REPORT OF CHARTER CHANGES

On June 2, 2014, Town Meeting voted to make seventeen changes to the Dracut Home Rule Charter. The changes were reviewed and approved by the Attorney General for placement on the municipal Town Election ballot for May 4, 2015.

The Town is required to distribute this report to each residence of one or more registered voters not later than two weeks before the election at which the question of amending the Charter is submitted to the voters.

The report separately lists each change along with a summary of the change, and a comparison of the current Article and Section to the proposed Article and Section.

A copy of the ballot questions is included with this report.

It is strongly recommended that you bring this report when you vote in the Town Election. Please familiarize yourself with the questions before you go to vote.

If you need more reports, they are available at the Town Clerk's office in the Town Hall. The Town Clerk will make more reports available at the Town Election.

The Town Clerk is available to answer any questions. Please call Kathy Graham at (978) 453-0951 or e-mail her at kgraham@dracutma.gov.

Board of Selectmen:
By:

Cathy Richardson, Chairperson

Joseph DiRocco, Jr., Vice Chair

Tami Dristiliaris

Alison Hughes

Anthony Archinski

FINAL REPORT OF CHARTER CHANGES

JUNE 2, 2014

Question 1: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending the Preamble of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The change of text of the Preamble to match the more common Massachusetts Charter Preamble.

	Current	Proposed
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."	Change the text of the preamble to match the more common Massachusetts municipal charter preamble. The new text would read: "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)

Question 2: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 2, Section 1, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The change of text in Article 2, Section 1, addresses a mis-wording in the original Article.

Current:		**Proposed:**
ARTICLE 2, 1		
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."	Change to: "The legislative body of the Town shall be a Town Meeting open to all registered voters of the Town." (changes underlined)

Question 3: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 2, Section 2, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The second Town Meeting of the calendar year will be called the "Fall Town Meeting." The Fall meeting date will be set by the Town By-law and held at any time during the last four months of the year.

Current:		**Proposed:**
ARTICLE 2, 2		
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, 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 By-Law."	Replace entire quoted text with: "The second such meeting, referred to as the "Fall Town Meeting," shall be held during the last four months of 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."

Question 4: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 2, Section 3, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The text change is to match the quorum number in the Town Bylaws and to continue to allow further changes in the Bylaw when enacted at Town Meeting

Current:		**Proposed:**
ARTICLE 2, 3		
2 3	"A quorum of 250 shall be required to conduct business at any Town Meeting unless otherwise provided in a future By-law."	Change to match the quorum number in theBbylaws (and continuing to allow future Bylaws). A quorum of 250 shall be required for the spring, or any special town meeting, and 200 for the Fall meeting.

Question 5: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 2, Section 7, of the Dracut Home Rule Charter as summarized below:

Yes ☐

No ☐

Summary: The change proposed to merge the Committee on Rules and Committee on Government Regulations. The change includes language to allow an appointment from someone outside of a particular precinct if nobody from the precinct is found.

Current:		**Proposed**:
ARTICLE 2, 7		
2 7	"Committee on Rules – There shall be a Committee on Rules consisting of seven or nine persons each ofwhom must reside in a different precinct from all other members, to be appointed by the	Propose to merge the Committee on Rules and Regulations and to put in language to allow an appointment from someone outside of a particular precinct if nobody from that precinct could be found. Proposed new text below:

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, each of whom must reside in a different precinct from all other members, for a term 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."

"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 of 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."

"The members of the Committee shall, during the time the Town Meeting is in session, organize by the election of a vice-chairman and a clerk."

"The Committee shall provide a continuing oversight of the business of the Town Meeting and shall consider all proposed changes in its conduct.

"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."

Question 6: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 3, Section 7, of the Dracut Home Rule Charter as summarized below:

Yes ☐

No ☐

Summary: Change updates Section 7 to match the current actual number of Trustees.

Current:		**Proposed:**
ARTICLE 3, 7		
3 7	"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."	Update to match current actual structure: "There shall be a Board of Library Trustees consisting of <u>five</u> members elected for three year terms, so arranged so that one term shall expire each year." (changes under-lined)

Question 7: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 3, Section 8, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The Moderator's term is changed from a one-year term to a three-year term.

Current:		**Proposed:**
ARTICLE 3, 8		
3 8	"There shall be a Moderator elected for a one year term."	Change to: "There shall be a Moderator elected for a <u>three</u> year term." (changes underlined)

Question 8: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 3, Section 9, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The Planning Board has five permanent members. This change allows for an associate member, who may hear special permits when needed.

Current:		**Proposed**:
ARTICLE 3, 9		
3 9	"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."	Add text after existing text in Article 3, Section 9, paragraph (a): "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 law to the contrary, the Planning Board, when acting as the special permit granting authority, shall have two associate members. The associate members shall be appointed by the Board of Selectmen on the recommendation of the Planning Board, each 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."

Question 9: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 4, Section 1, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The change in text allows for the appointment of a Town Manager, who has five years experience as a City or Town Manager or as an Assistant City or Town Manager, or as a Chief Financial Officer of a city or town, or other equivalent public sector experience, or the equivalent level private sector experience. He/she may have served in a town appointive office, but not as an elective official within five years of the Town Manager's appointment.

