

**Town of Easton Draft Charter**

**An Act Revising the Charter for the Town of Easton**

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same as follows:

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**Section 1.** The following shall be the charter for the Town of Easton.

**ARTICLE ONE**

**INCORPORATION; SHORT TITLE; POWERS**

**Section 1-1. Incorporation**

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

**Section 1-2. Short Title**

This instrument shall be known and may be cited as the Town of Easton Charter.

**Section 1-3. Division of Powers**

All legislative powers of the Town shall be exercised by a Town Council. The administration of all Town fiscal, business, and municipal affairs shall be vested in an executive branch headed by a Town Manager. The legislative branch is not authorized to exercise any executive power and the executive branch is not authorized to exercise any legislative power. The Town Manager shall work closely with the Town Council on all matters of common interest.

**Section 1-4. Powers of the Town**

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth of Massachusetts (the Commonwealth), it is the intent and the purpose of the voters of Easton to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

**Section 1-5. Construction**

The powers of the Town of Easton under the charter are to be construed liberally in its favor and the specific mention of particular powers is not intended to limit in any way the general powers of the Town of Easton as stated in section 1-4.

## Town of Easton Draft Charter

### Section 1-6. Intergovernmental Relations

As provided by the constitution or statutes of the Commonwealth, the Town of Easton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof, including municipalities and recognized regional districts, or the United States government or agency thereof.

### Section 1-7. Definitions

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

- (a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
- (b) **Full Council, Full Multiple-Member Body** - The words "full council" or "full multiple-member body" shall mean the entire authorized complement of the Town council, School Committee or other multiple-member body notwithstanding any vacancy which might exist.
- (c) **Initiative Measure** - The words "Initiative Measure" shall mean a measure proposed by the voters through the initiative process provided under this charter.
- (d) **Measure** - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the Town Council.
- (e) **Multiple-Member Body** - The words "multiple-member body" shall mean any board, commission, committee, subcommittee, or other body consisting of two or more members whether elected, appointed or otherwise constituted, but not including the Town Council and the School Committee.
- (f) **Referendum Measure** - The words "referendum measure" shall mean a measure adopted by the Town Council which is protested by the referendum procedures provided under this chapter.
- (g) **Town** - The word "Town" shall mean the Town of Easton.
- (h) **Voters** - The word "voters" shall mean registered voters of the Town of Easton.

## **Town of Easton Draft Charter**

### **ARTICLE TWO TOWN COUNCIL**

#### **Section 2-1. Composition and Membership**

The legislative body of the Town shall be a Town Council whose members shall be elected to meet, deliberate, act and vote in the exercise of the corporate business of the Town.

Nine council members shall be nominated and elected at large. Council members shall serve for a 2-year term.

Town Council members shall receive initial compensation of \$3,600 per year. Thereafter, their compensation shall be set in the annual Town budget.

#### **Section 2-2. Eligibility**

Any voter of the Town shall be eligible for election to the Town Council. However, no person holding another elective office of the Town, as established in this charter or any Town ordinance, may serve, or take the oath or affirmation of office, as a Town Councilor.

No Town Councilor shall, while a member of the Town Council, hold any other appointed Town office or position, unless appointed to that position as a representative of the Town Council. No former Councilor shall hold any compensated appointive office or employment until 1 year after the expiration of service on the Town Council.

#### **Section 2-3. President, Vice President, and Clerk**

At the first Council meeting following each regular Town election, the Council shall choose from its membership a President and Vice President each to serve for a 2-year term of office. The President shall preside at meetings of the Council and perform such other duties as provided by this Charter, ordinance, or Council rules. The Vice President shall act as President during the absence or disability of the President.

The Town Clerk shall be the Clerk of the Council. The Town Clerk shall give notice of all Council meetings to its members and to the public, maintain minutes of all Council proceedings, and perform such other duties as may be assigned by this Charter, ordinance, or other rules of the Town Council. The Town Clerk shall receive no stipend for the additional duties of Clerk of the Council, but his/her compensation level shall be set to reflect said duties.

## **Town of Easton Draft Charter**

Vacancies which occur in the offices of President or Vice President of the Council shall be filled at the next regular Council meeting following the vacancy. All appointments to fill vacancies shall be for the remainder of the original 2-year term of office.

### **Section 2-4. Council Procedures**

Regular meetings of the Town Council shall be held at a time and place fixed by ordinance. The Town Council shall meet regularly at least once in each month. Special meetings may be held at any time, if called by the President or by 4 members of the Council, provided that for any special meeting at least 48 hours personal notice shall be given to each Council member, except in case of emergency as defined by the “open meeting law” of the Commonwealth. Further, all Council meetings, including any subcommittee thereof, shall be conducted in accordance with the Commonwealth’s open meeting law.

All meetings of the Council and any subcommittees thereof shall be open to the public, and residents, employees, and any interested parties shall have a reasonable opportunity to be heard at any such meeting, except as otherwise provided by the laws of the Commonwealth regarding Executive Session. The Council shall adopt such rules and regulations which may include a reasonable advance notice requirement so that public participation shall occur in an orderly fashion. Such rules and regulations may also include time limitations.

The presence of five members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter, the affirmative vote of five members shall be required to adopt any ordinance or appropriation order.

### **Section 2-5. General Powers and Duties**

Except as otherwise may be provided by this Charter, all general, corporate, legislative, and appropriation powers of the Town shall be vested in the Town Council.

The Council may enact ordinances, rules, regulations, and other orders, not inconsistent with this charter, governing its own proceedings, Town functions, and all matters bearing on the exercise of its powers and duties.

