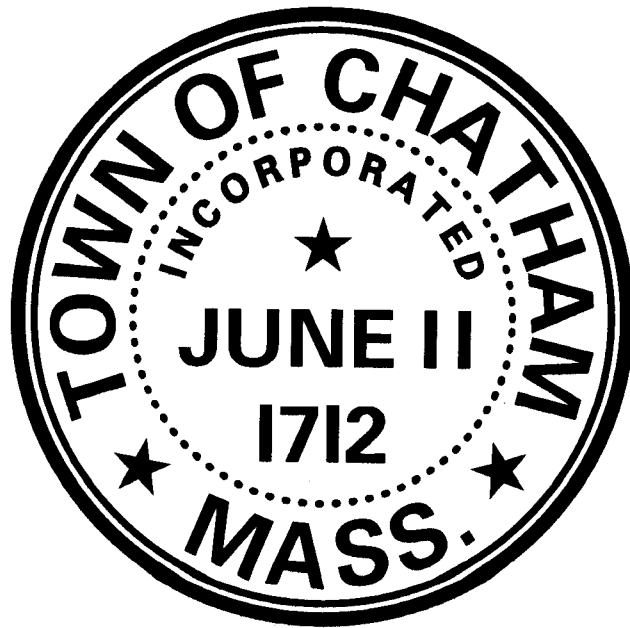


# *Town of Chatham*

## *Home Rule Charter*

*Most Recently Revised:*

*Amended: May 11, 2015 Annual Town Meeting*  
*Approved by the Attorney General: May 26, 2015*  
*Ratified: May 12, 2016 Annual Town Election*



**HISTORY OF  
CHARTER COMMISSION &  
CHARTER REVIEW COMMITTEE  
MEMBERS:**

**ELECTED CHARTER COMMISSION  
(Elected May 12, 1994)**

Richard S. Vokey, Chairman  
Leonard L. Fougere, Vice Chairman  
Barry D. Eldredge  
Ellen W. Jones  
Clarence E. Norcross  
Jordan J. Popkin  
William F. Riley  
Kenneth J. Ritchie  
Stuart F.X. Smith

**Charter Review Committee  
(Appointed 2000)**

Kenneth J. Ritchie, Chairman  
Catherine Frazer, Vice-Chairman  
Thomas J. Groux  
Florence Seldin  
Stuart F.X. Smith  
David H. Veach  
Robert L. Walsh

**Charter Review Committee  
(Appointed 2007)**

Deborah R. Aikman, Chairman  
Andrew R. Siffard, Vice Chairman  
Raymond Braz  
Robert Hamblet  
William G. Litchfield  
Charles Rader  
Robert L. Walsh

**Charter Review Committee  
(Appointed 2013)**

Douglas P. Hamilton, Chairman  
Judith M. Thomas, Vice Chairman  
Jamile D. Bassett  
Sarah (Kay) Bryce  
Jack Cogswell  
Shareen Davis  
Paul C. Semple  
Gordon (Tim) Weller  
Timothy J. Hunter, Alternate

**Most Recently Revised:**

**Amended: May 11, 2015 Annual Town Meeting**

**Ratified: May 12, 2016 Annual Town Election**

**TOWN OF CHATHAM**  
**HOME RULE CHARTER**

**CHARTER HISTORY:**

**Original Charter Commission Elected – May 12, 1994 Annual Town Election**  
**Original Charter Adoption - May 11, 1995 Annual Town Election**  
**Amended - May 14, 2001 Annual Town Meeting**  
**Amended - May 11, 2009 Annual Town Meeting**  
**Ratified - May 13, 2010 Annual Town Election**  
**Ratified - January 10, 2013 Chapter 457, Acts of 2012**  
**Amended - May 11, 2015 Annual Town Meeting**  
**Ratified - May 12, 2016 Annual Town Election**

