

DRACUT Town Meeting
 June 2, 2014
 "Proposed Charter Changes"
 -ARTICLE 28-

CHARTER CHANGES – JUNE 2014 TOWN MEETING

ARTICLE	SECTION	CURRENT TEXT	PROPOSED TEXT
	Preamble	"We, the people of Dracut, in order to re-establish the individual sovereignty of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment to the constitution of the Commonwealth, do hereby adopt the following home rule charter for the Town of Dracut."	"We the people of Dracut, in order to <u>reaffirm the customary and traditional liberties</u> of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment to the constitution of the Commonwealth, do hereby adopt the following home rule charter for the Town of Dracut." (changes underlined)
2	1	"The legislative body of the town shall be a town meeting consisting of all registered voters qualified to vote in state and local elections."	"The legislative body of the town shall be a town meeting <u>open to all registered voters of the town.</u> "
2	2	"The second such meeting, the powers of which shall also be deemed those of an annual town meeting, and shall be primarily concerned with general by-laws, zoning by-laws and not having a fiscal effect on the town, shall be held on the first Monday of November and subsequent nights thereafter unless otherwise provided by future bylaw."	Replace entire section quoted text with: "The second such meeting, referred to herein as the "fall town meeting," shall be held during the last four months of the calendar year on a date fixed by by-law, and shall be deemed to be an annual town meeting for all purposes of the General Laws; provided, however, that the fall town meeting shall not include the election of officers."
2	3	"A quorum of 250 shall be required to conduct business at any town meeting unless otherwise provided in a future by-law."	"A quorum of 250 shall be required for the spring or any special town meeting and 200 for the fall town meeting."
2	7	<p>"Committee on Rules – There shall be a committee on rules consisting of seven or nine person each of whom must reside in a different precinct from all other members, to be appointed by the moderator. The terms of office of members of the committee on rules shall be for three years, initially so arranged that an equal number of terms as possible shall expire each year. The moderator shall serve, ex-officio, as the chairman of the committee on rules.</p> <p>"The committee on rules shall provide a continuing oversight of the business of the town meeting and shall consider all proposed changes in its conduct.</p> <p>"The members of the committee on rules shall during the time the town meeting is in session, organize by the election of a vice-chairman and a clerk.</p> <p>"Committee on Government Regulations – There shall be a committee on government regulations consisting of seven or nine persons at least one of whom shall be appointed by the moderator, each of whom must reside in a different precinct from all</p>	<p>"Committee on Rules and Regulations – There shall be a committee on rules and regulations consisting of seven or nine persons to be appointed by the moderator. Each member must reside in a different precinct from all other members; provided, however, that if there has been a vacancy that the moderator has been unable to fill for more than 120 days, the moderator may fill the vacancy with someone from the same precinct as an existing member. The terms of office of members for the committee shall be for three years, initially so arranged that an equal number of terms as possible shall expire each year. The moderator shall serve, ex-officio, as the chairman of the committee.</p> <p>"The members of the committee shall, during the time of the town meeting is in session, organize by the election of a vice-chairman and a clerk.</p> <p>"The committee shall provide a continuing oversight of the business of the town meeting and shall consider all proposed changes in its conduct.</p>

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		<p>other members, for terms of three years, initially so arranged that as nearly as an equal number of terms as possible shall expire each year.</p> <p>The committee on government regulations shall review and report on all warrant articles that would, if adopted, amend the charter or affect the by-laws of the town. It shall be responsible for the decennial review of the by-laws of the town as provided in Article 7, Section 9.</p>	<p>"The committee shall review and report on all warrant articles, that would, if adopted, amend the charter or affect the by-laws of the town. It shall be responsible for the decennial review of the by-laws of the town as provided in Article 7, Section 9."</p>
3	7	<p>"There shall be a board of library trustees consisting of three members elected for three-year terms, so arranged so that one term shall expire each years"</p>	<p>"There shall be a board of library trustees consisting of <u>five</u> member elected for three-year terms, so arranged so that one term shall expire each year." (changes underlined)</p>
3	8	<p>"There shall be a moderator elected for a one-year term."</p>	<p>There shall be a moderator elected for a <u>three</u>-year term.' (changes underlined)</p>
3	9	<p>"There shall be a planning board consisting of five members appointed by the manager for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year."</p>	<p>"There shall be a planning board consisting of five members appointed by the manager for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year."</p> <p>"Notwithstanding section 9 of chapter 40A of the General Laws, section 81A of Chapter 41 of the General Laws or any other general or special permit granting authority, shall have one associate member. The associate member shall be appointed by the Town Manager for a term of two years. In the case of absence, inability to act, or conflict of interest on the part of any member of the planning board, the chairperson of the board shall designate an associate member to sit on the board."</p>
4	1	<p>"The Board of Selectmen shall appoint a Town Manager without term and fix his or her compensation within the amount annually appropriated for that purpose. The office of town manager shall not be subject to a personnel by-law, if any. The town manager shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had five years of full-time paid experience as a city or town manager or assistant city or town</p>	<p>The Board of Selectmen shall appoint a Town Manager without term and fix his or her compensation within the amount annually appropriated for that purpose. The office of town manager shall not be subject to a personnel by-law, if any. The town manager shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had five years of full-time paid experience as a city or town manager or as an assistant city or town manager or as a chief financial officer of a city</p>

