DRACUT CHARTER COMMISSION

FINAL REPORT

March 6, 1985

THIS QUESTION WILL APPEAR ON THE TOWN ELECTION BALLOT ON MAY 6, 1985

Shall this town approve the new charter recommended by the charter commission summarized below?

YES ☐

NO ☐

SUMMARY: (1) The town meeting shall continue to be the legislative body with 4 permanent committees, finance, rules, government regulations and permanent building; (2) There shall continue to be a 5 member board of selectmen and a 5 member school committee elected for overlapping terms of 3 years; (3) The position of professional town manager is established with powers of administration, appointment, purchasing, personnel management, etc.; (4) The town manager shall be responsible for the preparation of the proposed annual operating budget and capital programs; (5) Certain offices now elected are to be appointed (assessors, clerk, treasurer, collector, planning board, board of health, cemetery commission, etc.); (6) A department of public works may be established after review and approval of the town meeting; (7) Certain boards and commissions will become abolished upon the creation of the public works department; (8) Employment security for permanent full time town employees is mandated with procedural requirements specified; (9) The reorganization of town agencies and table of organization may be facilitated by alternative provisions for by-law amendment or administrative code adoption; (10) Town meeting actions may be subject to referenda and elected officials subject to recall.

Introduction

The Dracut Charter Commission, duly elected by vote of the townspeople on May 7, 1984, was given the responsibility of completing a comprehensive study of the town's current governmental system, analyzing the numerous options available in municipal government, and finally designing and recommending a cohesive governmental structure that it believed would best suit the needs of the community.

The Commission realized, from its inception, that in order to create a charter of, by, and for the people of Dracut, flexibility and responsiveness were essential. In order to maximize citizen participation in the charter creation process, open meetings were held and advertised regularly. A combination of questionnaires and private meetings with the Commission manifested input from virtually every elected and appointed office in the Town. In addition, the Commission held two Public Hearings, several informational forums, and gave update messages during meetings of the Board of Selectmen, all of which were televised on the Local Access station. Informative articles were written by Charter Commission members for the Dracut Dispatch, and a Preliminary Report was published in the Lowell Sun. Citizen response to these efforts was fruitful in providing the input that was sought. This Final Report, therefore, was produced with the ideas and advice of many interested townspeople, and reflects far more than the beliefs of the Charter Commissioners themselves.

Statement of Major Differences

FORMAT

The Town of Dracut does not presently have a definite charter, but is governed by the applicable General Laws of Massachusetts together with Special Acts of the State Legislature relating exclusively to the Town of Dracut. These, in addition to the local by-laws accepted by the Town since its incorporation in 1701, constitute the current "charter" under which it operates. The compilation of all of this information, along with the new recommendations of the Charter Commission, will create one document which clearly describes the powers, duties, and responsibilities of the Town and its agencies. The Commission feels that this is a positive step toward the better understanding of town government by all citizens.

Executive/Administrative Organization

By far, the major changes proposed by this Final Report are contained within this general heading. Among those are the elevation of the Board of Selectmen to a policy making board; the creation of the position of a professional town manager (appointed by and answerable to the Board of Selectmen) to carry out the policies set forth by the Selectmen; and the removal of some offices, which heretofore have been elected, from the ballot.

1. **Board of Selectmen** — Comparable to the private sector situation of a large corporation, the Board of Selectmen has been assigned the policy making executive authority of a Board of Directors. In order to administer these policies and day to day management of the Town, the Board will appoint a full-time professional, suited by training, education, and experience.

2. **Town Manager** — The town manager shall have powers of administration, appointment, purchasing, and personnel management, and shall be responsible for the proposed annual operating budget and capital programs. He shall serve at the will of the Board of Selectmen, and may be dismissed by a simple majority of that Board. This central administrative position is recommended in response to the commonly voiced concern over the current lack of direct control of departments, and consequential autonomy, fragmentation, and duplications of effort.

3. **Reduction in Elected Offices** — Although Dracut has been fortunate to have numerous elected officials who have done commendable work in their positions, there exists little more than cautious optimism that persons possessing the expertise for each position will continue to be available for election. The administrative abilities of the town manager, as well, are enhanced by the appointive authority, since elected officials are truly only answerable to the electorate, and each office administered by a separately elected officer or board is independent of all other town agencies in the daily functions of town government. In order for the cohesive management structure of the Town to be facilitated, then, many elected positions are recommended to become appointed.

Legislative Organization

Open Town Meeting will continue to function as the legislative body of the Town. A Spring Annual Town Meeting will deal primarily with fiscal matters, and will commence on the first Monday in June. A Fall Annual Town Meeting will deal primarily with non-fiscal issues, and begin on the first Monday in November. Flexibililty for changing these dates has been included in case a future decision is made to do so. Quorum requirements will stand at 250 persons for all town meeting sessions, but flexibility has also been included for this issue.

The clearly delineated budget preparation, review, and adoption processes within the proposed charter are suggested to help alleviate the problems regarding operating budgets that have led to many of Town Meetings' difficulties in the past.

Town Meeting actions may be subject to referenda within the new charter, thus creating a method by which the townspeople may bring an issue of concern to the ballot.

