

15 CHAPTER 1.
 16 TOWN INCORPORATION, FORM OF GOVERNMENT, AND
 17 POWERS.

18 SECTION 1. Incorporation.

19 1-1-1 The inhabitants of the town of Medway within the corporate
 20 limits established by law shall continue to be a body corpo-
 21 rate and politic with perpetual succession under the name
 22 “Town of Medway”.

23 SECTION 2. Short Title.

24 1-2-1 This instrument shall be known and may be cited as the
 25 “Medway Town Charter”.

26 SECTION 3. Powers of the Town.

27 1-3-1 Subject only to express limitations on the exercise of any
 28 power or function by a municipality in the Constitution or
 29 Laws of the Commonwealth, it is the intent and purpose of
 30 the voters of Medway to secure through the adoption of this
 31 Charter all of the powers it is possible to secure for a
 32 municipal government under the Constitution and Laws of
 33 the Commonwealth.

34 SECTION 4. Division of Powers.

35 1-4-1 All legislative powers of the Town shall be exercised by a
 36 Town Meeting open to all voters. The administration of all
 37 Town fiscal, prudential and municipal affairs shall be vested
 38 in the executive branch headed by the Board of Selectmen
 39 unless otherwise specified in this Charter.

40 SECTION 5. Construction.

41 1-5-1 The powers of the Town of Medway under this Charter are
 42 to be construed liberally in its favor and the specific men-
 43 tion of any particular power is not intended to limit in any
 44 way the general powers of the Town of Medway as stated
 45 Section 1-3-1. Upon the effective date of this act, the Town
 46 of Medway shall be governed by the provisions of this act.
 47 To the extent that the provisions of this act conflict with
 48 existing by-laws of the Town of Medway, this act shall
 49 govern.

50 SECTION 6. Intergovernmental Relations.

51 1-6-1 Subject to the applicable requirements of any provision of
52 the Constitution or statutes of the Commonwealth, the Town
53 of Medway may exercise any of its powers, or perform any
54 of its functions and may participate in the financing thereof,
55 jointly or in cooperation by contract or otherwise, with any
56 one or more civil divisions, subdivisions, or agencies of any
57 state or the United States Government.

58 SECTION 7. Definitions.

59 1-7-1 Unless another meaning is clearly apparent from the
60 manner in which the word is used, the following words as
61 used in this Charter shall have the following meanings:

- 62 (a) Charter — The word “Charter” shall mean this Charter
63 and any amendments to it which may hereafter be
64 adopted.
- 65 (b) Days — The word “days” shall refer to business days,
66 business days being defined as not including Saturdays,
67 Sundays and legal holidays, when the time set is less
68 than seven (7) days. When the time set is seven (7)
69 days or more, every day shall be counted, unless busi-
70 ness days is clearly noted in the article.
- 71 (c) Emergency — The word “emergency” shall mean a
72 sudden, unexpected, unforeseen, happening, occurrence,
73 event, or condition which necessitates immediate action,
74 and does not refer to financial events which could be or
75 should have been anticipated and planned for in the
76 fiscal budgeting process.
- 77 (d) M.G.L. — The abbreviation “M.G.L.” shall refer to
78 Massachusetts General Laws.
- 79 (e) Majority vote — The words “majority vote” shall mean
80 a majority of those present and voting, provided there is
81 a quorum of the body present when the vote is taken,
82 unless a higher number is required by law.
- 83 (f) Multiple member body — The words “multiple member
84 body” shall mean any Town body consisting of two or
85 more persons and whether styled board, commission,
86 committee, sub-committee, or otherwise and however
87 elected or appointed or otherwise constituted.

- 88 (g) Quorum — The word “quorum”, unless otherwise
89 required by law or this Charter, shall mean a majority of
90 the members of a multiple member body then in office,
91 not including any vacancies which might then exist.
- 92 (h) Town — The word “Town” shall mean the Town of
93 Medway.
- 94 (i) Town agency — The words “Town agency” shall mean
95 any board, commission, committee, department, division
96 or office of the Town government.
- 97 (j) Town Bulletin Board — The words “Town Bulletin
98 Board” shall mean the bulletin board in the Town Hall
99 on which official Town notices are posted and those at
100 other locations within the Town which may, from time
101 to time, be designated as Town bulletin boards by by-
102 law.
- 103 (k) Town officer — The words “Town officer” when used
104 without further qualification or description, shall mean
105 a person having charge of an office or department of the
106 Town who in the exercise of the powers or duties of that
107 position exercises some portion of the sovereign power
108 of the Town.
- 109 (l) Voters — The word “voters” shall mean registered
110 voters of the Town of Medway.
- 111 (m) Web-Site — The word “web-site” shall mean the Town
112 of Medway’s official World Wide Web internet
113 address.