The Council shall provide for minutes of its proceedings to be kept and maintained as a public record in the office of the Town Clerk.

The Council shall have the authority to appoint the following: (a) a Town Manager, as provided in Section 4-1; (b) a President and Vice President of the Council, as provided in Section 2-3; (c) a Clerk of Council, as provided in Section 2-3; (d) a Finance Committee, as provided in Section 5-1; (e) individuals who are to serve as representatives or

## **Town of Easton Draft Charter**

delegates of the Town to the governing or advisory boards of regional or district authorities, and (f) any other committees as it deems necessary for the orderly conducting of Town business and policy.

The Town Council shall be the licensing authority of the Town and shall, as authorized by the laws of the Commonwealth, have the power to issue licenses, excepting licenses that may be issued by other boards or departments pursuant to statutory or legislative authority; to make all necessary rules and regulations regarding issuance of such licenses; to attach conditions and restrictions to such licenses as it deems to be in the public interest; and to enforce all laws relating to such licensed businesses.

Except for the purpose of inquiries and investigations pursuant to Section 2-9, the Town Council and its members shall not give orders or directions to the officers and employees serving under the Town Manager.

The Town Council shall conduct an annual review of the Town Manager's job performance, a copy of which shall be available to the public.

### **Section 2-6. Town Ordinances**

Proposed ordinances shall be introduced in writing to the Council and in a form necessary and proper for final adoption. Any proposed ordinance shall be published in a newspaper of general circulation within the Town (if available), on the Town bulletin board, and on the Town's website or other official online/electronic repository of municipal information, whether on the internet or accessed through another comparable technology, not less than 7 days prior to its 2nd reading except for emergency ordinances.

Any ordinance which amends or repeals a portion of any Town ordinance shall set out in full the portion to be so amended or repealed, by the use of strikeout type, brackets, underscoring, or other means of setting forth the amendments in a clear and concise manner.

Prior to final passage, each introduced ordinance shall be read at 2 separate Council meetings, except in case of special emergency involving the health or safety of the people or their property. No ordinance shall be declared an emergency unless such an emergency is defined and declared in a preamble thereto, separately voted on and receiving the affirmative vote of at least 2/3 of the full Council membership.

Emergency ordinances shall stand repealed on the 61st day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

## **Town of Easton Draft Charter**

The affirmative vote of a majority of the full Council membership, except as otherwise provided by the laws of the Commonwealth or this Charter, shall be necessary for the final passage of any ordinance.

### **Section 2-7. Action Requiring an Ordinance**

In addition to other acts required by statute or this Charter to be accomplished through ordinance, those acts of the Town Council which: (a) adopt or amend administrative ordinances or establish, alter, or abolish any Town department, office, or agency; and (b) provide for a fine or other penalty, or establish a rule or regulation for the violation of which a fine or other penalty is imposed; and (c) establish all fees which are not set by the laws of the Commonwealth, shall be through ordinance.

### **Section 2-8. Vacancy**

Unless recalled in accordance with Article 7 of this Charter, a vacancy in the office of a Councilor shall be declared by the Town Clerk following notification of death, incapacity to serve, resignation and/or failure to maintain a permanent residency in the Town.

If a vacancy shall occur in the office of Councilor, and there is more than 3 months remaining in said term, the vacancy shall be filled in descending order of votes received by the candidate for office of Councilor at the preceding Town election who received the largest number of votes without being elected, provided, however, that such person remains eligible and declares in writing to the Council that he/she is willing to serve, and provided, further, that such person received votes at least equal to 30 percent of the vote total received by the person receiving the largest number of votes for the office of councilor.

The Town Clerk shall certify such candidate to the office of Councilor for the balance of the then unexpired term. If a vacancy shall occur in the office of Councilor, and there is less than 3 months remaining in said term, the vacancy shall remain and not be filled until the next election.

Whenever a vacancy shall occur in the office of Councilor, and there is no available candidate to fill such vacancy in the manner provided above, then the vacancy shall be filled by a majority vote of the remaining members of the Town Council. Persons selected to fill a vacancy shall serve only until the next regular election. A Councilor selected to fill a vacancy on the Council by a majority vote of the members of Town Council shall not be entitled to have the words "Candidate for Reelection" appear next to his/her name on the Town election ballot.

If any person elected as a Town Council member shall fail to take the oath of office within 30 days following the election of such person, the member shall be deemed to

## **Town of Easton Draft Charter**

have resigned and the Council seat shall be declared vacant. Any such vacancy shall be filled as provided in this section.

### **Section 2-9. Access to Information**

(a) In General - The Town Council may make investigations into the affairs of the Town and into the conduct and performance of any Town agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

(b) Town Manager - The Town Council may require the Town Manager to provide specific information to it on any matter within the jurisdiction of the Town Council. The Town Council may require the Town Manager to appear before it, in person, to respond to written questions made available to the Town Manager at the time the request to attend is made to the Town Manager to provide specific information on the conduct of any aspect of the business of the Town. The Town Manager may bring to such meeting any assistant, department head, or other Town officer or employee the Town Manager may deem necessary to assist in responding to the questions posed by the Town Council.

(c) Town Officers, Members of Town Agencies, Employees - By request to the Town Manager, the Town Council may require any Town officer, member of a Town agency or Town employee to appear before it to give such information as the Town Council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such Town employee and within the jurisdiction of the Town Council. A failure to appear at the request of the Town Council may be grounds for discipline, removal or dismissal, subject to any other applicable procedures for such an action.