Other Changes

A brief summary of some of the additional changes includes: (1) The proposed charter allows for the future development of a Department of Public Works; (2) Those officials who are in elected positions will be subject to recall provisions; (3) Full-time employees of the Town under the jurisdiction of the town manager are guaranteed employement security, with procedural mandates specified in the charter.

Closing Statement

A project that has proven to be as extensive in scope as this charter study has been must invariably lead to differences of opinion. It is realized that no one individual will agree with all of the proposals set forth in the Final Report. It is also felt though, that this Charter Commission has done its best at creating a charter proposal that is in Dracut's best interest, and that to support it is indeed a step toward a more progressive and cohesive governmental structure.

The Charter Commission voted unanimously to support this Final Report, and believes that a "yes" vote on May 6, 1985 is a vote for a better future.

Joyce A. Desjardins, *Chairperson*
Roger Daigle, *Vice Chairperson*
Thomas McAnespie, *Clerk*
Gerard Carle
P. Gregory Dillon
Paul Enis
Michelle Eno Lambros
Joseph Harper, Jr.

Dracut Home Rule Charter

Preamble

We, the people of Dracut, in order to reestablish 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.

Article 1
EXISTENCE AND AUTHORITY

Section 1 Incorporation

The inhabitants of the Town of Dracut, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "Town of Dracut."

Section 2 Short Title

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

Section 3 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen and a town manger. All legislative powers of the Town shall be exercised by the town meeting.

Section 4 Powers of the Town; Intent of the Voters

It is the intent and the purpose of the voters of the Town of Dracut, 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 such power were specifically and individually enumerated herein.

Section 5 Interpretation of Powers

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town, and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 4.

Section 6 Intergovernmental Relations

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

Article 2
TOWN MEETING

Section 1 Composition

The legislative body of the town shall be a town meeting consisting of all registered voters qualified to vote in state and local elections.

Section 2 Annual Town Meetings

The town meeting shall meet at least twice in each calendar year. The first such meeting shall be held on the first Monday of June and subsequent nights thereafter unless otherwise provided by future by-law and shall be primarily concerned with the determination of matters that have a fiscal effect on the town, including but not limited to the setting of all annual operating budgets for all town agencies. 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 matters 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 by-law. In addition to the two meetings required by this section, the board of selectmen may, in any manner provided under the general laws of the Commonwealth or the charter, for the purpose of acting upon the legislative business of the town in an orderly and expeditious manner, call the special town meetings into session at other times by the issuance of warrants therefor. Any article defeated at a town meeting shall not again be considered on its merits by a subsequent town meeting held within one year without a two-thirds vote.

Section 3 Quorum

A quorum of 250 shall be required to conduct business at any town meeting unless otherwise provided in a future by-law.

Section 4 Presiding Officer

A moderator, chosen in accordance with the provisions of Article III, Section 8, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings of all town meetings, decide all questions of order and make public declaration of all votes. The moderator is required to finish all articles on the warrant of the town meeting first called to order prior to the consideration of any warrant article in an intervening special town meeting. He shall perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.

Section 5 Clerk of the Meeting

The town clerk or his designee shall serve as the clerk of the town meeting. The clerk shall give notice of all meetings to the public, keep the journal of their proceedings and perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.

Section 6 General Powers and Duties

All powers of the town shall be vested in the town meeting, except as otherwise provided by law or the charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 7 Establishment of Standing Committees

The town meeting may from time to time, by by-law, establish standing committees to which shall be referred warrant articles for study, review and report in advance of the sessions of the town meeting.

Until such time as the town meeting acts, by by-law or other town meeting vote, to change or abolish such committees, the following committees are hereby established:

Finance Committee — There shall be a finance committee appointed by the moderator consisting of seven or nine members having at least one member from each precinct.

The finance committee shall be governed by the provisions of Chapter IV of the Revised By-Laws of the Town.

Committee on Rules — There shall be a committee on rules consisting of seven or nine persons having at least one member from each precinct 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.

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.

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.

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 from each precinct, for terms of three years, initially so arranged that as nearly an equal number of terms as possible shall expire each year.

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.

Permanent Building Committee — There shall be a permanent building committee consisting of five members especially trained or experienced in construction management. They shall be appointed by the moderator for three-year terms initially so arranged that not more than two terms shall expire each year.

The permanent building committee shall be assigned the responsibility for overseeing the construction or reconstruction of all town buildings, approving the plans thereof, and expending such funds as appropriated for such project by the town meeting. The committee during the lifetime of any project shall file monthly reports with the town manager and make yearly reports to the town meeting.

Section 8 Warrant Articles

(a) Initiation - Except for procedural matters, all subjects to be acted upon by the town meting shall be placed on warrants issued by the board of selectmen. The board of selectmen shall place on such warrants all subjects requested in writing by (1) any elected town officer or member of an elected multiple-member body; (2) any appointed multiple-member body acting by a majority of its members; (3) any ten or more voters; or (4) any appointed town officer or department head. All subject submitted to the board of selectmen under this section shall be placed on a warrant for the next town meeting, annual or special, that shall occur forty-five or more days following the date of submission.

