MISCELLANEOUS BYLAWS

The following are several bylaws that need to be amended as a result of the recommendations of the Town Government Study Committee relating to the creation of the position of Town Manager, the appointment, rather than election, of the Town Clerk, and other changes recommended by the Town Government Study Committee.

We will indicate the title of the Article in which the amendment is proposed and we will:

- Provide the text of the section as it currently reads;
- Provide the text of the section showing proposed deletions and additions; and
- Provide the text of the section as it would read if amended in italics.

Note: this process of showing the text in three ways will be required for Special Town Meeting.

(1) Article 1. General Definitions and Rules of Interpretation

Note: The definitional section is being amended to define the senior staff employee as one who is appointed by the Town Manager, not by a board. The Town Clerk, if the Special Act is approved, will be appointed and will no longer be an "official".

The text of the section as it currently reads:

1.2. Definitions. For the purposes of these bylaws:

a. "Board" means a multiple-member board, commission, committee or sub-committee however created, elected, appointed or otherwise constituted.

b. "Officer" means the senior departmental staff employee appointed by a board named in these bylaws. A person employed primarily for secretarial duties is not an "officer". The Treasurer and Collector of Taxes, Town Counsel, the Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.

c. "Official" means the Moderator and the Town Clerk.

d. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

The text of the section showing proposed deletions and additions:

1.2. Definitions. For the purposes of these bylaws:

a. "Board" means a multiple-member board, commission, committee or sub-committee, however created, elected, appointed or otherwise constituted.

b. "Officer" means the senior departmental staff employee appointed by ~~a~~ the Town Manager; provided, however, that ~~a board named in these bylaws.~~ a person employed primarily for ~~secretarial~~ clerical duties is not an "officer." The Moderator, Treasurer and Collector of Taxes, Town Counsel, the

Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.

~~c. "Official" means the Moderator and the Town Clerk.~~

d. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

The text of the section as it would read if amended:
1.2. Definitions. *For the purposes of these bylaws:*

a. "Board" means a multiple-member board, commission, committee or sub-committee, however created, elected, appointed or otherwise constituted.

b. "Officer" means the senior departmental staff employee appointed by the Town Manager; provided, however, that a person employed primarily for clerical duties is not an "officer." The Moderator, Treasurer and Collector of Taxes, Town Counsel, the Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.

c. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

(2) Article 6. General Provisions
Note: This section is to be deleted.
The text of the section as it currently reads:
6.3. Staff Performance. Each board is responsible for the faithful and competent performance of duties by persons employed or appointed by it. The Town Clerk shall have the same responsibility with regard to persons the Town Clerk employs.

The text of the section showing proposed deletions and additions:
~~**6.3. Staff Performance.** Each board is responsible for the faithful and competent performance of duties by persons employed or appointed by it. The Town Clerk shall have the same responsibility with regard to persons the Town Clerk employs.~~

The text is to be deleted.

Note: The purpose of this amendment is to clarify that engineering work, not done by the DPW, must be approved by the Town Manager or by vote of Town Meeting.
The text of the section as it currently reads:
6.4. Engineering. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Board of Public Works, no board, officer, or official (except the Permanent Building Committee)

shall incur expense for engineering services of the kind provided by the Department of Public Works.

The text of the section showing proposed deletions and additions:
6.4. Engineering. Unless expressly authorized by statute, a vote of Town Meeting, or ~~vote of the Board of Public Works~~ by the Town Manager, no board, officer, or official (except the Permanent Building Committee) shall incur expense for engineering services of the kind provided by the Department of Public Works.

The text of the section as it would read if amended:
6.4. Engineering. *Unless expressly authorized by statute, a vote of Town Meeting, or by the Town Manager, no board, officer, or official (except the Permanent Building Committee) shall incur expense for engineering services of the kind provided by the Department of Public Works.*

(3) Article 7. Vacancy

No special provision for filling the vacant position of Town Clerk is needed if the Special Act is passed approving the appointment, not election, of the Town Clerk.

The text of the section as it currently reads:
7.3. Vacancy in Other Elected Positions. A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10. A vacancy in the office of Town Clerk shall be filled in accordance with Chapter 41, Section 14 of the General Laws.