**TABLE OF CONTENTS**

**PART I - - INCORPORATION AND AUTHORITY**

Section 1-1	Incorporation Continued	Page	C:1
Section 1-2	Short Title		C:1
Section 1-3	Division of Powers		C:1
Section 1-4	Powers of the Town		C:1
Section 1-5	Interpretation of Powers		C:1
Section 1-6	Consistency with Town By-laws		C:2
Section 1-7	Intergovernmental Relations		C:2
Section 1-8	Ethical Standards		C:2

**PART II - - LEGISLATIVE BRANCH**

Section 2-1	Open Town Meeting		C:2
Section 2-2	Presiding Officer		C:2
Section 2-3	Annual Town Meeting		C:2
Section 2-4	Special Town Meetings		C:3
Section 2-5	Clerk of the Meeting		C:3
Section 2-6	Warrant Articles		C:3
Section 2-7	Publication and Distribution of the Warrant		C:3
Section 2-8	Town Meeting Action		C:3

**PART III - - ELECTED TOWN OFFICERS**

Section 3-1	Elected Town Officers, In General		C:4
Section 3-2	Board of Selectmen		C:4
	(a) Composition, Term of Office		C:4
	(b) Powers and Duties		C:4
	(c) Appointment Powers		C:4

**Most Recently Revised:**

**Amended: May 11, 2015 Annual Town Meeting**

**Ratified: May 12, 2016 Annual Town Election**

	(d)	Investigative Powers	C:4
	(e)	Licensing Power	C:5
Section 3-3	(Reserved)		C:5
Section 3-4	Moderator		C:5
	(a)	Term of Office	C:5
	(b)	Powers and Duties	C:5
Section 3-5	Housing Authority		C:5
	(a)	Composition, Term of Office	C:5
	(b)	Powers and Duties	C:5

#### **PART IV -- TOWN MANAGER**

Section 4-1	Appointment, Qualifications, Term of Office	C:6
Section 4-2	Relationship of Town Manager and Selectmen	C:6
Section 4-3	Vacancy in Office	C:6
Section 4-4	Temporary Absence	C:6
Section 4-5	Compensation	C:7
Section 4-6	Powers of Appointment	C:7
Section 4-7	Administrative Powers and Duties	C:7
Section 4-8	Removal of Town Manager	C:9

#### **PART V -- ADMINISTRATIVE ORGANIZATION**

Section 5-1	Organization of Town Government	C:9
	(a) Method of Organization - Town Departments	C:9
	(b) Method of Organization - Town Boards, Commissions or Committees	C:10
	(c) Failure to Fill Vacancies - Town Boards, Commissions or Committees	C:10
	(d) Report of Activities	C:10
Section 5-2	Sunset Provision	C:10
Section 5-3	Personnel System	C:11

#### **PART VI -- FINANCIAL PROVISIONS**

Section 6-1	Budget Process	C:12
Section 6-2	Capital Improvement Program	C:12
Section 6-3	Finance Committee Action	C:13
Section 6-4	Board of Selectmen Action	C:13
Section 6-5	Town Meeting Action	C:13
Section 6-6	Approval of Warrants for Payment	C:14

#### **PART VII -- RECALL OF ELECTED OFFICERS**

Section 7-1	Application	C:14
Section 7-2	Recall Petition	C:14

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**Amended: May 11, 2015 Annual Town Meeting**

**Ratified: May 12, 2016 Annual Town Election**

Section 7-3 Recall Election	C:14
Section 7-4 Nomination of Candidates	C:15
Section 7-5 Office Holder	C:15
Section 7-6 Ballot Proposition	C:15
Section 7-7 Repeat of Recall	C:15
Section 7-8 Office Holder Recalled	C:16

### **PART VIII -- GENERAL PROVISIONS**

Section 8-1 Charter Revision or Amendment	C:16
Section 8-2 Periodic Charter Review	C:16
Section 8-3 Severability	C:16
Section 8-4 Rules of Interpretation	C:16
(a) Specific Provisions to Prevail	C:16
(b) Number	C:16
(c) References to General Laws	C:17
(d) Computation of Time	C:17
Section 8-5 Definitions	C:17
(a) Charter	C:17
(b) Town	C:17
(c) Voters	C:17
(d) Majority Vote	C:17
(e) Town Agency or Agency	C:17
(f) Town Department or Department	C:17
(g) Interlocal	C:17

