walpole shall be designed as follows:



Section 1-3 Short Title

This instrument may be cited as the Walpole Charter.

Section 1-4 Powers

It is the intent and the purpose of the voters of the Town of Walpole through the 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 power were specifically and individually enumerated herein.

- (A) The general powers of the town are set forth in the Massachusetts General Laws.
- (B) The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Section 1-5 Construction

The powers of the town under this charter shall be construed liberally in favor of the town and the specific mention of any particular powers is not intended to limit in any way the general powers of the town as stated in Section 1-4.

ARTICLE II

The Legislature Representative Town Meeting

Section 2-1 Form and Power of Representative Town Meeting

- (A) There shall be a representative form of Town Meeting which shall exercise all power vested in the municipal corporation so far as it is consistent with the provisions of this Charter.
- (B) When acting in conformity with all laws now or hereafter applicable to the transaction of town affairs, the town shall have the power to act through and shall be bound by the action of the town meeting representatives who, when convened annually and specially, shall constitute the Representative Town Meeting of Walpole.
- (C) Actions of Representative Town Meeting shall have the same effect as if they had been taken in a town meeting open to all voters of the town, as organized and conducted before the establishment of the Representative Town Meeting.

Section 2-2 Composition of Representative Town Meeting

- (A) There shall be 150 elected Town Meeting Representatives.
- (B) Attendance records shall be kept of each town meeting and shall be made available at the Town Clerk's office. The Town Clerk shall cause the attendance records of the Town Meeting Representatives to be published in the Annual Report of the Town.
- (C) The Town Clerk, Town Administrator, Assistant Town Administrator, any member of the General Court who is a registered voter of the Town, and the chairpersons of the Board of Selectmen, Board of Assessors, Personnel Board, Planning Board, Board of Sewer and Water Commissioners, Board of Library Trustees, Housing Authority and the School. Capital Budget and Finance Committees shall all be ex officii members at large of Town Meeting, but shall have no vote, unless already elected as Town Meeting Representatives.
- (D) It shall be the duty of the ex officii members at large and the head of each town department or their designees to attend that part of every representative town meeting at which matters pertaining to their areas, other than those acted upon or determined by ballot, are to be considered.
- (E) Town Meeting Representatives shall receive no compensation for serving in that capacity.

- (F) A Town Meeting Representative shall be ineligible to vote on any issue on which he or she is declared to be in conflict of interest by Town Counsel in accordance with the General Laws.
- (G) Any citizen of the town may speak at least once on any issue at town meeting, as provided for in the Rules of Town Meeting, but he or she shall have no vote.

Section 2-3 Apportionment of the Representatives Among the Precincts

- (A) The number of elected Town Meeting Representatives to which each precinct is entitled for the ensuing year shall be determined between February 1 and February 15 by the Town Clerk.
- (B) The representatives shall be apportioned among the precincts, as nearly as possible, according to the following formula:

$$\frac{\text{No. of inhabitants of that precinct}}{\text{No. of inhabitants in the town}} = \frac{\text{No. of representatives for that precinct}}{150}$$

Section 2-4 Precincts

- (A) The Board of Selectman shall divide the town into not less than five nor more than nine voting precincts. Each precinct shall contain not less than two thousand nor more than four thousand inhabitants.
- (B) The precincts shall be plainly designated. All efforts shall be used to see that they are compact and contiguous and that they are bounded by center lines of highways and other well-defined limits.

Section 2-5 Redistricting of Precincts

- (A) The Board of Selectmen shall review the precincts in April every ten (10) years beginning with the year 2002 for the purpose of determining whether their boundaries should be redrawn in whole or in part.
- (B) The precincts shall also be reviewed in any other year when Town Meeting so votes, provided such vote is not held later than the 1st day of November.
- (C) The Selectmen shall, within ten (10) days of completing their revisions, file a report of their action with a map and a description of the precincts and addresses of the registered voters in each precinct with the Town Clerk, the Board of Assessors and the Registrars of Voters.

- (1) Such map, descriptions and lists shall be posted for one (1) month in the Town Hall; and,
 - (2) Similar information shall be posted for one (1) month in at least one public place in each precinct unless that information is published in a newspaper of general circulation in the town.
 - (3) The Town Clerk shall send written notice to each voter affected by the redistricting.
 - (4) The Town Clerk shall notify the Secretary of the Commonwealth of any revisions of the precincts.
- (D) The redistricting shall be effective upon the date of filing of the report of the Board of Selectmen with the Town Clerk.
- (E) Election of Town Meeting Representatives in a new or revised precinct.
- (1) At the next annual town election following the establishment of a new precinct or the revision of any existing precinct, the full number of representatives apportioned to those precincts shall stand for election.
 - (2) The first third to the nearest whole number of Town Meeting Representatives elected, in order of votes received, shall serve for three (3) years, the second third to the nearest whole number shall serve for two (2) years, and the remaining Town Meeting Representatives for one (1) year. In case of a tie vote affecting the division into thirds, the remaining Town Meeting Representatives from that precinct shall determine the same by ballot.

Section 2-6 Nomination, Election and Term of Office

- (A) Any registered voter may be nominated to serve as Town Meeting Representative from the precinct in which he or she is domiciled. To appear on the ballot, the nominee must file a nomination paper with the Town Clerk which:
- (1) bears the signatures of no less than twenty-five (25) registered voters from the nominee's precinct;
 - (2) bears the written acceptance of the nominee; and,
 - (3) bears no political designation.
- (B) Special rights of incumbents.
- (1) Incumbent Town Meeting Representatives shall have the following rights:

- (a) to forego the filing of nomination papers if they have filed a written statement of their intent to seek re-election with the Town Clerk twenty-one (21) days prior to the last day for the filing of nomination papers for the office of Town Meeting Representative; (See Article VII, Section 7-1, Computation of Time.)
 - (b) to have the words "candidate for re-election" added to their names as they appear on the ballot.
- (2) The term "incumbent" shall include those Town Meeting Representatives who are required to stand for re-election because of a redistricting of the precincts of the creation of new precinct, provided that a portion of his/her original precinct is contained in the new precinct; but,
- (3) For the purposes of this paragraph, the term shall not be taken to include those persons who have been elected by Town Meeting Representatives to fill a vacancy.
- (C) Should an equal number of votes be received by two or more candidates and cause a tie for the purpose of deciding who shall be declared elected a Town Meeting Representative, the remaining Town Meeting Representatives of that precinct shall decide the issue by secret ballot, as in Section 2-5(E)(2).
- (D) The Town Meeting Representatives shall be elected in conformity with Chapters 53 and 54 of the General Laws relative to elections, and the provisions of law relating to precinct voting at election shall apply to all elections and primaries in the town so far as such laws are not inconsistent herewith. The provisions of this article pertaining to the establishment of precincts shall not authorize any action contrary to the provisions of any law relative to the use of precincts in the formation of representative districts.
- (E) Except as provided in Section 2-5(E)(2), the term of office for Town Meeting Representatives shall be three years, so that approximately one third of the membership shall be elected each year.