114 CHAPTER 2. LEGISLATIVE BRANCH.

- 115 SECTION 1. Town Meeting.
- 116 2-1-1 The legislative powers of the Town shall be exercised by a
117 Town Meeting open to all registered voters of the Town of
118 Medway.
- 119 2-1-2 The Town Meeting shall meet in regular session at least
120 twice in each calendar year. The first of two meetings shall
121 be defined as the Annual Town Meeting, to be held on the
122 second Monday in May, at such time and in such manner as
123 fixed by by-law, and shall be primarily concerned with the
124 determination of matters involving the expenditure of town

- 125 funds, including, but not limited to, the adoption of an
126 annual operating budget for all town agencies and the deter-
127 mination of other matters to be decided by ballot of voters.
128 The Annual Election of Town officers shall be held on the
129 third Tuesday in May each year, commencing in May of the
130 year following adoption of this Charter.
- 131 2-1-3 The second regular Town Meeting, to be held on a date
132 fixed by by-law, but no later than the third Monday in
133 November, the powers of which shall be deemed to be those
134 of the “Fall Town Meeting”, shall be primarily concerned
135 with, but not limited to, the financial condition of the Town
136 and actions required to keep the Town’s revenue and
137 expense budget balanced for the remainder of the current
138 fiscal year.
- 139 2-1-4 Special Town Meetings shall be held at the call of the Board
140 of Selectmen at such times as it may deem necessary and
141 whenever a special meeting is petitioned by voters in accor-
142 dance with procedures available under M.G.L.
- 143 SECTION 2. Moderator.
- 144 2-2-1 There shall be a Town Moderator elected to office, the term
145 and duties of the Moderator are outlined in Article 3,
146 Section 3.
- 147 SECTION 3. Warrants.
- 148 2-3-1 Every Town Meeting shall be called by a warrant issued by
149 the Board of Selectmen which shall state the date, time and
150 place at which the meeting is to be convened and, by sepa-
151 rate articles, the subject matter to be acted upon.
- 152 2-3-2 The publication of the warrant for every Town Meeting
153 shall be in accordance with procedures outlined in this
154 Charter and Town by-laws governing such matters.
- 155 SECTION 4. Initiation of Warrant Articles.
- 156 2-4-1 Initiation — The Board of Selectmen shall accept articles
157 for inclusion in the warrant for the Annual Town Meeting
158 and all Special Town Meetings in accordance with M.G.L.

159 2-4-2 Referral — The Board of Selectmen forthwith following
160 receipt of any petition containing a proposed warrant article
161 filed with the Board of Selectmen in accordance with
162 Section 2-4-1, shall cause an accepted and signed copy of
163 the proposed warrant article to be delivered to the chair-
164 person or designee of the Finance Committee, a copy to be
165 posted on the Town bulletin board, a copy to be posted and
166 available on the Town's official external internet web-site,
167 and shall cause such other distribution to be made of each
168 proposed warrant as may be required by law or by-law.

169 SECTION 5. Availability of Town Officials at Town Meetings.

170 2-5-1 Every Town officer, elected official, each member of a mul-
171 tiple member body, head of each department, and head of
172 each division within said department shall attend all ses-
173 sions of the Town Meeting for the purpose of providing the
174 Town Meeting with information and answering questions
175 concerning matters appearing in the warrant.

176 2-5-2 In the event a Town officer, the head of department or divi-
177 sion, is to be absent due to illness or other reasonable cause,
178 he/she shall designate a deputy to attend in their place.

179 2-5-3 If any person designated to attend the Town Meeting under
180 this section is not a voter, such person, notwithstanding, has
181 a right to address the meeting for the purpose of compliance
182 with this section.

183 SECTION 6. Committees.

184 2-6-1 Subject to the provisions of this Charter and to such by-
185 laws or other town meeting votes regarding committees as
186 may be provided, the Moderator shall appoint for fixed
187 terms the members of such committees of the Town
188 Meeting, special or standing, as may from time to time be
189 established other than those appointed by vote of the Town
190 Meeting. In addition to such specific powers, duties and
191 responsibilities as may be provided to a Town Meeting
192 committee by by-law or vote establishing it, each such com-
193 mittee, when acting within the scope of its authority, shall
194 have the right to examine the pertinent records of any Town
195 agency or department and to consult with any Town officer.