## **ARTICLE THREE**

### **OTHER ELECTED OFFICIALS**

#### **Section 3-1. General Provisions**

(a) Elective Offices - The other offices to be filled by ballot of the Town's voters shall be a School Committee and members of regional authorities or districts requiring election as may be established by statute, special act, inter-municipal agreement, or otherwise.

(b) Eligibility - Any voter of the Town shall be eligible for election to the School Committee and other elective office. However, no person holding another elective office of the Town as established in this charter or any Town ordinance shall take the oath or affirmation of office as a member of the School Committee.

No member of the School Committee shall, while a member of the School Committee, hold any other appointed Town office or position, unless appointed to that position as a

## **Town of Easton Draft Charter**

representative of the School Committee. No former School Committee member shall hold any compensated appointive office or employment until 1 year after the expiration of service on the School Committee.

### **Section 3-2. School Committee: Composition; Term; Compensation; Powers and Duties**

(a) Composition, Term of Office - There shall be a School Committee consisting of 5 members elected by the voters for 2-year terms.

(b) Compensation - School Committee members shall serve without salary or compensation.

(c) Powers and Duties - The School Committee shall have all of the powers and duties school committees may have under the constitution and laws of the Commonwealth, and it shall have such additional powers and duties as may be authorized by this charter or by ordinance.

### **Section 3-3. Vacancy**

Unless recalled in accordance with Article 7 of this Charter, a vacancy in the office of a School Committee shall be declared by the Town Clerk following notification of, death, incapacity to serve, resignation and/or failure to maintain a permanent residency in the Town.

If a vacancy shall occur in the office of School Committee, and there is more than 3 months remaining in said term, the vacancy shall be filled in descending order of votes received by the candidate for office of School Committee at the preceding Town election who received the largest number of votes without being elected, provided, however, that such person remains eligible and willing to serve, and provided, further, that such person received votes at least equal to 30 percent of the vote total received by the person receiving the largest number of votes for the office of Councilor.

The Town Clerk shall certify such candidate to the office of School Committee for the balance of the then unexpired term. If a vacancy shall occur in the office of School Committee, and there is less than 3 months remaining in said term, the vacancy shall remain and not be filled until the next election.

Whenever a vacancy shall occur in the office of School Committee, and there is no available candidate to fill such vacancy in the manner provided above, then the vacancy shall be filled by the Town Council jointly with the remaining members of the School Committee, with the position to be filled by a majority vote of the Town Council and the School Committee. Persons selected to fill a vacancy by the Town Council and School Committee shall serve only until the next regular election. A School Committee member

## **Town of Easton Draft Charter**

selected to fill a vacancy on the School Committee by a majority vote of the members of Town Council and the School Committee shall not be entitled to have the words "Candidate for Reelection" appear next to his/her name on the election ballot.

If any person elected as a School Committee member shall fail to take the oath of office within 30 days following the election of such person, the member shall be deemed to have resigned and the member's place shall be declared vacant. Any such vacancy shall be filled as provided in this section.

### **ARTICLE FOUR TOWN MANAGER**

#### **Section 4-1. Appointment; Qualifications; Term**

The Town Council shall, by a majority vote of its full membership, appoint a Town Manager and fix compensation within the amount appropriated by the Town. The Town Manager shall be appointed solely on the basis of his/her executive and administrative qualifications. The Town Manager shall be a person especially qualified by education, training, and previous experience in public administration to perform the duties of the office. The Town Manager need not be a resident of the Town or of the Commonwealth at the time of his/her appointment, but the Town Manager must establish residence in a city or town that has borders within 25 miles of the Town within 12 months following appointment, unless otherwise waived by the Town Council. The Town Manager shall not have served in an elective office for the Town for at least 12 months prior to appointment. The Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, excepting purely ceremonial positions, but may be appointed by the Council to serve on committees, both standing and ad hoc. The Town Manager shall not engage in any other business or occupation during his/her term, unless such action is approved in advance in writing by the Town Council. The Town Council may from time to time establish by ordinance such additional qualifications as seems necessary and appropriate.

Any vacancy in the office of the Town Manager shall be filled as soon as possible by the Town Council, and meanwhile they shall appoint a suitable person as temporary Town Manager to perform the duties of the office. Such temporary appointment may not exceed 3 months, but additional renewals may be voted by the Town Council, not to exceed an additional 3 months each. In no event shall such temporary appointment exceed 1 year in total. Compensation for such person shall be set by the Town Council.

#### **Section 4-2. Powers and Duties**

The Town Manager shall be the chief executive officer of the Town and be directly responsible to the Town Council for the administration of all Town affairs placed in

## **Town of Easton Draft Charter**

his/her charge by or under this charter. The Town Manager shall have the following powers and duties:

(a) supervise and direct the administration of all departments, agencies, and offices for whose function he/she is responsible.

(b) appoint, and may remove, subject to the provisions of the civil service law where applicable and except as otherwise authorized by the charter, the town attorney, all department heads, officers, members of boards and commissions, and employees, provided that any removal of any such officials shall be consistent with any and all other applicable laws. Such authority shall include the authority to convene and preside over any proceedings that may be necessary in order to effectuate the removal any such official.

Department head appointments when made shall become effective on the 15th day following the day on which notice of the appointment is filed with the Town Council, unless the Town Council shall, within that period by a majority of all of its members, vote to reject such appointment.

(c) fix the compensation of all Town officers and employees appointed by the Town Manager within the limits established by existing appropriations.