(b) Publication - Forthwith, following receipt by the board of selectmen of any subject for a town meeting warrant article, initiated by petition or by one or more members of the board of selectmen, a copy of such subject shall be posted on the town bulletin board and otherwise distributed as may be provided by by-law. Additional copies shall be kept available by the town clerk.

Section 9 Referendum Procedures

(a) Effective Date of Final Votes - No final vote of a town meeting on any warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two-thirds vote of the town meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of five days from the dissolution of the town meeting. If a petition is not filed within the said five days, the votes of the town meeting shall then become operative.

(b) Non-Final Votes - Any article disposed of by a vote to lay on the table or to postpone indefinitely or by other dilatory vote, shall be deemed to have been rejected in the form in which it was presented or amended.

(c) Referendum Petition - If, within said five days, a petition signed by not less than five percent of the voters containing their names and addresses, is filed with the board of selectmen requesting that any question, not yet operative as defined in (a), be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The board of selectmen shall, within ten days after the filing of such petition, call a special election that shall be held within fourteen days after issuing the call, for the purpose of presenting to the voters any such question. If, however, a regular or special election is to be held not more than thirty days following the date the petition is filed, the board of selectmen may provide that any such question be presented to the voters at the same election.

(d) Referendum Election - All votes upon any question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the town meeting shall be reversed unless at least twenty percent of the voters vote on the question.

(e) Format of Questions - Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the town meeting, as appears in the records of the clerk of the meeting.

Article 3
ELECTED AND APPOINTED OFFICERS

Section 1 General Provisions

(a) Elective Offices - The offices to be filled by the voters shall be the board of selectmen, school committee, moderator, housing authority, board of library trustees, and such members of regional authorities or districts as may be established by statute, iterlocal agreement or otherwise.

(b) Eligibility - Any voter shall be eligible to hold any elective town office.

(c) Nomination Procedures - The number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall be not less than fifty.

(d) Election - The regular election of town officers shall be held annually on a date fixed by by-law. No preliminary elections shall be held.

(e) Compensation - Election town officers shall receive for their services such compensation as may annually be provided for that purpose by appropriation of town meeting.

(f) Coordination of Officers - Notwithstanding their election by the voters, the town officers named in this article shall be subject to the call of the board of selectmen, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

Section 2 Board of Selectmen

(a) Composition; Term of Office - There shall be a board of selectmen consisting of five members elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

(b) Powers and Duties - The executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall have all of the powers and duties given to boards of selectmen under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. To administer its policies and aid the board in its official duties, the board of selectmen shall appoint a town manager, as provided in article 4.

(c) Appointing Powers - The board of selectmen shall appoint the town manager, town counsel, town accountant and members of the historical commission, arts council, registrars of voters (but not the town clerk) and other election officers, constables, and members of all appointed multiple member bodies for whom no other method of selection is provided by the charter or by by-law.

(d) Licensing Authority - The board of selectmen shall be the license board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

Section 3 School Committee

(a) Composition; Term of Office - There shall be a school committee consisting of five members elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

(b) Powers and Duties - The school committee shall have all of the powers and duties school committees are given under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote. The powers of the school committee shall include but need not be limited to the following:

1. The school committee shall appoint a superintendent of the schools and all other officers and employees associated with the schools, fix their compensation and define their duties, make rules concerning their tenure of office, and discharge them.

2. The school committee shall make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the town.

Section 4 Town Accountant

There shall be a town accountant appointed by the board of selectmen for a three-year term.

Section 5 Board of Assessors

(a) Composition; Term of Office - There shall be a board of assessors consisting of three members appointed by the manager for three-year terms, so arranged that one term shall expire each year. One of the assessors shall be a full time professionally qualified appraiser and shall serve as chairman of said board, the other members shall be part time.

(b) Powers and Duties - The board of assessors shall annually make a valuation of all property, both real and personal, within the town. It shall have all of the powers and duties given to boards of assessors under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

Section 6 Board of Health

(a) Composition; Term of Office - There shall be a board of health consisting of three members appointed by the manager for three-year terms, so arranged that one term shall expire each year.

(b) Powers and Duties - The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health. It shall have all of the powers and duties given to boards of health under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law, or by other town meeting vote.

Section 7 Board of Library Trustees

(a) Composition; Term of Office - 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 year.

(b) Powers and Duties - The board of library trustees shall have the custody and management of the library and of all property of the town related thereto. All money 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 shall be administered by the board in accordance with the provisions of such gift or bequest. The board of library trustees shall have all of the powers and duties given to boards of library trustees under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

Section 8 Moderator

(a) Term of Office - There shall be a moderator elected for a one-year term.

(b) Powers and Duties - The moderator, as provided in Art. 2, Sec. 3 shall preside and regulate the proceedings at all sessions of the town meeting, and shall have all of the powers and duties given to moderators under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

Section 9 Planning Board

(a) Composition; Term of Office - 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.

(b) Powers and Duties - The planning board shall make studies and prepare plans concerning the resources, possibilities and needs of the town. The planning board shall have the power to regulate the sub-division of land within the town by the adoption of rules and regulations governing such development. The planning board shall annually report to the town manager giving information regarding the condition of the town and any plans or proposals known to it affecting the resources, possibilities and needs 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 the charter, by by-law or by other town meeting vote.