196 2-6-2 Finance Committee. There shall be a Finance Committee,
197 consisting of nine (9) registered voters of the Town, who
198 shall be sworn to the faithful performance of their duties.
199 No elected or appointed Town official or employee shall be
200 eligible to serve as a member of the Finance Committee.

201 Annually, not later than the first day of July, an Appointment
202 Committee comprised of the Town Moderator, the Chairman of the
203 Finance Committee, and the Chairman of the Board of Selectmen,
204 shall appoint three members for a term of three (3) years in place of
205 those whose terms expire in that year. Said appointment committee
206 shall commence its selection process by posting a notice of annual
207 vacancies on the Town bulletin board, the Town official external
208 internet website, and in at least one local newspaper of daily circula-
209 tion not later than seven (7) days following that year's date of
210 Annual Town Meeting. The Appointment Committee shall formally
211 interview all applicants and shall appear before the Board of
212 Selectmen to notify it and the public of its appointments in person at
213 a regularly scheduled public meeting of that board.

214 Following the Annual Town Meeting to be held in May 2008, all
215 nine (9) Finance Committee seats shall be deemed vacant. Not later
216 than July 1st, 2008, the Appointment Committee, which for pur-
217 poses of these initial appointments only shall include the immediate
218 past chairman of the Finance Committee, shall select three (3) appli-
219 cants to fill one-year terms, three (3) applicants to fill two-year
220 terms, and three applicants (3) to fill three-year terms.

221 Annually, the Finance Committee shall hold one or more meet-
222 ings to permit discussion of the subject matter of all articles con-
223 tained in the warrant for each regular and special Town Meeting,
224 except those articles subject to public hearings by other multiple
225 member bodies and not containing appropriations. The Finance
226 Committee shall report its recommendations on the articles for
227 which it held public hearings, in writing, in accordance with the
228 Board of Selectmen's budgeting calendar for the Annual Town
229 Meeting, and at least ten (10) days before any other Town Meeting.

230 No financial article shall be presented to any regular or special
231 Town Meeting that has not previously been submitted to the Finance
232 Committee for its review. The Finance Committee shall have such
233 additional powers and duties as may be provided by M.G.L., by this
234 Charter or by by-law.

- 235 SECTION 7. Clerk of the Meeting.
236 2-7-1 The Town Clerk shall serve as the clerk of the Town
237 Meeting(s).
238 2-7-2 In the event of the absence of the Town Clerk, the Town
239 Clerk shall designate a substitute; otherwise, the Town
240 Moderator shall appoint a clerk pro tempore.
241 2-7-3 The Town Clerk shall give notice of all meetings to the
242 public, keep a journal of its proceedings and perform such
243 other functions as may be required by M.G.L., by charter,
244 by by-law or by other Town Meeting vote. Notice of all
245 meetings shall also be posted and available to all on the
246 Town official external internet web-site.
- 247 SECTION 8. Rules of Procedure.
248 2-8-1 The Town Meeting may, by by-law, establish and from time
249 to time amend, revise or repeal rules to govern the conduct
250 of Town Meeting(s).
- 251 SECTION 9. General Powers and Duties.
252 2-9-1 All legislative powers of the Town, except as otherwise pro-
253 vided by law or this Charter, shall be vested in the Town
254 Meeting. The Town Meeting shall provide for the exercise
255 of all powers of the Town and for the performance of all
256 duties and obligations imposed upon the Town for which no
257 other provision is made in this Charter or by law.
- 258 CHAPTER 3. ELECTED OFFICERS.
- 259 SECTION 1. General Provisions.
260 3-1-1 The offices to be filled by ballot of the voters of the entire
261 Town shall be the Board of Selectmen, School Committee
262 and Town Moderator.
263 3-1-2 In addition to the Town offices enumerated above, members
264 of the Board of Library Trustees, Medway Housing
265 Authority, Parks and Recreation Commission, Planning and
266 Economic Development Board, Board of Health, Water and
267 Sewer Commission, Town Clerk, and such other officers or
268 representatives to regional authorities or districts as may be
269 established by law or by inter-local agreement, shall also be
270 filled by ballot at Town elections.