Section 2-7 Vacancies

- (A) Resignation and relocation:
 - (1) Town Meeting Representatives may resign by filing a written resignation with the Town Clerk, effective upon the date of filing.
 - (2) A representative who moves from the town shall cease forthwith to be a representative and must, within ten (10) days, submit a written notice to the Town Clerk. A representative who moves from one precinct to another may serve only until the next annual town election.

- (B) When a vacancy occurs in the full number of Town Meeting Representatives from any precinct arising from any cause, other than the failure of the registered voters thereof to elect, said vacancy shall be filled until the next annual town election by the remaining Town Meeting Representatives of the precinct in which the vacancy has arisen.
- (1) The Town Clerk shall call a special meeting of the Town Meeting Representatives of the precinct in which the vacancy exists. The Town Clerk shall also publish notice of such vacancy at least one week prior to filling that vacancy.
 - (2) The Town Clerk shall mail to every such representative, a notice specifying the object, time and place of the meeting, not less than five (5) days before the time set for the meeting.
 - (3) At the said meeting, a majority of the representatives from such precinct shall constitute a quorum.
 - (4) The choice to fill the vacancy shall be by ballot and a majority of the votes cast shall be necessary for election.
 - (5) After receiving written acceptance from the successful candidate, the Town Clerk shall give public notice of his/her election.

Section 2-8 Moderator

- (A) The Moderator shall be nominated and elected in the same manner as the other elected town officials at the annual town election.
- (B) The term of office for Moderator shall be for one (1) year.
- (C) The Moderator shall preside over the town meetings, appoint members of the Finance Committee Capital Budget Committee, and Personnel Board and have those other powers and duties as may be given him or her by the General Laws, amendments to this Charter, by-law, or vote of the Town Meeting.
- (D) If the Moderator is absent, the Town Clerk shall have the power to call the meeting to order and act on a motion to adjourn or, if there is business to be transacted, the Clerk shall have the power to preside until a Moderator Pro Tempore is elected by the Town Meeting Representatives, which election shall be held as the first order of business of the meeting at which the moderator is absent.
- (E) The Moderator Pro Tempore shall have no power to make appointments unless specifically authorized by vote of the Town Meeting.

Section 2-9 Committees of Town Meeting

- (A) The Town Meeting shall have the power to establish Committees.
- (B) Town Meeting shall direct such a committee to report to the Town Meeting, the Moderator, or to the Board of Selectmen, and shall determine the time, manner and method of reporting.
- (C) Town Meeting shall appoint the committees or give this power to the Moderator or to the Board of Selectmen.

Among those committees shall be:

- (D) Finance Committee
 - (1) The Moderator shall appoint a committee of fifteen to serve as the Finance Committee.
 - (2) The Moderator shall appoint five (5) members each year for a term of three (3) years, which expires on June 30. Should a vacancy occur, the committee chairman shall notify the Moderator, who shall fill the vacancy for the unexpired term. The members of the committee shall receive no compensation for serving in that capacity.
 - (3) The Finance Committee shall have all the powers granted a committee of its nature by the General Laws and in this regard shall not be affected by Paragraph (H) of this section.
 - (4) The Finance Committee shall be the advisory committee for town meeting on all subjects. For this reason, the Finance Committee may compel the appearance of any town official, employee or other persons, records or information which is reasonable and necessary for its deliberations.
 - (5) The Finance Committee shall include, with each report which the Finance Committee is required by Town by-laws to distribute to each residence prior to the Fall and Spring Annual Town Meetings, a schedule showing the following:
 - (i) the amount of any and all unexpended monies from articles approved by action of representative town meetings held in fiscal years ending prior to the year preceding the fiscal year in which the report is being sent; and
 - (ii) the date of such actions.

(E) Town Meeting Rules Committee

- (1) At the first session of the annual town meeting, each precinct shall meet and select one of its members to serve on the Town Meeting Rules Committee.
- (2) The Town Meeting Rules Committee shall consider any subject matter which deals with the manner in which town meeting conducts its business and submits its recommendations to town meeting.
- (3) Changes in the Rules of Town Meeting shall be effective upon a two-thirds vote of the town meeting.
- (4) Copies of ratified changes in the Rules of Town Meeting shall be made available to all current Town Meeting Representatives in the office of the Town Clerk.
- (5) Should a vacancy occur, or should any precinct fail to select one of its members to serve on the Town Meeting Rules Committee, the Moderator shall appoint a Town Meeting Representative who shall be from that precinct, to fill out the unexpired term. Any member of the Town Meeting Rules Committee who ceases to be a Town Meeting Representative shall be deemed to have resigned therefrom.

(F) Town By-laws Committee

- (1) At the first session of the fall annual town meeting in the year in which this Charter is adopted and at no more than five (5) year intervals thereafter, each precinct shall meet and select one (1) of its members to serve on the Town By-laws Committee.
- (2) The Town By-laws Committee shall review the town by-laws and present its report, including any revisions or recodifications, to the next fall annual town meeting for reenactment. Subsequent to enactment by the Town Meeting, copies of the revised by-laws shall be published as required by the General Laws.
- (3) Should a vacancy occur or should any precinct fail to select one of its members to serve on the Town By-laws Committee, the Moderator shall appoint a Town Meeting Representative, who shall be from that precinct, to fill out the unexpired term. Any member of the Committee who ceases to be a Town Meeting Representative shall be deemed to have resigned therefrom.
- (4) The Town By-laws Committee shall be discharged upon dissolution of the fall annual town meeting at which its report is presented for action unless otherwise voted by the Town Meeting.

(5) Copies of the revised by laws shall be made available for distribution; provided, however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

(G) Capital Budget Committee

(1) There shall be a Capital Budget Committee consisting of seven members which are appointed, six (6) of which shall be appointed by the Moderator, and one (1) designated from the Finance Committee for three (3) year terms, so arranged that the terms of not more than three members shall expire each year.

(2) The Capital Budget Committee shall review and make recommendations with respect to any proposed expenditure of town funds on capital projects to the town meeting, the Finance Committee and other town boards, departments, offices and committees.

(3) The various town boards, officers, and committees charged with the expenditures of town money shall, at a reasonable time before the end of each calendar year, prepare detailed estimates of the amounts deemed by them advisable for the town to expend for capital projects annually for a period up to six years or as determined by the Capital Budget Committee, together with explanatory statements providing such additional information about each proposed capital project as reasonably may be requested by the Capital Budget Committee.

(4) The Capital Budget Committee shall duly consider the same and may confer with said town boards, officers and committees, and hold hearings, if they deem it advisable. The Committee shall meet with the Finance Committee before preparing its final report. The Committee shall make a report annually of the matters so considered by it with recommendations or suggestions relative thereto, and their said report shall be published and distributed, as part of the annual report of the Finance Committee.

(5) A capital project shall generally be considered a physical betterment or item of equipment having a substantial useful life (in excess of 5 years) the total cost of which exceeds \$5,000 or such other amount as may be specified from time to time in the Town By-laws. A capital project shall be more specifically defined as a non-recurring expenditure financed in whole or in part by town funds or other sources of revenue available to the town for the construction, reconstruction, replacement, major repair, extension or other improvement of a public building, highway, sidewalk, storm drain, sewer, installation, vehicle, equipment, bridge, playground, land, park or cemetery or pond, and public works or other facility, structure or utility appurtenant.