Section 10 Housing Authority

(a) Composition; Term of Office - There shall be a housing authority consisting of five members. Four members shall be chosen by ballot; the fifth member shall be a resident of the town, appointed by the department of community affairs or as otherwise provided by law. Housing authority members shall serve five-year terms, so arranged that one term shall expire each year.

(b) Powers and Duties - 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 the charter, by by-law or by other town meeting vote.

Article 4
TOWN MANAGER

Section 1 Appointment; Qualifications; Term

The board of selectmen shall appoint a town manager without term and fix his 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 manager or the equivalent level private sector experience.

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.

Section 2 Powers and Duties

The town manager shall be the chief adminisrative officer of the town and shall be responsible to the board of selectmen for the proper administration of all town affairs placed in his charge by or under the charter. He shall have the following powers and duties.

(a) He shall supervise and be responsible for the efficient administration of all functions under his control, as may be authorized by the charter, by by-law, by other town meeting vote or by the board of selectmen, including all officers appointed by him and their respective departments.

(b) He shall appoint, and may remove subject to the civil service laws where applicable the conservation commission, fence viewers, industrial development finance committee, industrial redevelopment authority, personnel board, recreation commission, redevelopment authority, street lighting committee, zoning and building boards of appeals, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in the charter, except persons serving under other elected agencies and appointments made by representatives of the Commonwealth. The town manager's appointment of the police chief, fire chief, highway surveyor, part superintendent, tree warden and dog officer shall be subject to the approval by the board of selectmen.

(c) He shall be entrusted with the administration of all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or by-law, and all collective bargaining agreements entered into by the board of selectmen on behalf of the town.

(d) He shall fix the compensation of all town officers and employees appointed by him within the limits established by appropriations and any compensation plan adopted by the town meeting.

(e) He shall attend all regular and special meeings of the board of selectmen, except meetings at which his own removal is to be discussed, unless excused at his own request, and shall have a voice, but no vote, in all discussions.

(f) He shall attend all sessions of the town meetings and shall answer all questions directed to him that are related to this office.

(g) He shall see that all of the provisions of the general laws, of the charter, of the by-laws and other town meeting votes, and of the board of selectmen that require enforcement by him, or officers and employees subject to his direction and supervision, are faithfully carried out.

(h) He shall prepare and submit a proposed annual operating budget and a proposed capital improvement program as provided in article 6.

(i) He shall assure that a full and complete record of the financial and administrative activities of the town is kept and shall render a full report to the board of selectmen at the end of each fiscal year and at such other times as may be required.

(j) He shall keep the board of selectmen fully informed as to the financial condition and needs of the town, and shall make such recommendations to the board of selectmen as he deems necessary or expedient.

(k) He shall have full jurisdiction over the rental and use of all town facilities, except schools and properties designated by by-law or other town meeting vote. He shall be responsible for the maintenance and repair of all town property which he designated to be under his control or by the charter, by by-law or by other town meeting vote.

(l) He may at any time inquire into the conduct of any officer, employee or department under his control.

(m) He shall keep a full and complete inventory of all property of substantial value belonging to the town, both real and personal.

(n) He shall be responsible for the negotiation of all contracts involving any subject within his jurisdiction and approve the awarding thereof.

(o) He shall be responsible for purchasing all supplies, materials and equipment, except those items which fall under the school committee budget and shall approve the award of all contracts for all departments and activities of the town. He shall examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies or equipment delivered to or received by any town agency. He may examine services performed for any town agency secured through the purchasing procedure.

(p) He shall perform any other duties required of him by the charter, by by-law, by other town meeting vote or by the board of selectmen.

Section 3 Acting Town Manager

(a) Temporary Absence - By letter filed with the town clerk and board of selectmen, the town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town manager during his temporary absence. During the absence of the town manager, the board of selectmen may not revoke such designation until at least thirty days have elapsed whereupon it may appoint another qualified town administrative officer or employee to serve as acting town manager until the town manager returns.

(b) Vacancy - When the office of town manager is vacant, or the town manager is under suspension as provided in section 4, the board of selectmen shall appoint a qualified town administrative officer or employee to serve as acting town manager until the vacancy is filled or the suspension has been terminated. The selectmen shall start a recruitment program for a new town manager within thirty days of their appointment of an acting town manager and shall appoint a new town manager within one hundred twenty days.

Section 4 Removal Procedures

The board of selectmen may remove the town manager from office after first applying the following procedures:

(a) Notice - By affirmative vote of a majority of all of its members the board of selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith following the adoption.