### **PART IX -- TRANSITIONAL PROVISIONS**

Section 9-1 Continuation of Existing Laws	C:17
Section 9-2 Transfer of Records and Property	C:18

**Most Recently Revised:**

**Amended: May 11, 2015 Annual Town Meeting**

**Ratified: May 12, 2016 Annual Town Election**

**TOWN OF CHATHAM**  
**HOME RULE CHARTER**

**[HISTORY: Adopted at the May 11, 1995 Annual Election; amended by Article 21 of the May 14, 2001 Annual Town Meeting. Subsequent amendments noted where applicable.]**

**Part I   Incorporation and Authority**

Section 1-1 Incorporation Continued

The inhabitants of the Town of Chatham, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the Town of Chatham.

Section 1-2 Short Title

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

Section 1-3 Division of Powers

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

Section 1-4 Powers of the Town **[Amended 1-10-2013 by Chapter 457, Acts of 2012]**

The intent and purpose of this charter is to secure for the Town of Chatham, through the adoption of this charter, all the powers possible for town government under Article LXXXIX (89) of the Amendments to the Constitution of the Commonwealth and Laws of the Commonwealth, as fully as though each such power were specifically and individually enumerated herein.

Section 1-5 Interpretation of Powers

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in Section 1-4.

## CHATHAM CODE

### Section 1-6 Consistency with Town By-laws [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election<sup>1</sup>; amended 1-10-2013 by Chapter 457, Acts of 2012]

Where provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders, general laws, special acts and acceptances of general laws, the charter shall govern. All town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

### Section 1-7 Intergovernmental Relations [Amended 1-10-2013 by Chapter 457, Acts of 2012]

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

### Section 1-8 Ethical Standards [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]

Elected and appointed officers, officials and employees of the town of Chatham are expected to demonstrate, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards. Elected and appointed officers, officials and employees of the town of Chatham are expected to recognize that they hold their offices or positions for the benefit of the public and that while acting in their official capacities they are expected to faithfully discharge the duties of their offices in the public interest, regardless of personal considerations. Elected and appointed officers, officials and employees of the town of Chatham shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every person.

## Part II Legislative Branch

### Section 2-1 Open Town Meeting

The legislative powers of the town shall be exercised by a town meeting open to all voters.

### Section 2-2 Presiding Officer

All sessions of the town meeting shall be presided over by a moderator, elected as provided in Part III. The moderator shall regulate the proceedings, decide questions of order, and make public declaration of all votes. The moderator shall have all of the powers and duties given to moderators under the constitution and the laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw or by other town meeting vote.

### Section 2-3 Annual Town Meeting

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<sup>1</sup> Editor's Note: This article also redesignated former Section 1-6 as Section 1-7.

## CHARTER

The annual town meeting shall be held on such date or dates as may from time to time be fixed by bylaw.

### Section 2-4 Special Town Meetings

Special town meetings shall be held at the call of the board of selectmen at such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the laws of the commonwealth.

### Section 2-5 Clerk of the Meeting

The town clerk shall serve as the clerk to the town meeting. In the event of unavoidable absence, the town clerk shall designate a substitute; otherwise, the moderator shall appoint a clerk pro tempore. The town clerk shall give notice of all meetings to the public, keep a journal of its proceedings and perform such other functions as may be provided by the laws of the commonwealth, by the charter, by bylaw or by other town meeting vote.

### Section 2-6 Warrant Articles

Except for procedural matters, all subjects to be acted on by town meeting shall be placed on warrants issued by the board of selectmen. The board of selectmen shall receive all petitions addressed to it which require the submission of particular subject matter to the town meeting in accordance with the laws of the commonwealth. All such requests for the inclusion of subjects shall be in writing but they shall not be required to conform to any particular style or form except that each request for a particular subject shall be submitted as a separate petition.

### Section 2-7 Publication and Distribution of the Warrant

In addition to any notice required by the laws of the commonwealth, the board of selectmen shall cause the annual town meeting warrant to be mailed to each residence of one or more voters. Such distribution shall occur at least fourteen (14) days prior to the town meeting. Failure of a voter to receive such warrant shall not invalidate the action of the town meeting.