- (H) Except for the Finance Committee (as provided in Paragraph (D)(3) in this section) and any other Committee of the Town Meeting which is given such powers by the General Laws, no committee established by the Town Meeting shall have executive or legislative powers and all matters shall be determined by the Town Meeting.

Section 2-10 Date for Town Meeting, Notification, Quorum and Adjournment

- (A) The Town Meeting shall meet annually at 7:30 p.m. on the first Monday in May to consider and adopt an annual operating and capital budget, and to act on fiscal subjects or any pertinent matters. The meeting shall be continued on other days until all articles in the warrant shall have been acted upon; however, all business must be completed prior to the annual town election.
- (B) The Town Meeting shall also meet annually at 7:30 p.m. on the third Monday in October to consider and act on matters of planning, zoning, subdivision control, building codes, and the adoption, amendment, or repeal of by-laws, as well as to consider and act upon such other business, including matters involving an appropriation of town funds, as may properly come before the meeting. The meeting shall be continued on other days until all articles in the warrant have been acted upon. In case of an emergency, the business of the meeting may be adjourned for no longer than two weeks.
- (C) A special town meeting may be called by the Board of Selectmen, and/or by petition of 200 registered voters.
- (D) A majority of the Town Meeting Representatives shall constitute a quorum.
- (E) The Town Clerk shall notify the Town Meeting Representatives of the time and place at which the annual and any special town meetings are to be held.
 - (1) such notices to be sent by mail at least seven (7) days in advance of the meeting; but,
 - (2) no mailed notices of time and place of adjourned town meetings shall be required.

Section 2-11 Who Shall Act on the Various Warrant Articles

- (A) The articles in the warrant for any town meeting which relate to the election of a Moderator, town officers, and Town Meeting Representatives and to referenda and all matters to be acted upon and determined by ballot shall be acted upon and determined by the registered voters of the town.
- (B) Meetings of the registered voters of the several precincts for election and primaries and for voting upon a question to be submitted to the town, shall be held at the same time and at such place or places as the Selectmen shall direct in the warrant for the meetings.

- (C) All other articles shall be acted upon and determined exclusively by the Town Meeting Representatives at a meetings held at a time and place specified by the Selectmen in the warrant for such meetings subject to a referendum as herein provided.

Section 2-12 Copies of Labor Contracts

At least (7) days before the session of town meeting at which any collective bargaining agreement is presented for approval or funding, the Town Meeting Representatives and Board of Selectmen shall be furnished with a written summary explaining the revisions contained in that agreement. In addition to the foregoing, at least seven (7) days before being presented for such approval or funding, a copy of the entire agreement shall be placed on file with the office of Town Clerk for inspection by any Representative Town Meeting Member or resident and shall be posted on the town of Walpole's website. These agreements shall remain posted on the website until at least five (5) days after the town meeting is dissolved.

Any changes in a negotiated labor contract made subsequent to its distribution to the Town Meeting Representatives and prior to its funding may be submitted with explanation, but without the furnishing of a completely revised contract or contracts.

Section 2-13 Referendum

- (A) A referendum may be held on a vote of the Town Meeting which:
- (1) authorizes the expenditure of \$25,000 or more as a special appropriation;
 - (2) establishes a new board or office;
 - (3) abolishes an existing board or office;
 - (4) merges two or more boards or offices;
 - (5) fixes the term of office of town officers, where such term is left to local option;
 - (6) changes the number of members of a board;
 - (7) adopts a new by-law; and
 - (8) changes or repeals an existing by-law.
- (B) The votes mentioned in numbers 3-6 shall not be subject to referenda when adopted under Chapter 43B of the General Laws, since a vote of the entire town is required thereon.
- (C) A petition requesting a referendum must:
- (1) State the question upon which the referendum is to be held;

(2) Be filed with the Town Clerk within ten days of the last session of the Town Meeting in which the vote was taken;

(3) Be signed by not less than fifty voters from each precinct, the aggregate number of those signing being not less than 4% of the voters of the town.

(D) The date and method for taking the vote on the referendum shall be as follows:

(1) The Town Clerk shall determine within five days whether the petition meets the requirements of Paragraph (C) and report his/her findings to the Selectmen.

(2) The Selectmen shall, within five days of the receipt of the petition and a favorable report of the Town Clerk, set the date for the vote.

(3) Such vote shall be taken on any Saturday within forty-five (45) days of the filing of the petition with the Town Clerk.

(4) Each question submitted shall be placed on the official ballot in the following form:

"Shall the Town vote to approve the action of the Representative Town Meeting whereby it voted, (insert a brief description of the substance of the vote)?"

(5) The polls for voting upon such a question shall be opened no later than 8:00 a.m. and shall be closed no earlier than 8:00 p.m.

(6) The vote shall be taken by ballot and the checklist used in the several precincts in the same manner as for the election of the town officials.

(E) Effect of the Vote

(1) A question submitted to a referendum shall be determined by a majority of the registered voters of the town, voting thereon.

(2) However, an action of town meeting shall not be reversed unless 15% of the registered voters of the town shall vote to reverse.

(F) If no petition is received within the time limit of Paragraph (C), the vote of Town Meeting shall then become operative and effective, except as provided by state statute.

ARTICLE III

Elected Officials

Section 3-1 General Provisions

- (A) Elective Offices. The offices to be filled by ballot of the whole town shall be a board of selectmen, a moderator, a school committee, four (4) members of a housing authority, a planning board, a board of assessors, a board of sewer and water commissioners, a library board of trustees and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise.
- (B) Eligibility. Any registered voter of the town shall be eligible to hold any elective town office, but no elected town official shall simultaneously hold any other elected town office, except town meeting representative.
- (C) Election. The regular election of all town officers and such other matters required by law to be determined by ballot shall be held annually on the first Saturday in June, and shall be called pursuant to a separate annual town meeting warrant.

Section 3-2 Board of Selectmen

- (A) Composition; Term of Office. There shall be a board of selectmen consisting of five (5) members elected by vote of the registered voters of the town for three-year overlapping terms, so arranged that the terms of not more than two (2) members shall expire each year.
- (B) Powers and Duties
 - (1) All executive authority of the town government shall be vested in a Board of Selectmen, hereinafter called Selectmen. The Selectmen shall have all the powers and duties conferred upon Boards of Selectmen under the Constitution and General Laws of the Commonwealth, as determined by the Town By-laws and this Charter. It shall be the responsibility of the Selectmen to provide executive policy and procedure to be carried out by the Town Administrator. The Selectmen shall require all offices and municipal agencies to administer and enforce the laws equally among the public to protect the general welfare and the Selectmen may bring suit against any offices or municipal agency if necessary to carry out the rule of law.
 - (2) Commissioners. The Board of Selectmen shall have all the powers and duties of police commissioners, fire commissioners, road commissioners, and cemetery commissioners.

(3) Power of Investigation. The Selectmen may make investigations of the affairs of the town and the conduct of any town department office, or agency or employee of the town, whether elected or appointed, serving with pay or without pay, and any claims against the town, or require the Town Administrator and/or Town Counsel to make such an investigation. For this purpose, the investigatory authority may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of such investigation shall be placed on file in the office of the Town Clerk and/or published in the Annual Town Report if the Selectmen deem such publication necessary to protect the interest of the town. The Selectmen may take appropriate legal action as a result of an investigation if they so deem it necessary to protect the interest of the town and the public.