(d) attend all regular meetings of the Town Council unless excused at his/her own request, except meetings at which the Town Manager's removal is being considered, and shall have a voice but no vote in all Council deliberations.

(e) keep full and complete records of his/her office and shall render as often as may be required by the Town Council, but not less than once in each year, a full report of all operations during the period reported on, which report shall be made available to the public.

(f) keep the Town Council fully advised as to the needs to the Town and shall recommend to the Town Council for adoption such measures requiring action by them as he/she may deem necessary or expedient.

(g) have full jurisdiction over the rental and use of all Town property except school property and property under the control of the Conservation Commission.

(h) shall be responsible for the maintenance and repair of all Town buildings and facilities placed under his/her control by this charter, by ordinance, by vote of the Town Council, or otherwise.

## **Town of Easton Draft Charter**

(i) prepare and present to the Town Council the annual budget of the Town and shall also be responsible for the development and annual updating of the capital improvement plan as provided in Article 5.

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

(k) be responsible for the negotiation of all contracts with Town employees over wages, and other terms and conditions of employment. The Town Manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the Town Council.

(l) be responsible for purchasing all supplies, material, and equipment for all departments and activities of the Town, and approve the award of all contracts, subject to the laws of the Commonwealth, but not including materials under the jurisdiction of the School Committee, unless provided by the laws of the Commonwealth or unless otherwise specifically requested by the School Committee.

(m) see that all of the provisions of the laws of the Commonwealth, provisions of this charter, and votes of the Town Council which require enforcement by the Town Manager or officers subject to the Town Manager's direction and supervision are faithfully carried out.

(n) prepare and revise, as necessary, a personnel plan, which shall include recruitment procedures, job descriptions, wage and salary schedules, benefits administration, workplace safety requirements, and such other features as the Town Manager shall determine, for all departments established by this charter, administrative code, or Town ordinance, except school department employees. Such plan shall become effective 30 days after submission to the Town Council unless rejected by vote of the Town Council. The Town Council may vote only to approve or disapprove the plan, and no vote to amend or alter it shall be deemed in order.

(o) inquire into the conduct of office of any officer or employee or department, board, or commission under his/her control.

(p) perform such other functions as may from time to time be assigned to the office of Town Manager by ordinance or as stipulated in an employment agreement.

(q) advertise all vacancies on Town boards and committees in a newspaper of general circulation (if available), on the Town bulletin board, and on the Town's website or other official online/electronic repository of municipal information, whether on the internet or accessed through another comparable technology, and shall actively recruit candidates for all appointments to be made by either the Town Manager or the Town Council.

## **Town of Easton Draft Charter**

### **Section 4-3. Acting Town Manager**

By letter filed with the Town Clerk, the Town Manager shall designate a qualified Town administrative employee or officer to exercise the powers and perform the duties of Town Manager during his/her temporary absence. During such absence, the Town Council may not revoke such designation until at least 10 working days have elapsed whereupon it may appoint another qualified Town administrative employee or officer to serve until the Town Manager shall return.

The powers of a temporary or acting Town Manager shall be limited to matters not admitting of delay; provided, however, no temporary Town Manager shall have authority to make any permanent appointment to, or removal from, any office or position under the Town.

### **Section 4-4. Removal**

The Town Council may remove the Town Manager from office in accordance with the following procedure.

(a) The Town Council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members, which must state the reason or reasons for removal. This preliminary resolution may suspend the Town Manager for a period not to exceed 45 days. A copy of the resolution shall be delivered to the Town Manager forthwith.

(b) Within 5 days after receipt of the preliminary resolution the Town Manager may request a public hearing by filing a written request for such hearing with the Town Council. This hearing shall be held at a meeting of the Town Council not later than 30 days after the request is filed, nor earlier than 20 days. The Town Manager may file a written statement in justification of service and tenure of office with the Town Council, provided the same is received at their office more than 48 hours in advance of the public hearing.

(c) The Town Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all of its members at any time after 10 days following the date of delivery of a copy of the preliminary resolution to the Town Manager, if the Town Manager has not requested a public hearing, or, any time after the public hearing, if such hearing has been requested. Within 10 days following their vote to make their resolution final but in no event later than 45 days following the date of adoption of the first resolution the Town Council must, by majority vote of the full membership, either affirm or dismiss the final resolution of removal. Failure to affirm a final resolution of removal shall nullify the vote to dismiss the Town Manager.

## **Town of Easton Draft Charter**

The Town Manager shall continue to receive salary for the position until the effective date of a final resolution of removal. The action of the Town Council 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 Town Council.

### **ARTICLE FIVE**

#### **FINANCE COMMITTEE AND BUDGET PROCESS**

##### **Section 5-1. Finance Committee Composition**

A Finance Committee of 5 members shall be appointed by the Town Council for 3-year staggered terms of office so that 2 members shall initially be appointed for a 1 year term, 2 members shall initially be appointed for a 2 year term, and 1 member shall initially be appointed for a 3 year term. Thereafter, Finance Committee members will be appointed for three-year terms. The Finance Committee shall elect from its membership a chairman and a vice-chairman. The Town Accountant shall have ex-officio membership, without voting rights, on the Committee. No elected or appointed Town officer, or compensated Town employee, shall serve on the Committee. Committee members shall serve without compensation. The terms and tenure of the members of the Finance Committee, existing as of the effective date hereof, shall terminate upon the appointment of their successors under this Paragraph.

##### **Section 5-2. Finance Committee Vacancies**

Vacancies on the Finance Committee shall be filled promptly by the Council for the unexpired term.