### Section 2-8 Town Meeting Action **[Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]**

The exercise of the legislative power by a vote of town meeting shall be presumed to be binding and shall be implemented by a designated town agency or department in conformance with the law or such vote.



CHATHAM CODE

**Part III Elected Town Officers**

**Section 3-1 Elected Town Officers, In General [Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

The offices to be filled by the voters shall be a board of selectmen, the town's representatives for the Monomoy Regional School Committee, a moderator, housing authority and such other regional authorities, districts or committees as may be required by law of the commonwealth or inter-local agreement.

**Section 3-2 Board of Selectmen**

**(a) Composition, Term of Office**

There shall be a board of selectmen composed of five members elected for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

**(b) Powers and Duties [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]**

The executive authority of the town shall be vested in the board of selectmen who shall serve as the chief policy making agency of the town. The board of selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen by the laws of the commonwealth, and such additional powers and duties authorized by the charter, by bylaw or by vote of the town, except those powers and duties granted to the town manager under this charter.

The board of selectmen shall have the powers and duties of a water and sewer commission, unless the board of selectmen choose to delegate those powers and duties to another town agency. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. To administer and implement its policies and aid the board in its official duties, the board of selectmen shall appoint a town manager as provided in Part IV of this charter.

**(c) Appointment Powers [Amended 1-10-2013 by Chapter 457, Acts of 2012]**

The board of selectmen shall appoint a town manager, town counsel, registrars of voters, and election officials. The board of selectmen shall appoint members of boards, commissions or committees for which no other appointment provision is made in this Charter.

**(d) Investigative Powers**

The board of selectmen may investigate or may authorize the town manager to investigate the affairs of the town and the conduct of any town agency.

## CHARTER

### (e) Licensing Power

The board of selectmen shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest.

The board of selectmen shall enforce the laws relating to all businesses for which it issues any licenses. The board of selectmen may delegate such licensing authority unless specifically prohibited by the laws of the commonwealth.

### Section 3-3 (Reserved)<sup>2</sup>

### Section 3-4 Moderator

#### (a) Term of Office

A moderator shall be nominated and elected by the voters for a term of three years. In the event of absence of the moderator the town meeting may elect a temporary moderator for the purpose of presiding over the meeting.

#### (b) Powers and Duties

The moderator shall have the powers and duties provided that office by the constitution and the laws of the commonwealth, by the charter, or by bylaw or by other town meeting vote. The moderator shall appoint a finance committee of nine members. Should the moderator fail to fill a vacancy on the finance committee within 45 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the finance committee may nominate a person for each such vacancy. Should the moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the finance committee.

### Section 3-5 Housing Authority

#### (a) Composition, Term of Office

There shall be a housing authority composed of five members serving terms of five (5) years each, so arranged that the term of one member expires each year. Four members shall be elected by the voters and the fifth member shall be appointed as provided for by the laws of the commonwealth.

#### (b) Powers and Duties

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<sup>2</sup> Editor's Note: Former Section 3-3, School Committee, was repealed by Art. 26 of the 5-11-2015 ATM and approved at the 5-12-2016 Annual Town Election.

## CHATHAM CODE

The housing authority shall make studies of the housing needs of the town and shall provide programs for housing. The authority shall have all the powers and duties given to housing authorities under the laws of the commonwealth.

### **Part IV Town Manager**

#### **Section 4-1 Appointment, Qualifications, Term of Office [Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

The board of selectmen shall appoint a town manager and shall annually evaluate the performance of the town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with at least five years full-time experience as a city or town manager or an assistant city or town manager or the equivalent experience in the public or private sector. The board of selectmen may from time to time establish such additional qualifications as deemed necessary and appropriate.

The town manager shall devote full time to the duties of the office and shall not hold any other elective or appointive town office, nor shall the town manager engage in any other business unless such action is approved in advance in writing by the board of selectmen.