(4) Powers of Appointment. The Selectmen, by a majority vote, shall have power to appoint persons to town office, authorized or required by the General Laws, this Charter, by by-law or by Representative Town Meeting:

(a) For fixed terms unless otherwise governed by the General Laws:

Constables, (after notice having been duly advertised for one (1) month prior to said appointment), animal control officer, veteran's agent, emergency management director and, subject to the Town By-laws, a Town counsel.

(b) For indefinite terms:

Town Administrator, Town Clerk, Chief of the Police Department, Chief of the Fire Department and Sealer of Weights and Measures.

(c) For fixed, overlapping terms, the members of the:

Council on Aging, Board of Appeals, Permanent Building Committee, Insurance Advisory Committee, Permanent Cable Advisory Committee, Conservation Commission, Board of Health, Historical Commission, Economic Development Committee, Recreation Committee, Sidewalk Committee, Town Report Committee, Trust Fund Commissioners, Registrars of Voters and such other standing and/or ad hoc committees as may be constituted from time to time by vote of the Board of Selectmen.

(d) The Chairperson of the Board of Selectmen, together with the Chairperson of the School Committee and the Moderator shall appoint two (2) members to the Tri-County Regional Vocational Technical School Committee as provided in 1-A of "AGREEMENT WITH RESPECT TO THE ESTABLISHMENT OF A TECHNICAL AND VOCATIONAL REGIONAL SCHOOL DISTRICT", dated February 28, 1973.

(5) Powers of contract. Any contracts negotiated on behalf of the town shall be subject to the final approval of the Board of Selectmen, except for those contracts preempted by state statute.

(6) Powers to Rescind Appointments. The Selectmen by a majority vote of board's full membership shall have the power to rescind for cause the appointment of any member of any board, commission, committee or individual office, except that of the Town Administrator, the Chief of Police and Chief of Fire Department, made under the authority of this section, provided that the appointee shall first have been served with written notice stating the reasons for rescinding said appointment, and after conducting a hearing if requested by the appointee, as outlined in Article VII, Section 7-7 of this Charter.

(7) Licensing Authority. The Selectmen shall be the licensing authority of the town and shall issue licenses and/or permits to properly regulate the activities of business in regard to public health, safety and well-being, except as otherwise provided by state law. The Selectmen shall make all necessary rules and regulations regarding the issuance of licenses and permits and shall attach any conditions or restrictions thereto pertaining to the manner in which the business may be conducted and shall enforce the laws relating to business for which such licenses or permits are issued, except as otherwise provided by state law.

(8) Independent Audit. The Board of Selectmen shall provide for an independent audit of the accounts of the Town as outlined in Article VI, Section 6-9.

Section 3-3 Moderator

Refer to Article II, Section 2-8 of this Charter.

Section 3-4 School Committee

- (A) Composition: Term of Office. There shall be a School Committee consisting of seven(7) members elected by vote of the registered voters of the town for three (3) year overlapping terms, so arranged that the terms of at least two (2) members shall expire each year.
- (B) Powers and Duties. The School Committee, as guardians of public education, shall be cognizant of both the educational needs and the financial resources of the Town. The School Committee has general charge and superintendence of the public schools of the Town. The School Committee shall have all of the powers and duties given to school committees under the Constitution and General Laws of the Commonwealth and such additional powers and duties as may be authorized by this Charter, by by-law, or by other vote of the Representative Town Meeting.

The powers of the School Committee shall include, but not be limited to:

- (1) Appoint and fix the compensation of, and terminate, the Superintendent who shall manage the schools in a fashion consistent with state law and policy determinations of the School Committee.
- (2) Review and approve budgets for public education.
- (3) Establish educational goals consistent with the requirements of law and statewide goals and standards established by the Board of Education.
- (4) Upon the recommendation of the Superintendent, appoint one or more Assistant Superintendents, who shall report to the Superintendent, and shall fix the compensation of such Assistant Superintendents.
- (5) Review and approve the school improvement plan submitted by the school council for each of the public schools in the Town.
- (6) Make all reasonable rules and regulations, consistent with law, for the management of the public schools of the Town and for conducting the business of the Committee.
- (7) Subject to the General Laws, the Committee may determine the number of weeks and hours the schools will be in session and may regulate attendance.

Section 3-5 Planning Board

- (A) Composition: Term of Office. There shall be a Planning Board consisting of five (5) members elected by vote of the registered voters of the Town, for three (3) year overlapping terms of office, so arranged that the terms of not more than two (2) members shall expire each year.
- (B) Powers and Duties.
 - (1) The Planning Board, for the purpose of protecting the safety and welfare of the inhabitants of the Town, shall have the responsibility of regulating the laying-out and construction of ways and subdivision of land within the Town by the adoption of rules and regulations governing such developments, and insuring sanitary conditions in said subdivision.
 - (2) The Board shall develop a master plan for the Town, and update it at no less than ten (10) year intervals.
 - (3) The Town may adopt an official map, prepared by the Board, showing the public ways as are presently existing and used by more than two owners.

- (4) The Board shall make recommendations to the Town and the Board of Selectmen on all matters concerning the physical, economic and environmental development of the Town.

The Planning Board shall have all of the powers and duties given to planning boards under the Constitution and General Laws of the Commonwealth and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-6 Housing Authority

(A) Composition: Term of Office. There shall be a Housing Authority to consist of five (5) members serving five (5) year overlapping terms such that the term of one (1) member expires each year. Four (4) of these members shall be elected by the registered voters of the Town and the fifth member shall be a resident of the Town appointed as provided in the General Laws of the Commonwealth.

(B) Powers and Duties.

- (1) The Housing Authority makes studies of the housing needs of the Town and particular provide such programs to make housing available for families of low income or for elderly persons of low income as it deems to be necessary and desirable.

- (2) The Authority has the power to bargain collectively with labor organizations representing its employees and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Housing Authority Law.

The Housing Authority shall have all of the powers and duties given to housing authorities under the Constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-7 Board of Assessors

(A) Composition: Term of Office. There shall be a Board of Assessors consisting of three (3) members elected by vote of the registered voters of the Town, for three (3) year overlapping terms such that the term of office of at least one (1) member expires each year. The Board shall appoint an appraiser who will report directly to and be under the supervision of the Board of Assessors.

(B) Powers and Duties.

(1) The Assessors are charged with making a valuation of all the estates, real and personal, subject to taxation within the Town. The Assessors recommend to the Board of Selectmen the annual tax rate and decide on all questions relating to the abatement of taxes.

(2) The Assessors must file a return with the Commissioner showing the whole amount of exempted property entered on their valuation lists, and the amount of exempt property in each class of charitable organizations. As soon as the Town tax rate is determined, the Assessors must notify the Accountant of the amount to be raised for State, County and Town purposes, and for overlay, specifying the amounts to be levied on real and personal property, and the amounts to accrue from estimated receipts.