##### **Section 5-3. Finance Committee General Duties**

The Finance Committee shall carry out its duties in accordance with this Charter and any applicable Town ordinance. The Committee shall examine the proposed annual budget and shall issue its recommendations thereon prior to consideration, debate, and final vote by the Town Council.

##### **Section 5-4. Annual Budget Process**

Within the period provided by the laws of the Commonwealth, the Town Manager shall submit to the Town Council and file copies with the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and any supporting documents.

The budget message shall explain the budget for all Town agencies and departments in fiscal and programmatic terms. It shall: (a) outline proposed financial policies of the

## **Town of Easton Draft Charter**

Town for the ensuing year; (b) describe important features of the budget; (c) indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such variations; (d) summarize the Town's debt position; and (e) include such other materials as the Town Manager may deem desirable or necessary for an understanding and review of the budget by the Town Council and the Finance Committee.

The budget shall also detail all proposed expenditures, including debt service, to the previous, current, and ensuing years, and it shall indicate separately: (a) proposed expenditures for current operations and capital projects during the ensuing year, detailed by agency/department purpose and position, together with proposed financing methods; and (b) estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. In submitting the proposed budget, the Town Manager shall utilize modern fiscal principles and practices so as to afford maximum information and financial controls. At a minimum, the budget shall detail all estimated revenues received by the Town from any source.

The Town Council shall conduct at least 2 public hearings on the proposed budget, and it shall publish for each hearing, in a newspaper of general circulation within the Town (if available), on the Town bulletin board, and on the Town's website or other official online/electronic repository of municipal information, whether on the internet or accessed through another comparable technology, a general summary of the budget and a notice stating: (a) the times and places where copies of the budget shall be available for inspection, and (b) the dates, times and places, not less than 7 nor more than 14 days after publication, when the public hearing on the budget proposal shall be conducted. The Town Council may adjourn the second public hearing to another date without further need of publication.

The Town Council shall not vote on the proposed budget at any of the public hearings. The Town Council shall adopt the budget at a subsequent meeting, with or without amendments, prior to the close of the then current fiscal year. Adoption of the budget shall constitute appropriation of the amounts specified therein.

### **Section 5-5. Capital Improvement Plan**

(a) Preparation - The Town Manager shall annually submit a capital improvement plan to the Town Council in conjunction with the annual operating budget. The Town Manager may establish an advisory committee to assist in this effort at the Town Manager's discretion.

(b) Contents - The capital improvement plan shall include: (1) a clear summary of its contents; (2) an itemization of all capital improvements, including those of the school department, proposed to be undertaken during the next 5 fiscal years with supporting data; (3) cost estimates, method of financing, and recommended time schedules; and,

## **Town of Easton Draft Charter**

(4) the estimated annual cost of operating and maintaining the facilities included in the plan.

(c) Public Hearing - The Town Council shall publish, in a newspaper of general circulation within the Town (if available), on the Town bulletin board, and on the Town's website or other official online/electronic repository of municipal information, whether on the internet or accessed through another comparable technology, a summary of the capital improvement plan and a notice stating: (1) the times and places where entire copies of the capital improvement plan are available for inspection by the public; and, (2) the date, time and place not less than 14 days after such publication, when a public hearing on said plan will be held by the Town Council.

(d) Adoption - At any time after the public hearing but before the 1st day of the last month of the current fiscal year, the Town Council shall by resolution adopt the capital improvement plan, with or without amendment, provided that each amendment must be voted separately, and that any increase in the capital improvement plan as submitted must clearly identify the method of financing proposed to accomplish this increase.

### **ARTICLE SIX**

#### **ADMINISTRATIVE ORGANIZATION**

##### **Section 6-1. Creation of Departments, Divisions, Agencies and Offices**

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

(1) Ordinances -

Subject only to the express prohibitions in the laws of the Commonwealth or the provisions of this charter, the Town Council may, by ordinance, reorganize, consolidate, create, merge, divide or abolish any Town agency, in whole or in part, establish such new Town agencies as it deems necessary or advisable, and prescribe the functions of all such agencies.

(2) Administrative Code - The Town Manager may from time to time prepare and submit to the Town Council plans of organization or reorganization which establish operating divisions for the orderly, efficient, or convenient conduct of business of the Town. Whenever the Town Manager prepares such plan, the Town Council shall hold 1 or more public hearings on the proposal giving notice by publication in a newspaper of general circulation within the Town (if available), on the Town bulletin board, and on the Town's website or other official online/electronic repository of municipal information, whether on the internet or accessed through another comparable technology, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the date of

## **Town of Easton Draft Charter**

said publication. Following such public hearings, the proposal shall be subject to vote by the Town Council. An organization or reorganization plan proposed by the Town Manager under this section of the charter shall become effective at the expiration of the 60 days following the date of submission of such proposal to the Town Council, unless the Town Council shall, by a majority vote, vote to disapprove the plan. The Town Council may vote only to approve or disapprove the plan, and no vote to amend or alter it shall be deemed in order.

The Town Manager may propose reorganization plans and, subject only to express prohibitions in the laws of the Commonwealth or this charter, reorganize, consolidate or abolish in whole or in part, Town agencies, or establish such new Town agencies as is deemed necessary to the same extent as is provided in section 6-a(1) above, for ordinances; and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the Council, transfer the appropriation of Town agency to another.

(b) Repetitive Proposals. Whenever a reorganization proposal becomes effective, whether under the provisions of section (1) or (2), no proposal to again reorganize which deals with substantially the same subject matter shall be acted upon within eighteen months following the first reorganization, except on the petition of the town manager.