#### **Section 4-2 Relationship of Town Manager and the Board of Selectmen**

The town manager shall be the primary officer responsible for the implementation of policy directives and guidelines adopted by the board of selectmen. The daily administration of the affairs of the town shall be the responsibility of the town manager.

#### **Section 4-3 Vacancy in Office**

Any permanent vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen. Pending appointment of the town manager or the filling of any vacancy the board of selectmen shall, within a reasonable period of time, appoint some other qualified person to perform the duties of the town manager.

#### **Section 4-4 Temporary Absence**

The town manager may designate by letter filed with the board of selectmen and town clerk a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. If such temporary absence or disability shall exceed thirty (30) days, any designation made by the town manager shall be subject to the approval of the board of selectmen. In the event of failure of the town manager to make such designation, or if the person so designated is for any reason unable to serve, the board of selectmen may designate some other qualified person to perform the duties of the town manager until the town manager shall return.

## CHARTER

### Section 4-5 Compensation

The town manager shall receive such compensation for services as the board of selectmen shall determine but such compensation shall be within the limits of available appropriations.

### Section 4-6 Powers of Appointment [**Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election**]

Except as otherwise provided by this charter, the town manager shall appoint, based on merit and fitness alone, and may remove all department heads, assistant department heads, officers, subordinates, employees serving under elected and appointed boards, commissions, committees and employees for whom no other method of selection and removal is provided in this charter except employees of the housing authority.

Appointment of department heads by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen unless the board of selectmen shall, within such period, by majority vote of the full board of selectmen, vote to reject such appointment.

### Section 4-7 Administrative Powers and Duties

The town manager shall be the administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

- (a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments, and of all functions for which the town manager is given responsibility, authority, or control by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen;
- (b) to administer and enforce either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of the laws of the commonwealth or special laws applicable to the town, all bylaws, and all regulations established by the board of selectmen;
- (c) to coordinate activities of all town departments;
- (d) to attend all regular and special meetings of the board of selectmen, unless excused;
- (e) to attend all sessions of the town meeting and to answer all questions addressed to the town manager and which are related to warrant articles and to matters under general supervision of the town manager;

## CHATHAM CODE

- (f) to keep the board of selectmen fully informed as to the needs of the town, and to recommend to the selectmen for adoption such measures requiring action by them or by the town as the town manager deems necessary or expedient;
- (g) to insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required;
- (h) to be responsible for rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities; **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**
- (i) to serve as the chief procurement officer and be responsible for the purchase of all supplies, materials and equipment except books and other educational materials for schools, and approve the award of all contracts for all town departments; **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**
- (j) to develop and maintain a full and complete inventory of all town owned real and personal property;
- (k) to administer personnel policies, practices, and rules and regulations, any compensation plan and any related matters for all municipal employees, and to administer all collective bargaining agreements entered into by the town; **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**
- (l) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- (m) to be responsible for the negotiation of all contracts with town employees over wages and other terms and conditions of employment, except employees. The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the board of selectmen; **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**
- (n) to prepare and submit an annual operating budget and capital improvement program as provided in Sections 6-1 and 6-2 of this charter;
- (o) to keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen as the town manager deems necessary;
- (p) to investigate or inquire into the affairs of any town department or office;
- (q) to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise, provided, that all acts which are performed under such delegation shall be deemed to be the acts of the town manager;

## CHARTER

- (r) to perform such other duties as necessary or as may be assigned by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen.

### Section 4-8 Removal of Town Manager

The board of selectmen, by affirmative vote of three of its members, may vote to terminate, remove or suspend the town manager. If so requested by the town manager, the board of selectmen shall provide a written statement setting forth the reasons for the removal or termination within ten (10) working days.

Within five (5) days after the vote to terminate, remove or suspend the town manager from office, the town manager may request a public hearing by filing a written request for such hearing with the board of selectmen. The purpose of such hearing is to provide the town manager with an opportunity to provide information and make a statement concerning removal from said office. If such a hearing is requested, the hearing shall be held at a meeting of the board of selectmen not later than twenty days from the date of request.