- 271 3-1-3 Any registered voter of the Town shall be eligible to hold
272 any elective Town office.
- 273 3-1-4 Elected Town office holders shall receive such compensa-
274 tion for their services as may be appropriated annually for
275 such purpose. All full-time paid office holders shall comply
276 fully with all Town Personnel Policies and Directives.
- 277 3-1-5 Notwithstanding their election by the voters, the Town offi-
278 cials named in this section shall be subject to call of the
279 Board of Selectmen or of the Town Administrator, at all
280 reasonable times, for consultation, conference, and discus-
281 sion on any matter relating to their respective offices.
- 282 All appointed and elected officials are required to work with each
283 other in a cooperative manner and in the best interests of the Town.
- 284 3-1-6 Elected multiple member body vacancies. If there is a
285 vacancy in a board consisting of two or more members,
286 other than the Board of Selectmen, the remaining members
287 shall forthwith give written notice of the existence of any
288 such vacancy to the Board of Selectmen. The Board of
289 Selectman, with the remaining members or member of such
290 board, shall fill such vacancy by a joint roll call vote. The
291 Board of Selectmen shall set a date for the joint vote and
292 give one week's notice. If such notice is not given within
293 thirty (30) days following the date on which said vacancy
294 occurs, the Board of Selectmen shall, after one week's
295 notice, fill such vacancy without participation by the
296 remaining members or member of the multiple member
297 body.
- 298 3-1-7 Board of Selectmen vacancy. If there is a failure to elect or
299 if a vacancy occurs in the office of Selectmen, vacancies
300 shall be filled in accordance with M.G.L.
- 301 3-1-8 Vacancy in office. If there exists a vacancy in elected office
302 which does not consist of two (2) or more members of a
303 board or committee, the Selectmen shall provide for notice
304 of such vacancy as provided by posting the vacancy on the
305 Town bulletin board and the Town official electronic
306 external internet web site. Any person who desires to be
307 considered to fill such vacancy may, within ten (10) days
308 following the date the notice is posted, file with the Board
309 of Selectmen a statement which sets forth in clear and

310 specific terms the qualifications which he/she holds for the
311 position. The Board of Selectmen shall fill such vacancy
312 no earlier than fourteen (14) days and no later than thirty
313 (30) days after notice was posted. The person who receives
314 a majority of the votes cast at the Board of Selectmen's
315 meeting shall be the person appointed to fill such vacancy.

316 The person appointed to fill such vacancy shall hold office
317 until the next regularly scheduled annual Town election at
318 which time the vacant position shall be included on the
319 ballot.

320 3-1-9 In accordance with Chapter 150 of the Acts of 1997, the
321 Town of Medway is authorized by vote of the Town
322 Meeting at least ninety (90) days prior to the Annual Town
323 Meeting to determine whether an elected office, board,
324 committee or commission shall be abolished, divided or
325 appointed by the Town Administrator or Board of
326 Selectmen: provided, however, that no such vote shall take
327 effect and no action shall be taken there under until such
328 matter is submitted to the voters of Medway at the next
329 annual Town election in the form of a ballot question and a
330 majority of the votes cast are in the affirmative.

331 SECTION 2. Board of Selectmen.

332 3-2-1 Composition, term of office. There shall be a Board of
333 Selectmen consisting of five (5) members elected for terms
334 of three years each, so arranged that the term of office of as
335 nearly an equal number of members as is possible shall
336 expire each year.

337 3-2-2 The executive powers of the Town shall be vested in the
338 Board of Selectmen which shall be deemed to be the Chief
339 Executive Office of the Town. The Board of Selectmen
340 shall have all of the executive powers it is possible for a
341 Board of Selectmen to have and to exercise under the Com-
342 monwealth of Massachusetts Constitution and M.G.L., and
343 such additional powers and duties as may be authorized by
344 this Charter, by-law, or Town Meeting vote. The Board of
345 Selectmen shall serve as the chief policy making agency of
346 the Town. The Board of Selectmen shall be responsible for
347 formulation and promulgation of policy directives and

348 guidelines to be followed by all Town agencies serving
349 under it and, in consultation with other elected Town offi-
350 cers and multiple member bodies, to develop and promul-
351 gate policy guidelines designed to bring all Town agencies
352 into harmony provided, however, nothing in this section
353 shall be construed to authorize any member of the Board of
354 Selectmen, nor a majority of such members, to become
355 involved in the day-to-day administration of any Town
356 Agency. As chief policy making agency of the Town the
357 Board of Selectmen shall seek to secure the cooperation of
358 the Town's elected boards, committees and officials, in the
359 implementation of such policies. The Board of Selectmen
360 shall be responsible for the efficient and effective coordina-
361 tion of the activities of all elected and appointed boards and
362 committees, and for this purpose shall have authority, con-
363 sistent with law, to call together for consultation, confer-
364 ence, and discussion at reasonable times all elected and
365 appointed boards and committees, except that this provision
366 shall not apply to the School Committee.