### **Section 6-2. Merit Principle**

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

## **ARTICLE SEVEN TOWN ELECTIONS**

### **Section 7-1. Biennial Town Elections**

The regular biennial election for all Town offices and Town Council members shall be by official ballot held on the first Tuesday following the first Monday in November of each odd-numbered year. There shall be no preliminary election. All elections of Town officers and Town Council members shall be nonpartisan, and all election ballots shall be printed without any party mark or other political emblem.

The nomination of candidates for election or reelection as Town Council and School Committee members shall be made by nomination papers filed with the Town Clerk not later than the last day on which candidates for other Town Offices must be filed. For the

## **Town of Easton Draft Charter**

office of Town Councilor, such papers shall be signed by at least 50 voters of the Town. For the office of School Committee member, such papers shall be signed by at least 50 voters of the Town.

The order of candidate names on the official ballot shall be drawn by lot at a time and place designated by the Town Clerk that shall be published in a newspaper of general circulation within the Town (if available), on the Town bulletin board, and on the Town's website or other official online/electronic repository of municipal information, whether on the internet or accessed through another comparable technology, at least 7 days in advance, and such drawings shall be open to the public. All qualified candidates shall appear on the ballot on election day. If a candidate in a regular town election is an incumbent of the office for which he/she seeks election, the phrase "Candidate for Reelection" shall appear next to his/her name.

The term of office of elected officials shall begin on the first day of December following the election and shall continue until their successors are qualified.

Except as otherwise expressly provided in this charter and authorized by law, all Town elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of regular and special Town elections, the submission of charters, charter amendments, and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

### **Section 7-2. Initiative**

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the Town Clerk on forms provided thereby. The petition shall be addressed to the Town Council, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by voters of the Town equal in number to not fewer than 5 percent of those registered at the last Town election. At least 50 signatures must be certified from each precinct. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating those voters will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to Town Attorney - The Town Clerk shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the Town Attorney. The Town Attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the Town Council and the Town Clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the Town Council. If the opinion of the Town Attorney is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A

## **Town of Easton Draft Charter**

copy of the opinion of the Town Attorney shall be mailed to the members of the petitioners' committee.

(c) Submission to Town Clerk - If the Town Attorney determines that the petition is in a proper form, the Town Clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the Town Attorney, together with the names and addresses of the first 10 voters who signed the originating petition. The Town Clerk shall notify the first 10 voters that the blank forms are issued. Within 20 days following the date of said notice by the town attorney, the petition shall be returned and filed with the Town Clerk signed by voters of the Town equal in number to not fewer than 10 percent of those registered at the last Town election. Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 5 days following the filing of the petition, the registrars of voters shall ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular Town election. The registrars of voters shall attach to the petition a certificate showing the results of its examination and shall return the petition to the Town Clerk. A copy of the registrars of voters' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the Town Clerk and after publication under subsection (f), the Town Council shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the Town Council fails to act within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the 31st day. If an initiative measure is rejected or if no action has been taken on the same, the Town Clerk shall promptly give notice of that fact to the petitioners committee by certified mail.

(e) Supplementary Petitions - Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the Town Clerk, but only by persons constituting the original petitioners' committee. The supplemental initiative petition shall be signed by a number of additional voters equal to at least 5 percent of the total number of voters as of the date of the most recent regular Town election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15 percent of the total number of voters as of the date of the most recent regular Town election. If the number of signatures to this supplemental petition is found to be sufficient by the Town Clerk, the Town Council shall

## **Town of Easton Draft Charter**

call a special election to be held on a date not less than 35 nor more than 90 days following the date of the certificate of the Town Clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if a Town election is to be held within 120 days following the date of the certificate, the Town Council may omit calling the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication - The full text of an initiative measure which is submitted to the voters shall be published in a newspaper of general circulation within the Town (if available), on the Town bulletin board, and on the Town's website or other official online/electronic repository of municipal information, whether on the internet or accessed through another comparable technology, not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the Town Clerk.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form: "Shall the following measure which was proposed by an initiative petition take effect? (Here insert the fair, concise summary of the proposed measure, as determined by the Town Attorney as referenced in subsection (c)).

- YES
- NO"

(h) Time of Taking Effect – If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

(i) No special initiative election shall be valid unless at least 25 percent of the voters of the Town shall cast a ballot on each question submitted.

### **Section 7-3. Referendum**

(a) No bylaw, order or other measure adopted by the Town Council, except a vote to enact an emergency measure as detailed in Sections 2-6 of this Charter, shall become operative until the expiration of fourteen (14) days following the Council's final vote thereon.

(b) Petition, Effect on Final Vote - If, within 14 days following the date on which the Town Council has voted finally to approve any measure, a petition signed by a number of voters equal to at least 5 percent of the total number of voters as of the date of the most recent regular Town election and addressed to the Town Council, protesting

## **Town of Easton Draft Charter**

against that measure, or any part of it, is filed with the Town Clerk, the effective date of that measure shall be temporarily suspended. The Town Council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the Town Council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, or at the next regular Town election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(c) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and section 7-2, as the section relates to the filing and certification of signatures, shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative".

(d) No referendum against any action of the Town Council shall be valid unless at least 25 percent of the voters of the Town shall cast a ballot on each question submitted.