## Part V Administrative Organization

### Section 5-1 Organization of Town Government [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012; amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]

- (a) Method of Organization – Town Departments. The organization of town government into operating departments for the provision of services and the administration of government shall be the responsibility of the town manager. Subject only to the express prohibitions in the laws of the commonwealth or the provisions of this charter, the town manager may by administrative order reorganize, consolidate, create, merge, divide or abolish any town department or office, in whole or in part, establish such new town departments or offices as the town manager deems necessary or advisable, and prescribe the functions and the administrative procedures to be followed by all such departments or offices.

At a minimum, the town manager shall provide for the following governmental functions:

- (i) administrative and finance; (ii) law enforcement; (iii) fire protection and rescue services; (iv) operation and maintenance of the town's roads, parks, buildings and other facilities; (v) management and protection of coastal resources; (vi) town planning and enforcement of zoning and building codes; (vii) enforcement of health and environmental regulations; and (viii) operation of the water and sewer systems.

Administrative orders made by the town manager shall become effective on the thirtieth (30) day following the day on which notice of the proposed administrative order is filed with the board of selectmen and the office of the town clerk unless the board of selectmen shall, within such period, by majority vote of the board of selectmen, vote to reject such

## CHATHAM CODE

administrative order or has earlier voted to affirm it. For the convenience of the public, copies of administrative orders and votes of the board of selectmen establishing the nature of the town organization and any amendments thereto shall be available from the office of the town manager and the office of the town clerk and posted electronically and via other means that allow access by the public.

### (b) Method of Organization – Town Boards, Commissions or Committees

Unless otherwise provided by this charter, the establishment and organization of boards, commissions or committees shall be the responsibility of the board of selectmen. Subject only to the express prohibitions of the laws of the commonwealth or the provisions of this charter, the board of selectmen may by vote prescribe the term of office, reorganize, consolidate, create, merge, divide or abolish any town board, commission or committee, in whole or in part, establish such new board, commission or committee as deemed necessary or advisable, and prescribe the functions, purpose and responsibilities of such boards, commissions or committees. Nothing in this section shall prohibit the town meeting from authorizing the appointment of one or more committees. Votes of Town Meeting which authorize the formation of such committees shall state the charge, composition and town agency to be the appointing authority, if it is not the board of selectmen. The tenure of any such committee shall continue under its charge and until abolition by or change by a subsequent town meeting.

### (c) Failure to Fill Vacancies – Town Boards, Commissions or Committees

Should the appointing authority fail to fill a vacancy on a board, commission, or committee within 60 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the board, commission, or committee may nominate a person for each such vacancy. Should the appointing authority fail to take action on said nomination within twenty-one (21) days, the nominee shall become a member of said board, commission or committee.

### (d) Report of Activities

All boards, committees or commissions shall annually, on a date determined by the board of selectmen, submit a report of activities, achievements and other information to the board of selectmen.

### **Section 5-2 Sunset Provision [Amended 1-10-2013 by Chapter 457, Acts of 2012; amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

Annually, the board of selectmen shall consider the administrative and practical needs of all town boards, commissions and committees under the jurisdiction of the board of selectmen. During the course of such consideration, the board of selectmen shall review whether each board, commission or committee has a defined purpose or functions or if there is another possible method of achieving the mission of the board, commission or committee. If the board of selectmen determines that any board, commission or committee does not appear to serve a purpose or that another method of achieving the board, commission or committee's mission is

## CHARTER

desirable, the board of selectmen shall hold a public hearing and take any action deemed necessary.

### **Section 5-3 Personnel System [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]**

Subject to the approval of the board of selectmen, the town manager shall adopt rules and regulations establishing a personnel system. The adoption of rules and regulations shall be subject to a public hearing. The personnel system shall make use of modern concepts of personnel management and shall include at least the following elements:

- a method of administration;
- personnel policies indicating the rights, obligations and benefits of employees;
- a classification plan;
- a compensation plan;
- a method of recruiting and selecting employees based on merit;
- a centralized record keeping system;
- disciplinary and grievance procedures;
- a written performance evaluation system for all full-time year-round employees;
- a professional development, and training program; and other elements that are deemed necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the school department and employees covered by collective bargaining agreement. The personnel rules and regulations shall not apply to the position of town manager.