The Board of Assessors shall have all of the powers and duties given to assessors under the Constitution and General Laws of the Commonwealth and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-8 Board of Sewer and Water Commissioners

(A) Composition: Term of Office. There shall be a Board of Sewer and Water Commissioners consisting of five (5) members elected by vote of the registered voters of the Town for three (3) year overlapping terms, so arranged that the terms of office of not more than two (2) members shall expire each year.

(B) Powers and Duties.

(1) The Board of Sewer and Water Commissioners shall have exclusive charge and control of the Water Department and water systems and pursuant thereto, may establish fountains and hydrants, may take by eminent domain or acquire by purchase or otherwise the waters or any portion thereof of any pond, brook, spring, stream, or ground water sources within the limits of the Town for the purpose of establishing and/or maintaining a water supply system or a water distribution system; may hold all lands, rights of way and other easements necessary for collecting, storing, holding, purifying thereof and for conveying the same to any part of the Town, provided that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be used without first obtaining the advice and approval of the Department of Environmental Protection; may regulate the use of the water and fix and collect just and equitable prices and rates; may cooperate or act jointly with any other city or town in the Commonwealth of Massachusetts in carrying out the powers and duties as herein set forth; and may make reasonable rules and regulations in connection with any of the duties and responsibilities hereinabove set forth.

- (2) The Board of Sewer and Water Commissioners shall have exclusive charge and control of the installation and maintenance of the sewers, sewage treatment plants and appurtenances, located in the Town, and in connection with said responsibilities, shall have all of the powers reasonably necessary to effectuate same, and may from time to time adopt reasonable rules and regulations.

The Board of Sewer and Water commissioners shall have all the powers and duties given to sewer and water commissioners under the Constitution and General Laws of the Commonwealth and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting. The Board of Sewer and Water Commissioners shall assign all work and maintenance projects to the Town Administrator or the Town Administrator's designee for performance as its Agent.

Section 3-9 Library Board of Trustees

- (A) Composition: Term of Office. There shall be a Board of Library Trustees consisting of five (5) elected by vote of the registered voters of the Town for three (3) year overlapping terms, so arranged that the terms of office of not more than two (2) members shall expire each year.

- (B) Powers and Duties.

- (1) The Board of Library Trustees shall appoint, or may remove consistent with the General Laws, a Library Director for an indefinite term and have custody of the Town library and branches thereof, and all property of the Town related thereto. They shall be responsible for the administration and operation thereof, including staffing, acquisition of library materials and the promulgation of library rules and regulations.

- (2) All monies raised or appropriated by the Town for its support and maintenance shall be expended by the Board and all money or property that the Town may receive by gift or bequest to the library shall be administered by the Board, in accordance with the provisions of such gift or bequest.

The Library Board of Trustees shall have all of the powers and duties given to library trustees under the Constitution and General Laws of the Commonwealth and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-10 Vacancies

When a vacancy occurs, for any reason, in an elected office, the vacancy shall be filled in the following manner:

- (A) In the office of Selectmen, the remaining Selectmen may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred (200) registered voters of the Town, (or twenty percent of the total number of registered voters of the Town, whichever number is the lesser); provided that such request, is filed with such remaining Selectmen not less than one hundred (100) days prior to the date of the next annual election.
- (B) If there is a vacancy on a board or committee consisting of two or more members, the remaining members shall give written notice thereof, within one month of said vacancy, to the Selectmen, who with remaining member or members of such board or committee shall after one week's notice, fill such vacancy by ballot. The Selectmen shall fill such a vacancy if said board or committee fails to give said notice within the time limit herein specified. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person so elected shall be a registered voter of the Town and shall perform the duties of the office until the next annual election.

ARTICLE IV

Town Administrator

Section 4-1 Appointment: Term of Office

The Board of Selectmen, by an affirmative vote of the majority, shall appoint a Town Administrator either for an indefinite term or, if the Board shall enter into a contractual agreement with the Town Administrator specifying a term of years as authorized by the General Laws, for the term of such contractual agreement, and shall in either case fix his/her compensation within limits of an appropriation for that purpose.

Unless otherwise provided by contractual agreement, the office of Town Administrator shall receive benefits and leave as provided for in the consolidated Personnel By-Laws.

Section 4-2 Qualifications

The Town Administrator shall be appointed on the basis of his/her administrative and executive qualifications and experience. He or she shall be a person especially fitted by education, which shall consist of at least a Bachelor's Degree from an accredited degree-granting college or university, to perform the duties of Town Administrator and his/her professional experience shall include previous full-time, compensated service in public or business administration.

The Town Administrator need not be a resident of the Town or the Commonwealth at the time of his/her appointment, but must be domiciled within the Town within twelve months following his/her appointment unless the Board of Selectmen shall vote to waive this residency requirement, but any waiver shall be effective only as long as the town administrator resides in a city or town located not more than fifteen (15) miles from Walpole. The Town Administrator shall not have served in an elective office in the town government for at least twelve months prior to his/her appointment.

The Town Administrator shall devote full time to the office of the Town Administrator and shall not hold any other public elective appointive office or engage in any other business or occupation during his/her term, except with written permission of the Board of Selectmen. The Town may, from time to time by by-law, establish such additional qualifications as seem necessary and appropriate.

Before entering upon the duties of the office the Town Administrator shall be sworn, in the presence of a majority of the Board, to the faithful performance of his/her duty. The Town Administrator shall execute a bond in favor of the Town for the faithful performance and with such sureties as may be fixed by the Selectmen; the cost of said bond shall be borne by the Town.

Any vacancy in the office of Town Administrator shall be filled as soon as possible by the Selectmen, and meanwhile they shall appoint a suitable person as acting Town Administrator to perform the duties necessary to maintain the administrative functions of the regular Town

Administrator. The acting appointment may not exceed six (6) months, but may be further extended for a six (6) month period.

Section 4-3 Powers and Duties

The Town Administrator shall be the chief administrative officer of the Town, and shall be directly responsible to the Board of Selectmen for the administration of all town affairs placed in his/her charge by or under this Charter or by by-law.

- (A) The Town Administrator shall appoint, and may remove, for a term of not more than three (3) years, the Town Accountant, and for indefinite terms, the Finance Director, Assistant Town Administrator, Building Commissioner, Director of the Department of Public Works, Tree Warden, Recreation Director, Animal Inspector, Town Engineer, Health Director, Conservation Agent, and all other department heads, officers, subordinates and employees for whom no other method of appointment is provided for in this Charter, except persons serving under other elected agencies and appointments made by representatives of the Commonwealth.
- (B) The positions of Town Accountant, Finance Director, Assistant Town Administrator, Building Commissioner, Director of the Department of Public Works, Tree Warden, Recreation Director, Animal Inspector, Town Engineer, Health Director and Conservation Agent, appointed by the Town Administrator, require the approval of the Board of Selectmen before any appointment or removal can become effective.. Any such appointment made by the Town Administrator, and the removal of any person from any such office or position by him or her, shall become effective upon the fifteenth day following the day on which notice of the proposed appointment or removal is filed with the Board of Selectmen, unless the Selectmen, by majority vote within said fifteen (15) day period, reject or affirm such proposed appointment or removal. In the event the Board of Selectmen shall reject any such proposed appointment, the Town Administrator shall, as soon as practicable, appoint a different person to fill such position and shall not resubmit the name of the rejected appointee, except with the approval of a majority of the Board of Selectmen, but nothing herein contained shall be deemed to preclude the Town Administrator from removing any person from any office or position solely because a prior action of removal was rejected by the Board of Selectmen. Said Fifteen (15) day period may be extended for one (1) additional fifteen (15) day period by majority vote of the Board of Selectmen.
- (C) The Town Administrator shall be entrusted with the administration of all personnel policies, practices and related matters for all municipal employees, including employees who report to elected or appointed town boards or committees, as established by the compensation plan, the personnel policy guide, by-law and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town. The Town Administrator shall fix the compensation of all town officers and employees appointed by him or her within the limits established by appropriations and the classification and compensation plan adopted by town meeting.