(b) Public Hearing - Within five days after the delivery of the preliminary resolution of removal, the town manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the board of selectmen. The hearing shall be convened by the board of selectmen not less than twenty nor more than thirty days after a request is filed. Not less than five days' prior written notice of the date upon which the hearing will commence shall be given to the town manager. The time limitations set forth herein may be waived in writing by the town manager. The town manager shall be entitled to file a written statement with the board of selectmen responding to the reasons cited for the proposed removal, provided the same is received by the board of selectmen not less than forty-eight hours in advance of the time set for the commencement of the public hearing. The town manager may be represented by counsel at the public hearing. He shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

(c) Removal - If the town manager does not request a public hearing, then upon the expiration of ten days from the date of delivery to him of the preliminary resolution of removal, or if the town manager does request a public hearing, then five days from the completion of the public hearing or forty-five days from the date of the adoption of the preliminary resolution, whichever occurs later; the board of selectmen may by the affirmative vote of a majority of all of its members adopt a final resolution of removal that shall be effective upon adoption. Failure to adopt a final resolution of removal within the time limitations provided in this section shall nullify the preliminary resolution of removal. The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the board of selectmen. The town manager shall continue to receive his salary until a final resolution of removal has become effective.

(d) 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 manager, not to exceed three month's salary in total. To be eligible for this benefit upon voluntary termination, the town manager must give the board of selectmen sixty days written notice of intent to leave.

Article 5
ADMINISTRATIVE ORGANIZATION

Section 1 Creation of Departments, Division, Agencies and Offices

The organization of the town into operating agencies may be accomplished through either method provided in this section.

(a) By-Laws - Subject only to express prohibition in the constitution, the general laws or the charter, the town meeting may, by by-law, reorganize, consolidate, or abolish any town agencies in whole or in part and establish such new town agencies as it deems necessary or advisable. It may prescribe the functions of any town agency; provided, however, that no function assigned by the charter to a particular town agency may be discontinued or, unless the charter so provides, assigned to any other.

(b) Administrative Code - Subject only to express prohibitions in the constitution, the general laws or the charter, the board of selectmen, upon the recommendation of the town manager, may from time to time prepare and submit to the town meeting for approval as an administrative code a plan of organization or reorganization, or amendments to any existing plan, for the orderly, efficient or convenient conduct of the business of the town.

The board of selectmen may, upon the recommendation of the town manager, through an administrative code, reorganize, consolidate or abolish any town agencies in whole or in part and establish such new town agencies as it deems necessary or advisable. It may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; provided, however, that no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other.

Prior to the adoption of such a plan, the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper not less than seven days in advance, which notice shall describe the scope of the proposal and the time and place at which the hearing shall be held. Following such public hearing, the board of selectmen shall submit to the town meeting, by warrant article, its proposal, which it may have modified subsequent to the public hearing.

An organization or reorganization plan shall become effective at the expiration of ninety days following the date of the town meeting at which the proposal is submitted, unless the 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.

Section 3 Table of Organization

The town manager shall prepare for submission to the board of selectmen a table of organization establishing personnel requirements within the town agencies created by by-law or by administrative code. The table of organization shall become effective unless rejected by the board of selectmen within thirty days following the date of its submission.

Section 3 Publication of Administrative Code and Table of Organization

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of, the by-laws of the town. The table of organization prepared by the town manager shall be published annually in the town report.

Section 4 Department of Public Works

(a) Establishment and Scope - There shall be a department of public works responsible for the performance of all public works activities of the town placed under its control by the charter, by by-law, by administrative code, or otherwise, including but not limited to refuse collection and disposal, forestry service, protection of natural resources, maintenance of all municipal buildings and grounds, water supply and distribution, sewers and sewerage systems, and streets and roads.

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.

(b) Director of Public Works - The department of public works shall be under the direct control of a director of public works who shall be appointed by and who shall be directly responsible to the town manager. The director of public works shall serve at the pleasure of the town manager. He shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

The director of public works shall be responsible for the supervision and coordination of all divisions within the department in accordance with state statutes, town by-laws, administrative code and directives of the town manager. Until such time as the position of public works director is funded and filled, the town manager shall perform such duties.

(c) Policy Formulation - The board of selectmen, acting through the town manager, shall establish the priorities and policies to govern the operation of the department and shall promulgate all necessary rules and regulations.

Section 5 Town Accountant

(a) Appointment: Qualifications; Term of Office - There shall be a town accountant, appointed by the board of selectmen. The town accountant shall have at least three years' prior full time accounting experience. The town accountant shall devote his entire time to the performance of his duties and the supervision of the employees of his department. The town accountant shall be appointed in March of every third year for a three-year term to run from the first day of the following April and until the qualification of his successor. The town accountant may be removed by the board of selectmen for cause and the vacancy filled by them in the same manner as an original appointment, for the remainder of the unexpired term.

(b) Powers and Duties - The town accountant shall be subject to the supervision of the town manager. He shall have, in addition to the powers and duties conferred and imposed upon town accountants, by general laws, the following powers and duties:

(1) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several town officers and agencies; provided, however, that any change in the system of accounts shall first be discussed with the town manager and the town agencies affected.

(2) He shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. He shall prepare and issue rules, regulations and instructions relating thereto that, when aproved by the town manager, shall be binding upon all town agencies and employees.

(3) He shall draw all warrants upon the town treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.

(4) Prior to submitting any warrant to the town manager, he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examinations, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any town officer or agency. If, upon examination, it appears to the town accountant that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the town manager and town treasurer a written report of the reasons for his findings.

(5) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.