### **Section 7-4. Ineligible Measures**

None of the following shall be subject to the initiative or the referendum procedures:

- (1) proceedings relating to the internal organization or operation of the Town Council;
  - (2) an emergency measure adopted under the charter;
  - (3) the Town budget as a whole;
  - (4) any appropriation for the payment of the Town's debt or debt service;
  - (5) an appropriation of funds to implement a collective bargaining agreement;
  - (6) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
  - (7) any proceedings repealing or rescinding a measure or part of it which is currently under protest by referendum procedures;
  - (8) any proceedings providing for the submission or referral to the voters at an election;
- and
- (9) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

### **Section 7-5. Conflicting Provisions**

If 2 or more measures passed at the same election contain conflicting provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.

### **Section 7-6. Recall**

(a) Application - Any holder of an elected office in the Town, with more than 6 months remaining in the term of office for which the officer was elected, may be recalled

## **Town of Easton Draft Charter**

therefrom by the voters of the Town in the manner provided in this section. No recall petition shall be filed against an officer within 6 months after taking office.

(b) Recall Petition - A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Such affidavit must be signed by at least 5 percent of voters for any elected office. The Town Clerk shall thereupon deliver to those voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the Town Clerk shall keep available. The blanks shall be issued by the Town Clerk, with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to the Town Council and shall contain the names of all the persons to whom the blanks are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within 20 days after the filing of the affidavit, and shall have been signed by at least 10 percent of the voters of the Town. The Town Clerk shall submit the petition to the registrars of voters and the registrars shall, within 5 days, certify thereon the number of signatures which are names of voters.

(c) Recall Election - If the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with such certificate to the Town Council within 6 days, and the Town Council shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, order an election to be held on a date fixed by the Town Council not less than 65 days and not more than 100 days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other Town election is to occur within 120 days after the date of the certificate, the Town Council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder - The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as provided in (f) below. If recalled, the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled under articles 2-8 or 3-3 of this charter for filling vacancies in such offices. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular Town election. Should the person be a candidate in the subsequent election, that person will not be allowed to have "candidate for re-election" appear on the ballot at such election.

## **Town of Easton Draft Charter**

(e) Ballot Proposition - The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"

- YES
- NO"

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

(f) Repeat of Recall - In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer for the remainder of said officer's 2-year term.

(g) Office Holder Recalled - No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any Town office within 2 years after such recall or such resignation.

### **ARTICLE EIGHT**

#### **GENERAL PROVISIONS**

##### **Section 8-1. Charter Changes**

This charter may be replaced, revised or amended in accordance with any procedure made available under the Constitution of the Commonwealth, by general or special law or under this charter.

##### **Section 8-2. Periodic Review of Charter**

The Town Council shall provide, in every year ending in a 0, for a review of the charter by a committee consisting of no less than 5 or no more than 9 persons. At least 1 member of such committee shall be a Council member. The committee shall file a report within 1 year recommending any changes to the charter that it deems necessary or desirable, unless an extension is authorized by vote of the Town Council.

##### **Section 8-3. Periodic Review of Ordinances**

The Town Council shall provide, in every year ending in a 5, for a review of the ordinances by a committee consisting of no less than 5 or no more than 9 persons. At least 1 member of such Committee shall be a Council member. The committee shall file a report within 1 year recommending any changes to the ordinances that it deems necessary or desirable, unless an extension is authorized by vote of the Town Council.

##### **Section 8-4. Severability**

## **Town of Easton Draft Charter**

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

### **Section 8-5. Uniform Procedures Applicable to Multiple-Member Bodies**

Meetings- All multiple-member bodies of the Town shall meet regularly at such times and places as they may, by their own rules, prescribe, unless some other provision is made by ordinance or ordinance. Special meetings of any multiple-member body shall be held subject to the call of the Chair or by 1/3 of the members thereof. All meetings must be posted and otherwise comply with the laws of the Commonwealth relative to open meetings.

Rules and Minutes- Each multiple-member body shall determine its own rules and order of business unless another provision is made by ordinance and shall provide for the keeping of minutes of its proceedings. These rules and minutes shall be a public record and kept on file in the office of the Town Clerk. Any and all procedures adopted by any such body shall be consistent with, and shall not abrogate Open Meeting Laws adopted by the Commonwealth.

Voting- The vote of each member on any matter before a multi-member body shall be recorded in the minutes; provided, however, that if the vote is unanimous only that fact need be recorded.

Quorum - A simple majority of the required members of a multiple-member body shall constitute a quorum, unless otherwise provided in any general law, special law or this Charter. For example, a quorum of a five member board shall be three members, regardless of any absences or vacancies. A quorum is required to convene a meeting, provided that a smaller number may meet solely for the purpose of continuance or adjournment of a meeting of the body. The required number of votes to approve any matter before a multiple-member body shall be governed by the applicable law governing such body.

### **Section 8-6. Specific Provision to Prevail**

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

### **Section 8-7. References to General Laws**

## **Town of Easton Draft Charter**

All references to the laws of the Commonwealth contained in the charter are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

### **Section 8-8. Rules and Regulations**

Rules and regulations of any Town Board or Agency shall become effective on passage provided that, within 5 days of passage they are placed on file in the office of the Town Clerk. All such rules and regulations shall be available for review by any person who requests such information at any reasonable time.

### **Section 8-9. Computation of Time**

In computing time under this charter, the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is 7 days or more, Saturdays, Sundays and legal holidays shall be included.

### **Section 8-10. Felony Conviction**

An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office.

## **ARTICLE NINE**

### **TRANSITIONAL PROVISIONS**

#### **Section 9-1. Continuation of Existing Laws**

All ordinances, bylaws, resolutions, rules, regulations and votes of Town Meeting which are in force at the time this charter is adopted, not inconsistent with this Charter, shall continue in full force until amended or repealed. Any existing bylaws shall serve as the initial ordinances of the Town under this Charter, excepting where there is a conflict with this Charter.