367 3-2-3 Licensing authority. The Board of Selectmen shall be the
368 licensing board for the Town and shall have the power to
369 issue licenses as authorized under M.G.L., to make all
370 necessary rules and regulations regarding the issuance of
371 such licenses, to attach conditions and impose restrictions
372 on any such licenses as it deems to be in the public interest,
373 and to enforce all laws, rules, regulations and restrictions
374 relating to all such business for which it issues licenses.

375 3-2-4 The Board of Selectmen shall cause the Charter, by-laws,
376 and rules and regulations for the government of the Town to
377 be enforced and shall cause an up-to-date record of all its
378 official acts to be kept, and to be posted and available to all
379 on the Town official external internet web-site.

380 3-2-5 Town Administrator. The Board of Selectmen shall appoint
381 a Town Administrator for a term not to exceed three (3)
382 years. The appointment of Town Administrator shall be by
383 the affirmative vote of at least three (3) members of the
384 Board of Selectmen, with reappointment by at least three
385 (3) affirmative votes of the Board of Selectmen. Removal
386 of the Town Administrator requires at least four (4) affirma-
387 tive votes of the Board of Selectmen, and in accordance
388 with procedures outlined in Section 5-4-1 of this Charter.

- 389 3-2-6 Other appointments. The Board of Selectmen shall make
390 appointments as outlined in Article 9 of this Charter, and
391 shall have the authority to make other appointments deemed
392 necessary, as provided by M.G.L., by this Charter, by by-
393 law, or by other Town Meeting vote.
- 394 3-2-7 Unless noted elsewhere in this Charter, the terms of office
395 of all appointments made by the Board of Selectmen shall
396 be as currently specified by M.G.L., by this Charter, by by-
397 law or Town Meeting vote.
- 398 3-2-8 Investigations. The Board of Selectmen may investigate or
399 may authorize the Town Administrator to investigate the
400 affairs of the Town and the conduct of any agency of the
401 Town, including any doubtful claims against the Town. The
402 report of the results of such investigation shall be placed on
403 file in the office of the Board of Selectmen.
- 404 SECTION 3. Town Moderator.
- 405 3-3-1 Term of office. There shall be a Town Moderator elected for
406 a term of three (3) years.
- 407 3-3-2 Powers and duties. The Town Moderator shall be the pre-
408 siding officer of the Town Meeting(s), shall regulate its pro-
409 ceedings, decide all questions of order, ensure that accurate
410 and complete records and minutes of the Town Meeting are
411 being maintained by the Town Clerk, and shall have such
412 other powers and duties as may be provided by M.G.L., by
413 this Charter, by by-law or by other Town Meeting vote.
- 414 SECTION 4. School Committee.
- 415 3-4-1 Composition, term of office. There shall be a School Com-
416 mittee consisting of five (5) members elected for terms of
417 three (3) years each so arranged that the term of office of as
418 nearly an equal number of members as is possible shall
419 expire each year.
- 420 3-4-2 Powers and duties. The School Committee shall have all
421 the powers and duties which are given to school committees
422 by M.G.L. and it shall have such additional powers and
423 duties which are given by by-law, or other Town Meeting
424 vote. The powers of the School Committee shall include,
425 but are not intended to be limited to the following:

426 (1) To appoint and terminate the Superintendent of Schools and
427 other officers as allowed by M.G.L., to fix their compensation and to
428 define their duties, make rules concerning their tenure and to
429 discharge them.

430 (2) To make all reasonable policies consistent with M.G.L. or
431 State Department of Education regulations for administration and
432 management of the public school system and for conduct of its own
433 business and affairs, and to review and approve budgets for public
434 education in the district.

435 (3) To establish educational goals and policies for the schools in
436 the district with the requirements of law and in accordance with
437 statewide goals and standards established by the State Board of Edu-
438 cation.