- (D) Except as otherwise provided by this Charter, Civil Service Rules and procedures, collective bargaining agreements or the General Laws, the Town Administrator shall furnish ten (10) working days advance written notice of the removal of any officer or employee to such person and provide that compensation for those days be paid.
- (E) The Town Administrator shall direct, supervise and be responsible for the efficient administration and enforcement, if necessary, of all functions under his/her control as may be authorized by the General Laws, this Charter, by by-law or by other Town Meeting vote or by the Board of Selectmen, including all officers appointed by him or her and their respective departments.
- (F) The Town Administrator shall attend all regular and special meetings of the Board of Selectmen, unless excused at his/her own request, and shall have a voice but no vote in all of its discussions.
- (G) The Town Administrator shall attend all sessions of the town meeting and shall answer all questions directed to him or her relating to town affairs.
- (H) The Town Administrator shall keep the Board of Selectmen fully informed regarding all departmental operations, fiscal affairs, general problems and administrative actions; and to this end, shall submit periodic reports to the Board and make such recommendations as he or she deems necessary and expedient.
- (I) The Town Administrator shall keep full and complete records of the finances and administrative activities of his/her office and keep the Board of Selectmen informed as to the financial condition and needs of his/her office. The Town Administrator shall render a full report to the Selectmen at the end of each fiscal year.
- (J) The Town Administrator shall have responsibility for materials, repairs and supervision of all Town property, including school buildings and grounds and shall have full jurisdiction for the rental of all Town facilities except schools.
- (K) The Town Administrator may, without notice, cause the conduct of any officer or employee, or department, board or commission under his/her control, or the conduct of officers or employees thereof, to be examined. The Town Administrator may, with notice to the Chairperson of any elected or appointed board or committee not under his/her control, investigate the conduct of any town employee who reports to or is under the supervision of said board or committee in order to carry out his/her duties under Section 4-3(C). The Town Administrator shall have access to all Town books and papers for information necessary for the proper fulfillment of his/her duties.
- (L) The Town Administrator shall negotiate and award contracts subject to the approval of the Board of Selectmen involving any subject within his/her jurisdiction, including all contracts relative to sewer and water projects. The said contracts shall be awarded in accordance with the General Laws, and shall be opened and recorded in the Selectmen's

hearing room in the presence of the Selectmen's secretary or other designee of the Selectmen.

- (M) The Town Administrator shall be responsible for purchasing all supplies, materials, services and equipment and shall award all contracts for all departments, boards and agencies and activities of the Town except school textbooks, software, compact discs and other educational materials and reading, listening, software and audiovisual materials to be used in the Town Library. The Town Administrator shall examine and inspect the quality, quantity and condition of materials, supplies, and equipment delivered to or received by any Town agency secured through the purchasing procedure.
- (N) The Town Administrator may create, expand, consolidate or abolish all offices and agencies not specifically provided for by this charter, by statute, by by-law or by an administrative code, under procedures described in Article V, subject to the approval of the Board of Selectmen.
- (O) The Town Administrator shall perform the duties of park commissioner and forest commissioner under the direction of the Board of Selectmen.
- (P) The Town Administrator shall maintain full and complete personnel records for all town employees except School Department employees and elected officials of the Town.
- (Q) The Town Administrator shall be responsible for all work and maintenance projects assigned to him or her by the Board of Sewer and Water Commissioners. The Town Administrator or his/her designee shall attend all regular and special meetings of the Sewer and Water Commissioners, unless excused at his/her own request, and shall have a voice but no vote in all of its discussions.

Section 4-4 Appointments

- (A) The Building Commissioner, shall appoint for an indefinite term, and may remove, subject to the approval of the Town Administrator, the Plumbing Inspector, the Wire Inspector and the Gas Inspector.
- (B) The Town Administrator, with the approval of the Board of Health, shall appoint for an indefinite term, and may remove, the Health Director.
- (C) The Town Administrator, with the approval of the Conservation Commission, Shall appoint for an indefinite term, and may remove, the Conservation Agent.
- (D) Upon approval by the Board of Health or Conservation Commission, the Town Administrator shall give notice of any such appointment or removal to the Board of Selectmen in the manner specified by Section 4-3(B) and such appointment or removal shall be governed by the provisions thereof.

Section 4-5 Removal

The Board of Selectmen may remove the Town Administrator in accordance with the following procedures:

- (A) The Board of Selectmen shall first adopt a preliminary resolution stating the reason or reasons for removal. Said resolution must be approved by an affirmative vote of four-fifths (4/5ths) of all of the members of the Board.
- (B) Within five days after receipt of the preliminary resolution, the Administrator may file, either personally or through counsel, a written request with the Board for a hearing. This hearing shall be held at a meeting of the Board not later than twenty (20) days after the request is filed, nor earlier than ten (10) days. The Administrator may file a written statement with the Board, provided that the same is received more than forty-eight (48) hours in advance of the public hearing.
- (C) In the event that a public hearing is requested, the Board of Selectmen shall cause a suitable notice of it to be published in a newspaper of general circulation in the Town, citing the purpose of the hearing, its location, time and date. The Board shall also cause identical notices to be posted in the Town Hall. All notices shall be published not later than five (5) days prior to the scheduled hearing.
- (D) At any hearing so held, the Board of Selectmen shall cause the reason or reasons for suspending or removing the Administrator to be read aloud. The Administrator personally or through counsel, will be given adequate time to respond to the reason or reasons. Both parties shall have the right to summons witnesses, including the subpoena of records, reports and witnesses. Any witness so called shall be properly sworn in and any records introduced in evidence shall be examined by the town official having custody over such records as to the accuracy of any and all such records. Both the Board and the Administrator shall be permitted reasonable rebuttal to arguments and testimony advanced. The Board and the Administrator shall mutually agree to the appointment of an impartial hearing officer to preside. Should they be unable to agree, the Town Counsel shall so serve.
- (E) The Board may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four-fifths (4/5ths) of all its members.
- (F) Failure to adopt a final resolution of removal within thirty (30) days after the delivery of a copy of the preliminary resolution of removal to the Administrator if he or she has not requested a public hearing or within fifteen (15) days after the conclusion of said hearing if he or she has requested one, shall nullify the preliminary resolution of removal. The Administrator shall continue to receive his/her salary until the effective date of a final resolution of removal. The action of the Board on suspending or removing the Administrator shall be final.