The board of selectmen may appoint a 3-member personnel committee which shall serve in an advisory capacity to the town manager. One member of the personnel committee shall be a town employee who is subject to the personnel rules and regulations. That member shall be appointed by the board of selectmen upon a majority vote of the non-union employees who are subject to the personnel rules and regulations. The remaining 2 members shall have training background and education in human resource issues.

## **Part VI Financial Provisions**



## CHATHAM CODE

### **Section 6-1 Budget Process [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012; amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

At the onset of the annual budget process, the town manager shall meet with the board of selectmen, the Monomoy Regional School Committee and the finance committee to discuss the upcoming operating and capital budgets.

Within a time fixed by by-law, prior to the annual meeting, the town manager shall submit to the board of selectmen and the finance committee a proposed operating and capital budget for all town departments, including the operating and capital budgets as adopted by the Monomoy Regional School Committee, for the ensuing fiscal year with an accompanying budget message and supporting documents.

The budget as adopted by the Monomoy Regional School Committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school department's requested appropriation on the total town budget which is required to be submitted under this section.

The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year, describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for the changes. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the board of selectmen deems desirable.

Upon receipt of the town manager's proposed operating budget, the board of selectmen shall announce the date on which they intend to act on the budget, but that date shall not be earlier than 30 days after receipt.

### **Section 6-2 Capital Improvement Program [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012; amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

The town manager shall submit a five-year capital improvement program to the board of selectmen and the finance committee at the date fixed by bylaw for the submission of the proposed operating budget unless some other time is provided by bylaw. The capital improvement program shall contain information regarding the cost of such program including a schedule of the existing principal and interest owed by the town. In addition, at least once every 10 years, a long-term facility master plan shall be created and/or updated for each of the major facility groups including but not limited to buildings, roads, sewer, water, storm drains, landings and piers, sidewalks, and parking facilities showing all major capital investments anticipated for the ensuing 20-25 years. Year one of the five-year capital improvement program shall be submitted as the capital improvement budget with the operating budget for the ensuing fiscal year.

## CHARTER

Upon receipt of the town manager's proposed capital improvement budget, the board of selectmen shall announce the date on which they intend to act on the budget, but in no case earlier than 30 days after receipt.

**Section 6-3 Finance Committee Action [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012; amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

- (a) The finance committee shall, upon receipt of the operating and capital budgets from the town manager, consider in public meetings the detailed expenditures for each town department and agency. The finance committee may request the town manager to provide necessary information from any town agency. The town manager shall promptly meet requests of the finance committee.
- (b) The finance committee shall make budget recommendations and report those recommendations to the board of selectmen in sufficient time for the board of selectmen to consider those recommendations prior to the board of selectmen voting on the operating and capital budgets.
- (c) The finance committee shall report to the voters at the annual town meeting or at a special town meeting its advisory recommendations on all articles on the warrant for such town meetings.

**Section 6-4 Board of Selectmen Action [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election<sup>3</sup>; amended 1-10-2013 by Chapter 457, Acts of 2012]**

Within a time fixed by by-law, the board of selectmen shall review the operating and capital budget improvements program, make changes as deemed appropriate and place their approved budget on the annual town meeting warrant. The board of selectmen shall transmit their approved budget to the finance committee.

**Section 6-5 Town Meeting Action [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]**

The finance committee shall vote their recommendations for action on the budget as received from the board of selectmen. Additionally, the finance committee shall file a report of its recommendations for action prior to the date on which the town meeting is to act on the budget. The report of the finance committee shall include the fiscal and tax implications of the budget and a statement outlining support or opposition to the budget or sections of the budget. The report of the finance committee shall be prepared in sufficient time to be incorporated in the annual town meeting warrant. The budget to be acted upon by the town meeting shall be the budget approved by the board of selectmen with the accompanying recommendations of the finance committee.

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<sup>3</sup> Editor's Note: This article also redesignated former Section 6-4 as Section 6-6.