439 SECTION 5. Town Clerk.

440 3-5-1 Term of office. There shall be a Town Clerk elected to
441 serve for a term of three (3) years.

442 3-5-2 Powers and duties. The Town Clerk shall be the keeper of
443 vital statistics for the Town and the custodian of the Town
444 seal; shall administer the oath of office to all persons,
445 elected or appointed to any office; shall issue such licenses
446 and permits as are required by law to be issued by town
447 clerks; shall supervise and manage the conduct of all elec-
448 tions and all other matters relating to elections; shall be the
449 clerk of the Town Meeting, keep its records and minutes,
450 and in the absence of the Town Moderator, preside pending
451 the election of a temporary Town Moderator. The Town
452 Clerk shall also have such other powers and duties as are
453 given to town clerks by M.G.L., by this Charter, by by-law
454 or by other vote of the Town Meeting.

455 SECTION 6. Board of Library Trustees.

456 3-6-1 Composition, term of office. There shall be a Board of
457 Library Trustees consisting of five (5) members elected for
458 terms of three (3) years each, so arranged that the term of
459 office of as nearly an equal number of members as possible
460 shall expire each year.

461 3-6-2 Powers and duties. The Board of Library Trustees shall
462 have the custody and management of the public library and
463 of all property of the Town related to said library. All funds
464 of money and property that the Town may receive by gift or
465 bequest for the purpose of library support or maintenance
466 shall be administered by the Board of Library Trustees in
467 accordance with the provisions of any such gift or bequest.
468 The board shall have all of the other powers and duties
469 which are given to boards of library trustees by M.G.L., by
470 this Charter, by by-law or other Town Meeting vote.

471 SECTION 7. Planning and Economic Development Board.

472 3-7-1 Composition, term of office. There shall be a Planning and
473 Economic Development Board consisting of five (5) mem-
474 bers elected for terms of three (3) years each, so arranged
475 that the term of office of as nearly an equal number as is
476 possible shall expire each year.

477 3-7-2 Powers and duties. The Planning and Economic Develop-
478 ment Board shall have all the powers and duties that plan-
479 ning boards and economic development boards may have
480 under the Massachusetts Constitution and M.G.L., and it
481 shall have such additional powers and duties as may be
482 authorized by the Charter or by-laws. The Planning and
483 Economic Development Board shall make careful studies of
484 the resources, possibilities and needs of the Town and shall
485 make plans for the development of the Town. The Planning
486 and Economic Development Board shall provide for the
487 review and updating of the comprehensive master plan at
488 least every ten (10) years, setting forth policies governing
489 the future growth and development of the Town's eco-
490 nomic, developmental and human service needs.

491 The Planning and Economic Development Board shall regulate
492 the sub-division of land within the Town by adoption of rules and
493 regulations governing such development and the administration of
494 such rules and regulations. The Planning and Economic Develop-
495 ment Board shall make recommendations to the Town Meeting on
496 all matters affecting land use and development, including zoning by-
497 laws of the Town.

498 The Planning and Economic Development Board shall make an
499 annual report, giving information regarding the condition of the
500 Town and any plans or proposals for its development and estimates
501 of their costs.

502 3-7-3 The Planning and Economic Development Board shall
503 direct the efforts of the Town's Industrial Development
504 Committee, and shall appoint the members of the Industrial
505 Development Committee and any other committees as pro-
506 vided by M.G.L. and by-law.

507 SECTION 8. Board of Health.

508 3-8-1 Composition, term of office. There shall be a Board of
509 Health consisting of three (3) members elected for terms of
510 three (3) years each, so arranged that the term of office of as
511 nearly an equal number of members as possible shall expire
512 each year.

513 3-8-2 Powers and duties. The Board of Health shall be respon-
514 sible for the formulation and enforcement of rules and regu-
515 lations affecting the environment and the public health, and
516 shall have all the powers and duties which are given to
517 boards of health under the Massachusetts Constitution and
518 M.G.L., and such additional powers and duties as may be
519 authorized by the Charter, by by-law or by other vote of the
520 Town Meeting.

521 SECTION 9. Water and Sewer Commission.

522 3-9-1 Composition, term of office. There shall be a Water and
523 Sewer Commission consisting of three (3) members elected
524 for terms of three (3) years each, so arranged that the term
525 of office of as nearly an equal number of members as pos-
526 sible shall expire each year.