(c) Vacancy - If the town accountant is unable to perform his duties because of disability or absence or if the office is vacant because of resignation or death, the board of selectmen may appoint a temporary town accountant to hold such office and exercise the powers and perform the duties until the town accountant who was disabled or absent resumes his duties, or until another town accountant is duly appointed. Said temporary appointment shall be in writing, signed by the board of selectmen and filed in the office of the town clerk.

Article 6
FINANCES AND FISCAL PROCEDURES

Section 1 Fiscal Year

The fiscal year of the town shall begin on July first and end on June thirtieth, unless another provision is made by general law.

Section 2 School Committee Budget

The budget adopted by the school committee shall be submitted to the town manager in sufficient time to enable him to prepare the total town budget he is required to submit by section 3.

(a) Public Hearing - At least thirty days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall indicate specifically any major variations from the present budget and the reasons for such variations and a notice stating (1) the times and places where complete copies of the budget shall be available for examination by the public, and (2) the date, time and place, not less than seven nor more than fifteen days following such publication, when a public hearing shall be held by the school committee on the proposed budget.

(b) Adoption - The action of the school committee in adopting the budget following the public hearing shall be summarized and the vote of each member on any amendments offered to the proposed budget shall be duly recorded.

Sectoin 3 Submission of Proposed Budget

At least four months before the start of the fiscal year, the town manager shall submit to the finance committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. 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.

Section 4 Budget Message

The budget message submitted by the town manager shall explain the proposed 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 budget for the current year in financial policies, expenditures and revenues together with the reasons for such changes; summarize the town's debt position; and include such other material as the town manager deems desirable.

Section 5 The Proposed Budget

The proposed budget shall provide a complete financial plan of all town funds and activities, including the budget as requested by the school committee for the ensuing year. Except as may otherwise be required by general law or by the charter, it shall be in the form the town manager deems desirable. In his presentation of the budget, the town manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial control. The budget shall be so arranged as 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, function and work programs, and the proposed methods 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 Action on the Budget

(a) Public Hearing - The finance committee shall, forthwith upon receipt of the proposed budget, provide for publication in a local newspaper of a notice stating the date, time and place, not less than five nor more than fourteen days following such publication, when a public hearing shall be held by the finance committee on the proposed budget.

(b) Finance Committee Meetings - The finance committee shall consider in public meetings the detailed expenditures for each town agency proposed by the town manager, and may confer with representatives of any such agency in connection with such considerations. The finance committee may require the town manager or any other town agency to provide such additional information as it deems necessary or desirable in furtherance of its responsibility.

(c) Presentation to the Town Meeting - The finance committee shall file a report of its recommendations with the town clerk in sufficient time to be distributed to any voter requesting a copy at least seven days before the action on the budget article is to begin. The budget to be acted upon by the town meeting shall be the budget as proposed by the town manger which budget may be amended by the town meeting.

(d) All warrant articles requiring an appropriation in excess of $500 shall be intergrated into the town manager's budget and shall be considered and reported thereon by the finance committee.

Section 7 Capital Improvement Program

(a) Capital Planning Committee - There shall be a capital planning committee consisting of seven or nine members having at least one member from each precinct appointed by the town manager for terms of three years, initially so arranged that as nearly an equal number of terms as possible shall expire each year.

The capital planning committee shall prepare an ongoing capital plan covering the ensuing five years including all capital outlay items contained in the current annual budget and reasonably anticipated for succeeding years. They shall monitor the creation of bonded indebtedness and the annual interest charges thereon. They shall report to the town manager in sufficient time to enable him to develop the capital program required hereunder.

(b) The town manager shall submit a capital improvement program to the finance committee at least thirty days before the date fixed for submission of his proposed budget. It shall be based on material prepared by a capital planning committee, including (a) a clear, concise general summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the ensuing five years, with supporting information as to the need for each capital improvement; (c) cost estimates, methods of financing and recommended time schedules for each improvement; and (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised by the capital planning committee with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

Section 8 Financial Public Records

Statements summarizing the budget and the capital improvement program and related warrant articles, as adopted by the town meeting, shall be made available in the office of the town manager for examination by the public not more than twenty days after their adoption.

Section 9 Approval of Financial Warrants

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.

Article 7
GENERAL PROVISIONS

Section 1 Charter Changes

This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX of the amendments to the constitution and any legislation enacted to implement the said amendment.

Section 2 Severability

The provisions of the charter are severable. If any provision of the 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 the charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 3 Specific Provisions Prevail

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

Section 4 References to General Laws

All references to the general laws contained in the charter refer to the general laws of the Commonwealth of Massachsuetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the charter.

Section 5 Computation of Time

In computing time under the charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than sèven days, every day shall be counted.

Section 6 Number and Gender

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

Section 7 Definitions

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

(a) Charter - The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the state constitution or general laws, chapter 43B.

(b) Precinct - The word "precinct" shall mean the areas into which the town is divided for the purpose of electing town officers.

(b) Library - The word "library" shall mean the Moses Greeley Parker Memorial Library and any branch or branches that may be established thereof.

(d) Local Newspaper - The words "local newspaper" shall mean a newspaper of general circulation within the town.