## CHATHAM CODE

### Section 6-6 Approval of Warrants for Payment [**Amended 1-10-2013 by Chapter 457, Acts of 2012**]

Warrants for payments of town funds, prepared by the town accountant, shall be submitted to the town manager for approval. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer.

## **Part VII Recall of Elected Officers**

### Section 7-1 Application

Any office holder of an elected office in the town may be recalled therefrom by the voters of the town as herein provided.

### Section 7-2 Recall Petition

Any one hundred voters of the town may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall.

The town clerk shall thereupon deliver to said voters copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be addressed to the board of selectmen and shall contain the names of all persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which the removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in said office. 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 twenty days after the filing of the affidavit, and shall have been signed by at least twenty-five percent of the registered voters of the town as of the date of the most recent preceding annual town election, who shall add to their signature the street and number, if any, of their residence.

### Section 7-3 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 selectmen within five working days and the selectmen shall, within five working days, 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 five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety 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 one hundred days after the date of the certificate the board of selectmen shall postpone the holding of the recall election to the date of such other election.

## CHARTER

No person shall be subject to recall if the term of office of such person expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

### Section 7-4 Nomination of Candidates

Any officer sought to be removed may be a candidate to succeed to the same office and unless the officer requests otherwise in writing, the town clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections unless otherwise provided in the section.

### Section 7-5 Office Holder

The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not removed the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If not reelected in the recall election, the officer shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

### Section 7-6 Ballot Proposition [Amended 1-10-2013 by Chapter 457, Acts of 2012]

Ballots used in a recall election shall submit the following propositions in the order indicated:

- For the recall of (name of officer)
- Against the recall of (name of officer)

Immediately at the right of each proposition there shall be an area in which the voter, by making a mark in accordance with the instructions on the ballot may vote for either of the said propositions. Under the propositions shall appear the word "Candidates," the directions to the voters required by section forty two of chapter 54 of the General Laws, and beneath this the names of the candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative the ballots for candidates need not be counted.

### Section 7-7 Repeat of Recall

No recall petition shall be filed against an officer within ninety days after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which the officer's recall was submitted to the town.

## CHATHAM CODE

### Section 7-8 Office Holder Recalled

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against such person shall be appointed to any town office within one year after such recall or such resignation.

## **Part VIII      General Provisions**

### Section 8-1 Charter Revision or Amendment

The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any laws of the Commonwealth enacted to implement said constitutional amendment.

### Section 8-2 Periodic Charter Review **[Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

At least once every five years a special committee shall be appointed by the board of selectmen for the purpose of reviewing the provisions of the charter and shall have the title of charter review committee. The charter review committee shall submit a report to town meeting concerning any proposed amendments or revisions to the charter which such committee deems necessary.

### Section 8-3 Severability

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

### Section 8-4 Rules of Interpretation

The following rules shall apply when interpreting the charter:

- (a) Specific provisions to prevail: To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.
- (b) Number: Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular. **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

## CHARTER

- (c) References to General Laws: All references to the General Laws or the Laws of the Commonwealth contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.
- (d) Computation of time: In computing time under the charter, if seven days or less, only business days not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

### Section 8-5 Definitions

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

- (a) Charter: the word "charter" shall mean this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.
- (b) Town: the word "town" shall mean the Town of Chatham.
- (c) Voters: the word "voters" shall mean registered voters of the town.
- (d) Majority Vote: the words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law. **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**
- (e) Town agency or agency: the words "town agency" or the word "agency" shall mean any board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.
- (f) Town department or department: The words "town department" or "department" shall be any office, organizational unit or function under the direction of the town manager.
- (g) Interlocal: The word "interlocal" shall mean between or among units of government.

### **Part IX Transitional Provisions [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]**

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

All town bylaws, resolutions, rules, regulations, orders, special acts, and votes of the town meeting which are in force, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

CHATHAM CODE

**Section 9-2 Transfer of Records and Property [Amended 1-10-2013 by Chapter 457, Acts of 2012]**

All records, property and equipment of any office, 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 forthwith to such office, board, commission or agency.