Section 4-6 Acting Town Administrator

By letter filed with the Town Clerk and the Board of Selectmen, the Administrator shall designate a qualified Town Administrative employee or officer to exercise the powers and perform the duties of Administrator during his/her temporary absence; said appointment shall be made subject to the approval of the Board of Selectmen. If the Administrator fails to make such appointment, if the person so appointed refuses to serve, or if the Administrator has been suspended under the provision of Section 4-5, the Selectmen may appoint a suitable person to serve. The acting Town Administrator shall exercise only those powers and perform those duties necessary to maintain the administrative functions of the regular Town Administrator during his/her absence.

ARTICLE V

Administrative Organization

Section 5-1 Creation of Departments, Divisions, Agencies and Offices

The organization of the Town into operating departments, divisions, offices and agencies may be accomplished through either of the methods provided in this article.

- (A) By-Laws. Subject to State statute and the provisions of this Charter, the Representative Town Meeting may, by by-law, reorganize, consolidate, or abolish any Town board, commission, committee, department, office or agency, in whole or in part, establish such new boards, commissions, committees, departments, offices or agencies as it deems necessary or advisable and prescribe the functions of all such entities; provided, however, that no function assigned by this Charter to a particular department, office, agency, board or commission or committee may be discontinued, or unless this Charter specifically so provides, assigned to any other.
- (B) Administrative Code. The Board of Selectmen, after consulting with the Town Administrator, may from time to time prepare and submit to the representative Town Meeting, plans of organization or reorganization, which establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town.

Whenever the Board of Selectmen prepares such a plan, it shall hold one or more public hearings on the proposal giving notice by publication in a newspaper of general circulation in the Town not less than five (5) days in advance of said hearing, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held. Following such public hearing, the Board of Selectmen shall submit to the Representative Town Meeting by a warrant article their proposal which may have been amended subsequent to the public hearing.

An organization or reorganization plan shall become effective at the expiration of three (3) months, following the date the proposal is submitted by the Board of Selectmen

unless the Representative Town Meeting shall by a majority vote within that time vote to disapprove the plan. The Town Meeting may vote only to approve or disapprove the plan and may not vote to amend or alter it. The Selectmen may, through the Administrative Code, and subject to State Statute, this Charter, and Town By-law, reorganize, consolidate or abolish all town boards, departments, committees, commissions, or offices, in whole or in part; establish such new boards, departments, committees, commissions, or offices as they deem necessary; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriation of one board, department, committee, commission or office to another; provided, however, that no function assigned by this Charter or Town By-law to a particular department, office, agency, board, commission or committee may be discontinued, or unless this Charter specifically so provides, assigned to any other.

Section 5-2 Personnel Plan

The Personnel Board, subject to the approval of the Board of Selectmen, shall establish job descriptions for all departments in the Town of Walpole, except the School Department. The Personnel Plan, as prepared by the Personnel Board, shall also be kept on file in the office of the Town Clerk.

Section 5-3 Publication of Administrative Code and Personnel Plan

Up-to-date records of any reorganization plan in force under this article shall be kept on file in the office of the Town Clerk.

ARTICLE VI

Finances and Fiscal Procedures

Section 6-1 Fiscal Year

The fiscal year of the Town shall be as required by the General Laws.

Section 6-2 Submission of Budget and Budget Message

On or before the first Monday in February of each year, the Town Administrator and the School Committee shall submit to the Board of Selectmen, and file with the Finance Committee, proposed budgets for the fiscal year. The Town Administrator's budget shall be accompanied by his/her budget message and supporting documents.

Section 6-3 Budget Message

The message of the Town Administrator 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 Administrator deems desirable, or as the Selectmen may require.

Section 6-4 The Budget

The budget shall provide a complete financial plan for all Town funds and activities, including the budget adopted by the School Committee for the ensuing year. Except as may be required by statute or by this Charter, the School Committee budget shall conform with the general format of the Town Administrator's budget which shall be in the form which the Town Administrator deems desirable or as the Board of Selectmen and the Finance Committee may require. In his/her presentation of the budget, the Town Administrator 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; and,

- (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.

Section 6-5 Finance Committee Budget Hearings

The Finance Committee shall hold one or more public hearings on the proposed budget not less than three (3) days prior to the session of the Town Meeting at which it is to be submitted for adoption.

Section 6-6 Public Records

Warrant articles as adopted by the Representative Town Meeting shall be made available at the office of the Town Clerk for examination by the public by the fifth day after their adoption. This provision shall not affect the availability of the annual Town Report, the Town Warrant or the report of the Finance Committee.

Section 6-7 Warrants for Payment of Town Funds

Weekly 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 Board of Selectmen. The approval of such warrants by the Board of Selectmen shall authorize payment with town funds. Warrants for the payment of School Department vouchers and payroll shall also require the signatures of the majority of the School Committee members.

Section 6-8 Financial Statements

The Town Accountant shall prepare and file all annual and other financial statements or reports as prescribed by State Statute, and promptly, each month and annually, shall submit to the Board of Selectmen and Finance Committee, financial statements for all funds consisting of, but not limited to, a balance sheet, statement of estimated and actual revenues, statements of estimated and actual expenditures, statements of cash receipts, disbursements and balances, forecast of cash position and statement of changes in fund balances. The financial statements shall be prepared so as to provide a full disclosure of financial position and operating results in accordance with generally accepted accounting principles applicable to the Town and shall include, but not be limited to, balanced fund groups for the General Fund, debt service funds, trust and agency funds, and special assessment funds.

Section 6-9 Audit of Town Accounts

- (A) The Board of Selectmen shall engage annually a Certified Public Accountant or firm of accountants to audit all accounts of the Town. Such accountants shall have no personal interest in the fiscal affairs of the Town government or any of its officers.
- (B) The Selectmen may order a complete or partial audit of the town accounts at any other time they deem it necessary, or when requested by 3% of the registered voters.

- (C) A copy of every auditor's report shall be filed with the Town Clerk, shall be a public record, and a summary thereof shall be published in the next Annual Town Report.

Section 6-10 Finance Director

The Finance Director shall have and exercise all powers and duties of the Town Treasurer and Tax Collector as defined under the Constitution and General Laws of the Commonwealth. The Finance Director shall ensure compliance with all appropriate statutes and be responsible for overall management of the town's investment portfolio. In addition, the Finance Director shall effect collection of all accounts due town, direct the Town's financial operations, including the duties of Town Accountant, assist the Town Administrator in the preparation of the Annual Budget, and report periodically on the financial status of the Town to the Board of Selectmen.

ARTICLE VII

General Provisions

Section 7-1 Computation of Time

Unless otherwise provided, in computing time periods relating to elections, Sundays and holidays shall generally be included; but when the last day of such period falls on a Sunday or on a holiday, the following day shall be considered the final day of such period; and when the first day of such period falls on a Sunday or on a holiday, the day preceding shall be considered the first day of the period.

Section 7-2 Charter Changes

This Charter may be replaced, revised, or amended in accordance with the procedures made availability by the State Constitution and Chapter 43B of the General Laws.