Current:		**Proposed:**
ARTICLE 4, 1		
Section 1 – Appointment; Qualifications; Term		
4 1	"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 elected or ap-	Change would allow for the appointment of a Town Manager, who has five years experience as a City or Town Manager or as an Assistant City or Town Manager, or as a Chief Financial Officer of a city or town, or other equivalent public sector experience, or the equivalent level private sector experience. He/she may have served in a Town appointive office, but not as an elective official within five years of the Town Manager's appointment. Said section to read as follows: "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 the Personnel By law. The Town Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she shall be a professionally-qualified person of proven ability especially fitted by education, training, and previous experience. He or she shall have had five (5) 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 or town, or other equivalent public sector ex-

		pointive 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.	perience, 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 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 or appointive 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.

Question 10: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 4, Section 4d, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The striking of Article 4, Section 4d takes out of the Charter certain benefits due Town Manager upon termination, and such benefits are left as a subject for negotiation between the Board of Selectmen and a prospective Town Manager.

Current:			**Proposed**:
ARTICLE 4, 4d			
4	4d	"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	Proposed change: to strike said section. The striking of Article 4, Section 4d takes out of the Charter certain benefits due Town Manager upon termination, and such benefits are left as a subject for negotiation between the Board of Selectmen and a prospective Town Manager.

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."

Question 11: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 5, Section 4, of the Dracut Home Rule Charter as summarized below:

Yes ☐

No ☐

Summary: The change of text in Article 5, Section 4, adds the Town Water Department to the Department of Public Works' other duties.

Current:		**Proposed**:
ARTICLE 5, 4		
5 4	"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."	Change to: "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, the Town Water Department, and The Board of Selectmen." (changes underlined)

Question 12: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 6, Section 3, of the Dracut Home Rule Charter as summarized below:

Yes ☐

No ☐

Summary: The change in text in Article 6, Section 3, requires publication of the proposed Town budget on the Town website, in addition to newspaper publication.

Current:		**Proposed:**
ARTICLE 6, 3		
6 3	"He shall simultaneously provide 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."	Change to: "He/She shall simultaneously provide for the publication <u>of the proposed budget on the Town's official website and 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/her proposed budget shall be available for examination by the public."</u> (changes underlined)

Question 13: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 6, Section 7, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The change of text in Article 6, Section 7, allows the Town Manager to appoint members from the same precinct if a vacancy exists for over 120 days that he is unable to fill.

Current:		**Proposed:**
ARTICLE 6, 7		
6 7	"There shall be a Capital Planning Committee consisting of seven or nine members each of whom must	To make consistent with the Committee on Rules and Regulations outlined in Article 2, Section 7, change to:

reside in a different precinct from all other members appointed by the Town Manager for terms of three years…"	"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."

Question 14: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 6, Section 9, of the Dracut Home Rule Charter as summarized below:

Yes ☐

No ☐

Summary: The change of text in Article 6, Section 9 shifts the responsibility of signing warrants for the payment of Town funds from the Selectmen to the Town Manager.

Current:		**Proposed:**
ARTICLE 6, 9		
6 9	"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."	"Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provision of the general laws shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager… shall be sufficient authority to authorize payment by the Town Treasurer, 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 may review any warrant upon request." (new text underlined) ("…and by the Board of Selectmen" deleted)

Question 15: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 7, Section 9, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The change of text in Article 7, Section 9 clarifies the wording of Section 9, by rewording the title of the section and requiring the Committee to meet every ten years, publish its findings and hold public hearings.

Current:	**Proposed:**
ARTICLE 7, 9	
7 9 n/a	Change the title of the section to "Re-Enactment and Publication of By-Laws, and Review of Charter" and place an "(a) By-Laws" in front of current text. Add new section titled "(b) Charter" and include the following text: "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. 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."

Question 16: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 7, Section 13, of the Dracut Home Rule Charter as summarized below:

Yes ☐

No ☐

Summary: The change of text in Article 7, Section 13 lengthens the time for the Board of Selectmen to schedule a recall election.

		Current:	**Proposed:**
ARTICLE 7, 13			
7	13	"…the Board of Selectmen shall order an election to be held not less than thirty-five nor more than forty days after the date 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."	Change to: "…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 the sufficient petition. If, however, any other Town Election is to occur within <u>one hundred and twenty days</u> after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of such other election." (changes underlined)

Question 17: Shall this Town approve the Charter amendment proposed by the Town Meeting by amending Article 7, Section 14, of the Dracut Home Rule Charter as summarized below?

Yes ☐

No ☐

Summary: The deletion of Article 7, Section 14 leaves the rules for the dismissal of a Town employee under the jurisdiction of the Town Manager to state law and the Town By-laws and Policies.

Current:			**Proposed:**
ARTICLE 7, 14			
7	14	"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."	Proposed that this section be deleted in its entirety and to be left to state law and Town Personnel Bylaws and Policies.