		<p>manager or the equivalent level of private sector experience.</p> <p>"The terms of the manager's employment shall be the subject of a written agreement setting forth his compensation, vacation, sick leave benefits, and such other matters excluding tenure as are customarily included. He shall not have served in an elective or appointive office in the town government for at least five years prior to his appointment. He shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during his term."</p>	<p><u>or town, or other equivalent public sector experience, or the equivalent level of private sector experience.</u></p> <p>"The terms of the manager's employment shall be the subject of a written agreement setting forth his or her compensation, vacation, sick leave benefits, and such other matters, excluding tenure as are customarily included. He or she shall not have served in an elective office in the town government for at least five years prior to his or her appointment. He or she shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during his or her term." (changes underlined)</p>
4	4	<p>"Upon the termination of the town manager's appointment, whether voluntary or otherwise, he shall receive, in addition to any other benefits provided in his contract, termination pay equal to one month's salary for each full year of service as a manager, not to exceed three month's salary in total."</p>	<p>Section removed.</p>
5	4	<p>"The department of public works shall assume all of the duties and responsibilities in the performance of public works functions, including but not limited to those performed prior to the adoption of the charter by or under the authority of the sewer commission, the park commission, the cemetery commission and the board of selectmen."</p>	<p>"The department of public works shall assume all of the duties and responsibilities in the performance of public works functions, including but not limited to those performed prior to the adoption of the charter by or under the authority of the sewer commission, <u>the town water department</u>, and the board of selectmen." (changes underlined)</p>
6	3	<p>"He shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public."</p>	<p>He shall simultaneously provide for the publication of the proposed budget on the town's official website and for the publication in a local newspaper of a general summary <u>of the proposed budget and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public.</u>" (changes underlined)</p>
6	6d	<p>"All warrant articles requiring an appropriation in excess of \$500 shall be integrated into the town manager's budget and shall be considered and reported thereon by the finance committee."</p> <p>* Board of Selectmen Voted to refer to the June 2015 Town Mtg.</p>	<p>"All warrant articles requiring an appropriation in excess of \$500 shall be integrated into the town manager's budget and shall be considered and reported thereon by the finance committee, <u>unless another amount shall be provided in a future by-law.</u>" If the warrant article is not integrated into the town manager's budget, and not considered and reported thereon by the finance committee, it shall <u>be ruled out of order by the moderator.</u>" (changes underlined)</p>

6	7	<p>"There shall be a capital planning committee consisting of seven or nine members each of whom must reside in a different precinct from all other members appointed by the town manager for terms of three years....."</p>	<p><u>"There shall be a capital planning committee consisting of seven or nine persons to be appointed by the town manager. Each member must reside in a different precinct from all other members; provided, however, that if there has been a vacancy that the town manager has been unable to fill for more than 120 days, the town manager may fill the vacancy with someone from the same precinct as an existing member."</u> (changes underlined)</p>
6	9	<p>"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 and by the board of selectmen shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen alone shall approve all warrants in the event of a vacancy in the office of town manager."</p>	<p>"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. <u>The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen alone shall approve all warrants in the event of a vacancy in the office of town manager. Any member of the board of selectmen may review any warrant upon request.</u>" (changes underlined)</p>
7	9	N/A	<p>Change Title to: " Re-Enactment and Publication of By-Laws, and Review of Charter" and place an (a) Bylaws" in front of the current text.</p> <p>Add new section titled "(b) Charter – "At intervals of not more than ten years, the board of selectmen shall appoint a committee for the purpose of reviewing the town charter. The committee shall commence its review following the adjournment of the annual town meeting in the year preceding the year in which its report is to be filed.</p> <p>Within eight months following its appointment, the committee shall cause to be published on the town's official website and in a local newspaper (a) a report summarizing its recommendations and noting the times and places within the town where complete copies of the report shall be available for inspection by the public, and (b) the date, time and place not less than two weeks following such publication when a public hearing shall be held by the committee on the report."</p> <p style="text-align: right;">* <i>Board of Selectmen voted to refer to the June 2012 Town Mtg.</i></p>

7	13(c)	<p>Recall Election – “If the petition shall be certified by the town clerk to be sufficient, he shall forthwith submit the same with his certificate to the board of selectmen. Upon its receipt of the certificate, the board of selectmen shall forthwith give written notice of such petition and certificate to the officer whose recall is sought. If said officer does not resign his office within five days after delivery of such notice, the board of selectmen shall order an election to be held not less than thirty-five nor more than forty days after the date of the town clerk’s certificate of sufficient petition. If, however, any other town election is to occur within sixty days after the date of certificate, the board of selectmen shall hold the recall election on the date of such other election. If the vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted.</p>	<p>Recall Election – “If the petition shall be certified by the town clerk to be sufficient, he shall forthwith submit the same with his certificate to the board of selectmen. Upon its receipt of the certificate, the board of selectmen shall forthwith give written notice of such petition and certificate to the officer whose recall is sought. If said officer does not resign his office within five days after delivery of such notice, the board of selectmen shall order an election to be held not less than <u>sixty-four</u> nor more than <u>ninety</u> days after the date of the town clerk’s certificate of sufficient petition. If, however, any other town election is to occur within <u>one hundred and twenty</u> days after the date of certificate, the board of selectmen shall hold the recall election on the date of such other election. If the vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted. (changes underlined)</p>
7	14	<p>“No full time employee of the town under the jurisdiction of the town manager shall suffer dismissal unless he first receives a verbal warning from his superior that specified employment misconduct could result in termination.”</p>	<p>To be removed in its entirety and be left to state law and town personnel bylaws and policies.</p>