Section 7-3 Severability

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

Section 7-4 Specific Provisions Shall Prevail

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

Section 7-5 Public Records

A copy of all rules, regulations and meeting minutes adopted by boards, commissions, departments, agencies or officers of the Town, who do not employ full-time secretaries, shall be filed in the office of the Town Clerk and made available for review by any person who requests such information; otherwise, said information shall be available at the respective offices.

Section 7-6 Recall of Elective Officers

Any elected officer of the Town who has held the office for not less than three (3) months and has not less than one month remaining in his/her term, may be recalled and removed from office by vote of the Town.

- (1) The three (3) months shall begin when the officer originally assumes the office and shall not be repeated upon any consecutive re-election.

(2) The provisions of paragraph (1) shall apply only to one who holds the same office continuously.

(A) Petitions

(1) The Town Clerk shall keep petitions for recall with his/her signature and the Town Seal available in his/her office.

(2) A petition for recall election of a Town Meeting Representative containing the representative's name and office together with the specific grounds for recall and the signatures of 10% of the voters of the precinct he or she represents shall be filed with the Town Clerk.

(3) A petition for the recall election of any other officer containing the officer's name and office, together with the specific grounds for the recall and the signatures of 10% of the voters in the town with at least one hundred (100) voters from each precinct, shall be filed with the Town Clerk, provided, however, the recall petition must be filed with the Town Clerk within 60 days of the date the recall petition was initially issued by the Town Clerk.

(B) Validating the Petition and Setting the Date for the Recall Election.

(1) The Town Clerk shall determine the validity of the petition and the signatures, and make a report to the Selectmen within seven (7) days of the receipt of the petition.

(2) Upon the favorable report of the Town Clerk, the Selectmen shall set the date and call for a recall election.

(3) That election shall be held on a Saturday, no sooner than three (3) weeks from the date of the Town Clerk's report and no later than five (5) weeks from the date of the Town Clerk's report; but,

(4) should there be a scheduled election within two (2) months of the Town Clerk's report, the recall question may be submitted to that election.

(5) If the officer whose recall is sought should submit his/her resignation before the opening of the polls at which the recall question is to be submitted, the election shall be canceled.

(6) The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elected officer whose recall is sought) be recalled?" A majority vote of the voters to recall such elective officer will determine the question. Recall of such elective officer shall become effective upon certification of the results of the voting therein, regardless of any defect in the recall petition. If any elective officer shall be recalled, the vacancy

created thereby shall be filled in accordance with the provisions of this Charter and of General Law.

(7) No person having been recalled or having resigned from office while recall proceedings were pending against him or her shall be appointed to any Town office or board within two (2) years following said recall or resignation.

Section 7-7 Removals and Suspension

Any appointed officer or employee of the Town, not subject to the provisions of the State Civil Service Law, not otherwise subject to a collective bargaining contract with the Town, whether appointed for a fixed or an indefinite term and who has completed his or her probationary period as that term is defined in the Personnel By-laws, may be suspended or removed from office by the appointing authority for good cause. The term good 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 or employee of the Town may be suspended from office by the appointing authority if such action is deemed by them to be necessary to protect the interests of the inhabitants of the Town. However, no suspension shall be for more than fifteen (15) days per charge.

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 or employee 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 therefor shall be delivered by registered mail to the last known address of the person sought to be removed.
- (B) Within five (5) days of delivery of such notice, the officer or employee may request a public hearing at which he or she may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witnesses appearing at the hearing.
- (C) Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing, between six (6) and fifteen (15) days after delivery of the notice of the intent to remove, the appointing authority shall take final action, either removing the officer or employee or notifying him or her that the notice is rescinded.

Any such officer or employee shall continue to receive his/her salary until removed from office.

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 his/her original term expires.

Section 7-8 Chiefs of Police and Fire Departments

The provisions of Section 7-7 shall not apply to the positions of Chief of Police and Chief of Fire Departments. The removal or suspension of either or both chiefs shall be administered in accordance with the procedures set forth in Article IV, Section 5 of this Charter. Neither chief shall be subject to the Civil Service Law and Rules. The Personnel Board shall establish job classifications for the positions of Chief of Police and Chief of Fire Departments.

ARTICLE VIII

Transitional Provisions

Section 8-1 Continuation of Existing Laws

All general laws, special laws, Town By-laws, votes, rules and regulations of or pertaining to the Town which are in force when this Charter takes effect and which are not inconsistent with the provisions of this Charter shall continue in full force and effect until amended or rescinded by due course of law or expire by law limitation.

Section 8-2 Continuation of Government

Except as otherwise provided the following Section 8-8, Effective Date, all committees, commissions, boards, departments, officers and other agencies of the Town shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

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 his/her duties until provisions shall have been made in accordance with this Charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the Town, shall forfeit his/her pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

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, department or agency, shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

Section 8-5 Repeal of Certain Acts

The following special acts are hereby repealed: Chapter 377 of the Acts of 1924; Chapter 313 of the Acts of 1953; Chapter 549 of the Acts of 1956; Chapter 596 of the Acts of 1967; and Chapter 709 of the Acts of 1969.

Section 8-6 Continuance of Contracts and Other Obligations

All leases, contracts, franchises, and obligations entered into by the Town or for its benefit, prior to the effective date of this Charter shall continue in full force and effect.

Section 8-7 Pending Actions and Proceedings

No action or proceeding, civil or criminal, in law or in equity, pending at the time when this Charter is to take effect, brought by or against the Town or any office, department or other agency thereof, shall be affected or abated by the adoption of this Charter.

Section 8-8 Effective Date

This Charter, as amended, shall be fully effective upon its approval by the voters at the election at which it is submitted to them except as follows:

- (A) At the annual town election held in the year following the year in which this Charter is adopted, the terms of office of all incumbent members of the Board of Library Trustees shall be terminated. At the said election, five (5) members shall be elected as a Board of Library Trustees: the two (2) candidates receiving the highest number of votes for the office shall serve for a term of three (3) years, the two candidates who receive the next highest number of votes shall serve for a term of two (2) years and the fifth candidate elected shall serve for a term of one (1) year term.
- (B) The terms of all other elected officials, whether elected at the election at which this Charter is adopted or serving the balance of terms of which they were elected in prior elections, shall continue to serve the full term for which they were elected.
- (C) Except in the case of the representatives of the Finance Committee the terms of office of the members of the Capital Budget Committee shall continue to their normal expiration at which time the Moderator shall appoint a successor (who may be the incumbent) in the manner provided and for a term consistent with the provisions of Article II, Section 2-9(G)(1). The Finance Committee and Planning Board representatives on the Capital Budget Committee at the time this Charter is adopted shall thenceforth cease to be members of the Capital Budget Committee unless appointed by the Moderator in accordance with Article II, Section 2-9(G)(1).
- (D) The terms of office of all members of the By-law Committee appointed by the Board of Selectmen shall be terminated on the same date, fixed by the Board of Selectmen, not more than ninety (90) days following the date on which this Charter is adopted.
- (E) The provisions of Article IV, Section 4-1, making the office of the Town Administrator subject to the consolidated Personnel of the Town shall not be applicable with respect to vacation days and other benefits accrued to the current holder of that office through the date of said election.

Updated 2001

Updated 2006, Chapter 300 of the Acts of 2006