The text of the section showing proposed deletions and additions:
7.3. Vacancy in Other Elected Positions. A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10 of the General Laws. ~~A vacancy in the office of Town Clerk shall be filled in accordance with Chapter 41, Section 14 of the General Laws.~~

The text of the section as it would read if amended:
7.3. Vacancy in Other Elected Positions. *A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10 of the General Laws.*

(4) Article 8. Town Meeting

Note: The purpose here is to require the Board of Selectmen to call for the Annual Town Meeting by November 15 of the year preceding the Annual Town Meeting. The budget deadlines set forth in Section 6A.7 are measured from the start of the Annual Town Meeting.

The text of the section as it currently reads:

8.6. Date of Annual Town Meeting. The Annual Town Meeting shall commence no earlier than the last Monday in March and no later than the last day of May. The Selectmen shall fix the time and place for the Meeting.

The text of the section showing proposed deletions and additions:
8.6. Date for Annual Town Meeting. The Annual Town Meeting shall commence no earlier than the last Monday in March and no later than the last day of May. The Board of Selectmen shall fix the time and place for the Meeting no later than November 15 prior thereto.

The text of the section as it would read if amended:
8.6. Date for Annual Town Meeting. *The Annual Town Meeting shall commence no earlier than the last Monday in March and no later than the last day of May. The Board of Selectmen shall fix the time and place for the Meeting no later than November 15 prior thereto.*

(5) Article 13. Audit Committee

Note: Upon receipt of reports of the auditors, the Audit Committee shall give copies to the Town Clerk and to the Town Manager. The last sentence of the section is deleted because this bylaw was written before the current provisions of the Open Meeting Law were enacted.

The text of the section as it currently reads:
13.5. Audit Reports. The Committee shall receive all reports of the auditors. It shall give any board, officer or official which is audited a copy of that portion of the audit report relating to that board, officer or official. It shall also file a copy of each audit report with the Town Clerk within 120 days after the close of the fiscal year and the copy shall be a public record.

The text of the section showing proposed deletions and additions:
13.5. Audit Reports. The Audit Committee shall receive all reports of the auditors and, upon receipt, shall provide a copy of such reports to the Town Manager and Town Clerk. The Committee shall also provide to ~~It shall give~~ any audited board, officer or official ~~which is audited~~ a copy of that portion of the audit report relating to that board, officer or official~~. It shall also file a copy of each audit report with the Town Clerk within 120 days after the close of the fiscal year and the copy shall be a public record.~~

The text of the section as it would read if amended:
13.5. Audit Reports. *The Audit Committee shall receive all reports of the auditors and, upon receipt, shall provide a copy of such reports to the Town Manager and Town Clerk.*
The Committee shall also provide to any audited board, officer or official a copy of that portion of the audit report relating to that board, officer or official.

(6) Article 24. Facilities Maintenance Department

Note: Town Manager is substituted for Executive Director concerning responsibilities relating to FMD.

The text of the section as it currently reads:

24.5. Annual Report. The Director of Facilities Maintenance shall report annually to the Executive Director, in whatever manner and form the Executive Director finds would be helpful, on the status of all Town-owned buildings under the Director's supervision as of the end of the fiscal year, building by building, including the work performed during the year, together with recommendations for future action, and the expected costs to maintain said buildings to the appropriate standard.

The text of the section showing proposed deletions and additions:
24.5. Annual Report. The Director of Facilities Maintenance shall report annually to the Town Manager ~~Executive Director, in whatever manner and form the Town Manager Executive Director finds would be helpful,~~ on the status of ~~all~~ each Town-owned building~~s~~ under the Director's supervision ~~as of the end of the fiscal year, building by building~~, including ~~the~~ any work performed during the year, ~~together with~~ recommendations for future action, and the expected costs to maintain ~~said~~ the building~~s~~ to the appropriate standard.

The text of the section as it would read if amended:
24.5. Annual Report. *The Director of Facilities Maintenance shall report annually to the Town Manager on the status of each Town-owned building under the Director's supervision, including any work performed during the year, recommendations for future action, and the expected costs to maintain the buildings to the appropriate standard.*

(8) Article 26. Town Clerk

Note: If the Special Act is passed, then the legal change to appointment of the Town Clerk (Special Act, Section 5) will have occurred. This then just follows the provisions in the Special Act.
The text of the section as it currently reads:
26.1. Office. The Town shall have an elected Town Clerk who shall be a registered voter of the Town.

26.2. Term of Office. The term of office shall be three years.

The text of the section showing proposed deletions and additions:
26.1. Office. In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint the Town Clerk.

~~**26.2. Term of Office.** The term of office shall be three years.~~

The text of the section as it would read if amended:
26.1. Office. *In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint the Town Clerk.*