If provisions of this Charter conflict with provisions of Town ordinances, bylaws, rules, regulations, orders, or special acts or acceptances of law, the charter provisions shall govern. All provisions of Town ordinances, bylaws, rules, regulations, orders, and special acts not superseded by this charter shall remain in force. The prior charter is hereby repealed.

## **Town of Easton Draft Charter**

### **Section 9-2. Continuation of Personnel**

Except as may be otherwise set forth herein, any person holding a Town office, or position in the administrative service of the Town, or any person holding full time employment under the Town, shall retain such office, position, or employment and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full time service of the Town shall forfeit his pay grade or time in service of the Town. All such persons shall be retained as is practicable in a capacity as similar to the capacity in which they were serving at the time this charter is adopted.

### **Section 9-3. Continuation of Government**

Except as may be otherwise set forth herein, all Town officers, boards, commissions or agencies shall continue to perform the duties thereof until reappointed or reelected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another Town office, board, commission, or agency pursuant to the terms hereof.

### **Section 9-4. Transfer of Records and Property**

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

### **Section 9-5. Effect on Obligations, Taxes, Etc.**

All official bonds, obligations, contracts and other instruments entered into or executed by or before adoption of this Charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town, shall be enforced and collected and all writs, prosecutions, actions and causes of action, excepted as may be herein otherwise provided, shall continue without abatement and remain unaffected by this Charter. No legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption of this Charter.

### **Section 9-6. Disposition of Certain Special Laws**

(a) Certain Other Obsolete Special Laws Repealed – The special acts referenced on Exhibit B attached hereto hereby stand repealed: (List will be developed, and each special law repealed must be listed individually. No need to list Special Laws retained.)

## **Town of Easton Draft Charter**

### **Section 9-7. Time of Taking Effect**

(a) This Charter shall take effect such that elections for office shall be held on the first Tuesday after the first Monday in November beginning in the first year when no regular state election in November is scheduled following adoption of this Charter, and biannually thereafter, unless the date of such election would be more than 9 months after the adoption of the Charter, in which case the Board of Selectmen then in office shall schedule a special transition election as promptly as possible after adoption, but nevertheless, within 6 months of the adoption of the Charter. So much of this charter shall become effective as is necessary to conduct these elections.

(b) The term of office of the Town Council shall begin on the first business day of the month following the election and shall continue until their successors are qualified; provided, however, that upon the taking of office of the first Town Council elected under this Charter, said Council shall meet only for the purposes of electing a president and vice president, establishing Council rules of operation, and holding informational meetings to seek input. During such time, the members of the Board of Selectmen serving at the time of the election shall continue to be responsible for the general operation and business of Town government and shall continue to perform all of the powers, duties, and responsibilities of the office. The Council may choose a designee to attend the Board of Selectmen meetings, and shall have a voice but no vote in any discussions. The Town Meeting shall continue to conduct all legislative business of the Town until the full powers of the Council shall become operative. The Town shall provide suitable offices in a public building and access to clerical services and office machines to the council to enable them to undertake and to carry out their transitional assignments.

(c) Upon the effective date of this charter, the incumbent serving in the position of Town Administrator shall be deemed the appointed Town Manager as described in Article 4, to serve for the remaining term of the person's contract with the Town. Should the incumbent serving in the position of Town Administrator vacate the position, the Town Council shall appoint an interim Town Manager as provided in Article 4 and begin the process for recruitment of a Town Manager.

(d) At noon on the last business day of the 6th month following the taking of office of the Town Council, the powers of the Town Council shall become fully effective, and it shall assume its full powers, duties, and responsibilities, including the licensing and permitting authority previously granted to the Board of Selectmen. On that day and time, the office of the Board of Selectmen shall be abolished, the terms of the current members terminated, and the Board of Selectmen shall cease to exist as a board. Also on that same day and time, the Town Meeting shall be abolished, the position of Moderator shall be abolished, and the term of office of the incumbent Moderator shall be terminated.

## **Town of Easton Draft Charter**

(e) For those School Committee members in office at the time the charter is approved, the term of office for those members whose terms would otherwise expire shall be extended to the date of the election as provided in clause (a) and those members whose terms would expire subsequent to the election as provided in clause (a) shall have their terms terminated such that all members of the School Committee shall be elected at the first election conducted as provided in Article 7.

(f) The incumbent members of the Board of Assessors, Board of Health, and the elected members of the Housing Authority on the effective date of this Charter shall continue to serve for the balance of the terms for which they were elected. Upon the expiration of the term of office of a member of the Board of Assessors, Board of Health, or the elected members of the Housing Authority, or a sooner vacating of office by an elected member, that member shall be appointed as provided in this Charter.

(g) Notwithstanding the provisions of section 2-2 of this charter, for the transition period only, a person may hold office both as a member of the Board of Selectman and as a member of the Town Council.

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### **Section 2:**

The following question shall be placed on the ballot to be used at a special Town election to be held on \_\_\_\_: Shall an act entitled "An Act Revising the Charter for the Town of Easton" be accepted?

The Town Attorney shall prepare the summary of the proposed special act charter which shall appear on the ballot along with the question provided in this section.

If a majority of votes cast in answer to the question is in the affirmative, the Town shall be taken to have accepted the charter of the Town of Easton, but not otherwise.

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### **Section 3:**

This act shall take effect upon its passage.