(e) Majority Vote - The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present.

(f) Multiple Member body - The words "multiple member body" shall mean any board, commission or committee consisting of two or more persons, whether elected or appointed.

(g) Town - The word "town" shall mean the Town of Dracut.

(h) Town Agency - The words "town agency" shall mean any board, commission, committee, department or office of the town government, whether elected, appointed or otherwise constituted.

(i) Town Officer - The words "town officer" shall mean an elected or appointed official of the town who in the performance of his duties of office exercises some portion of the sovereign power of the town, whether great or small. A person may be a town officer whether or not he receives any compensation for his services.

(j) Voters - The word "voters" shall mean registered voters of the town.

Section 8 Rules and Regulations

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk and made available for review by any person who requests such information. Such rules and regulations shall not become effective until ten days following the date they are so filed.

Section 9 Re-Enactment and Publication of By-Laws

At intervals of not more than ten years, proposed revisions or recodifications of the by-laws of the town shall be presented to the town meeting for re-enactment. Such revisions or recodifications shall be prepared by a committee selected or appointed for that purpose. The town counsel or, if the board of selectmen shall so direct, special counsel appointed for that purpose shall serve as legal counsel to the committee. The committee shall commence its review following the adjournment of the annual town meeting in the year preceeding the year in which its report is to be filed.

Within eight months following its appointment, the committee shall cause to be published 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 preliminary report.

Copies of the revised by-laws shall be made available for public distribution. In each year between such re-enactments and publications an annual supplement shall be published containing all by-laws and amendments to by-laws that had been adopted in the previous year.

Section 10 Procedures of Multiple Member Bodies

(a) Meetings - All multiple member bodies of the town, whether elected, appointed or otherwise constituted, shall meet regularly at such times and public places within the town as they may, by their own rules, prescribe. Special meetings of any multiple member body shall be held on the call of the respective chairman, or by a majority of the members thereof by suitably written notice delivered to the residence or place of business of each member at least twenty-four hours in advance of the time set. A copy of said notice shall also be posted on the town bulletin boards. All meetings of the all multiple member bodies shall, at all times, be open to the public and to the press, except as may otherwise be authorized by law.

(b) Rules and Journal - Each multiple member body shall determine its own rules and order of business unless otherwise provided by the charter or by by-law, and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record kept available in the town clerk's office and additional copies shall be kept available in the library.

(c) Voting - Except on procedural matters, all votes of all multiple member bodies shall be taken by voice or roll call vote, the results of which shall be recorded in the journal.

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

Section 11 Elections

(a) Annual Town Elections - The election of town officers and referenda questions shall be acted upon and determined by voters on official ballots without party or other designation on the date fixed in the by-laws of the town.

(b) Ballot Position - The order in which names or candidates appear on the official ballot in any town election shall be determined by a drawing by lot conducted by the town clerk. Each candidate shall have an opportunity to be present in person or to be represented by a designee at the drawing.

Section 12 Notice of Vacancies

Whenever a vacancy occurs in any town office or town employment or in any multiple member body, except for positions covered under the civil service law of the Commonwealth, whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the board of selectmen or other appointing authority shall forthwith cause public notice of the vacancy to be posted on the town bulletin boards for ten days. Any person who desires to be considered for appointment to the position may, within ten days following the date notice is posted, file with the appointing authority, a statement setting forth in clear and specific terms his qualifications for the position. No permanent appointment to fill such a position shall be effective until at least fourteen days have elapsed following such posting, and until all persons filing such statements shall have been considered.

Section 13 Recall Procedures

(a) Application - Any holder of an elective office enumerated in Article 3, Section 1, with more than six months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section.

(b) Recall Petition - Two hundred or more voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. At least twenty-five names of voters shall be from each precinct. The town clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which he shall keep available. The blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated; shall be addressed to the board of selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be returned and filed with the town clerk within twenty days following the date of the filing of the affidavit, signed by at least ten percent of the voters and containing their names and addresses; provided, however, that not more than twenty-five percent of the total number shall be from any precinct.

The town clerk shall, within twenty-four hours of receipt, submit the petitions to the registrars of voters who shall forthwith certify thereon the number of signatures that are names of voters.

(c) 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 the sufficient petition. If, however, any other town election is to occur within sixty days after the date of the certificate, the board of selectmen shall hold the recall election on the date of such other election. If a 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.

(d) Nomination of Candidates - Any officer whose recall is sought may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(e) Propositions on Ballot - Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word "candidates" and the names of candidates nominated as required in section 42 of chapter 54 of the General Laws. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

(f) Officeholder - the incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election he shall continuein office for the remainder of his unexpired term, subject to recall as before, except as provided in this section.

If he is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to quality within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) Repeat of Recall Petition - No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six moths after the election at which his recall was submitted to the voters.

Section 14 Employment Security

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. Serious or repeated employment misconduct shall be the subject of written warning by the town manager that such activity could result in termiantion; but, after issuing such written warning, the town manager shall, on the occasion of the first warning, only suspend the employee for an appropriate time without compensation. Upon further written warning, the town manager may dismiss said employee, who shall be provided with written reasons for his dismissal upon his request.

Article 8
TRANSITIONAL PROVISIONS

Section 1 Continuation of Existing Laws

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to the town that are in force when this charter takes effect and not specifically or by clear implication repealed hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

Section 2 Continuation of Government

All town agencies shall continue to perform their duties until reappointed or re-elected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred.

Section 3 Continuation of Personnel

Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit his pay grade or time in service. Each such person shall be retained in a capacity as similar to his former capacity as is practical. No such person shall be removed from his position without due cause.

Section 4 Transfer of Records and Property

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

Section 6 Time of Taking Effect

The charter shall become fully effective upon its approval by the voters, except as otherwise provided in this section:

(a) Not more than forty-five days after the election at which the charter is adopted, the moderator shall apopoint a special committee of seven members to review the existing by-laws of the town and to make a report with recommendations to the town meetings in the year following the year in which the charter is adopted, in accordance with the publication, hearing and reporting requirements established in Article 7.

(b) Not later than Sèptember 15 in the year in which the charter is adopted, the board of selectmen shall prepare and publish a preliminary report concerning a proposed division of the town into six or more precincts. Not later than October 15 of the said year, the board of selectmen shall conduct a public hearing on the said preliminary proposal. The final report of the board of selectmen providing for redivision of precincts shall be filed not later than November 15 in the year in which the charter is adopted. The census data to be used shall be the most recent available in the year in which the charter is adopted.

(c) The establishment of the new precincts as provided in (b) above shall be effective for the purposes of the annual town election in the year following the year in which the charter is adopted. The annual town election shall be held on the first Monday in May in said year.

(d) The spring annual town meeting held in the year following the year in which the charter is adopted shall be held on the first Monday night in June. The fall annual town meeting shall be held on the first Monday night in November.

(e) Except as otherwise provided above, all other provisions of article 2 shall be effective upon the commencement of the annual town meeting in the year followoing the year in which the charter is adopted.

(f) The duly elected members of the planning board, assessors, town treasurer, collector of taxes and town clerk shall continue to hold office until the expiration of their elected terms and until the appointment and qualification of their successors.

(g) The elected cemetery commissioners, in office at the time the charter is adopted, shall continue to perform their duties until town election day in the year following the year in which the charter is adopted. The cemetery commissioners shall continue to exist as appointed officials until such time as the town manager transfers their functions to another agency.

(h) The board of selectmen shall continue to act as part commissioners solely to perform their rule-making power. The management of part property shall be assumed by the town manager or assigned by him to an appropriate town agency.

(i) The sewer commissoners shall remain elected until town election day 1990. Thereafter, they shall be appointed by the town manager.

(j) The board of selectmen are to be relieved of their duties as water commissioners of the Dracut (Kenwood) water district upon the appointment of the town manager. Thereafter, the town manager may assign these responsibilities to an appropriate town agency.

(k) It is the intention of the foregoing sections (g) through (j), however, that the said boards shall continue to exercise the control and management of the public works activities of their agency until reassigned by the town manager to another agency or full integration of such functions into a new public works department is achieved, as provided in article 5 section 4. The said boards shall coordinate all of their activities with the town manager in order that as much cooperation and coordination as is practical is achieved prior to the actual transfer of functions.

(l) The board of selectmen shall, immediately following the election at which the charter is adopted, initiate procedures to recruit a town manager. To assist in the recruitment process, the selectmen shall appoint a citizen's screening committee of not less than seven members to recommend to the selectmen by majority vote of all members of the committee not more than five candidates for appointment as town manager. There shall be a widespread, diligent search for candidates to be considered. The appointment to fill this position shall be made effective not later than November 1 in the year in which the charter is adopted. The initial town manager shall receive upon his appointment a starting salary of not less than $40,000 per year and not more than $50,000.

Section 7 Disposition of Special Laws

(a) Partial Repeal of Certain Special Laws - The following special laws, insofar as they confer power upon the Town of Dracut that the town would not otherwise hold under the charter, general laws or the constitution, are retained; otherwise, they are hereby repealed, it being the intention of this paragraph that portions of any special laws that limit or restrict a power conferred or the manner in which it is to be exercised be repealed, and that any powers that are conferred are to be exercised in accordance with the provisions of the charter:

Chapter 324, Acts of 1909	Chapter 621, Acts of 1950
Chapter 430, Acts of 1906	Chapter 527, Acts of 1952
Chapter 461, Acts of 1913	Chapter 510, Acts of 1960
Chapter 148, Acts of 1923	Chapter 595, Acts of 1950
Chapter 151, Acts of 1929	Chapter 598, Acts of 1951
Chapter 7, Acts of 1934	Chapter 730, Acts of 1965
Chapter 521, Acts of 1941	Chapter 329, Acts of 1966
Chapter 246, Acts of 1949	

(b) Special Laws Repealed: Action Taken Thereunder, Preserved - The following special laws are repealed; provided, however, that nothing contained in the charter shall be construed to revoke, invalidate or to otherwise alter acts done in compliance therewith or under authority thereof, and that such revocation and repeal shall not serve to revive any other law:

Chapter 139, Acts of 1971