527 3-9-2 Powers and duties. The Water and Sewer Commission shall
528 be responsible for the formulation and enforcement of rules
529 and regulations affecting the municipal water system and
530 sewer system, and shall have all the powers and duties
531 which are given to water sewer commissions under the
532 Massachusetts Constitution and M.G.L., and such additional
533 powers and duties as may be authorized by the Charter, by
534 by-law or by other vote of the Town Meeting.

- 535 SECTION 10. Housing Authority.
536 3-10-1 Composition, term of office. There shall be a Housing
537 Authority consisting of five (5) members serving for terms
538 of three (3) years each, so arranged that the term of office
539 of as nearly an equal number of members as possible shall
540 expire each year. Four of these members shall be elected
541 and the fifth member shall be a resident of the Town
542 appointed as provided by M.G.L.
543 3-10-2 The Housing Authority shall make studies of housing
544 needs of the community and shall provide programs to
545 make available housing for families of low income and for
546 elderly persons of low income. The Housing Authority
547 shall have all of the powers and duties which are given to
548 housing boards/authorities under the Massachusetts Con-
549 stitution and M.G.L.
- 550 SECTION 11. Park and Recreation Commission.
551 3-11-1 Composition, term of office. There shall be a Park and
552 Recreation Commission consisting of three (3) members
553 elected for terms of three (3) years each, so arranged that
554 the term of office of as nearly an equal number of mem-
555 bers as possible shall expire each year.
556 3-11-2 Powers and duties. The Park and Recreation Commission
557 shall conduct and promote recreation, play, sport, physical
558 education and other programs to meet the leisure time
559 needs of the community. The Park and Recreation Com-
560 mission shall have all the powers and duties which are
561 given to park and recreation commissions under the
562 Massachusetts Constitution and M.G.L., and such addi-
563 tional powers and duties as may be authorized by the
564 Charter, by by-law or by other vote of the Town Meeting.
- 565 SECTION 12. Recall Provisions.
566 3-12-1 Any holder of an elected office in Town may be recalled
567 and removed therefrom by the qualified voters of the
568 Town as herein provided.

569 3-12-2 Two (2%) percent of the qualified voters of the Town may
570 make and file with the Town Clerk an affidavit containing
571 the name of the officer sought to be recalled and removed
572 and a statement of the grounds of removal. The Town
573 Clerk shall thereupon deliver to said voters making such
574 affidavit a sufficient number of copies of petition blanks
575 for such recall and removal. Said blanks shall be issued
576 by the Town Clerk with his/her signature and official seal
577 attached thereto, and shall be dated and addressed to the
578 Board of Selectmen. Said blanks shall contain the name of
579 the person to whom issued, the number of blanks so
580 issued, the name of the person sought to be removed, the
581 office from which removal is sought, the grounds of
582 removal as stated in said affidavit, and shall demand the
583 election of a successor to such office. A copy of the peti-
584 tion shall be entered in a record book to be kept in the
585 office of the Town Clerk. Said recall petition shall be
586 returned and filed with the Town Clerk within thirty (30)
587 days after the filing of the affidavit. Said petition before
588 being returned and filed shall be signed by ten (10%) per-
589 cent of the qualified voters, and to every such signature
590 shall be added the place of residence of the signer, giving
591 the street and number. The recall petition shall be sub-
592 mitted at or before five o'clock in the afternoon of the
593 Thursday preceding the day on which it must be filed, to
594 the registrars of voters in the Town, and the registrars shall
595 forthwith certify thereon the number of signatures which
596 are names of voters of the Town.

597 3-12-3 If the petition shall be found and certified by the Town
598 Clerk to be sufficient, he/she shall submit the same with
599 this certificate to the Board of Selectmen without delay,
600 and the Board of Selectmen shall forthwith give written
601 notice to such officer of the receipt of said certificate and
602 shall, if the officer sought to be removed does not resign
603 within five (5) days thereafter, thereupon order a removal
604 election to be held on a day fixed by them not less than
605 twenty-five (25) nor more than thirty-five (35) days after
606 the date of the Town Clerk's certificate that a sufficient
607 petition is filed; provided, however, that if any other town

608 election is to occur within sixty (60) days after the date of
609 said certificate, the Board of Selectmen may, in their dis-
610 cretion, postpone the holding of the removal election to
611 the date of such other election. If a vacancy occurs in said
612 office after a removal election has been so ordered, the
613 election shall nevertheless proceed as provided in this
614 section.

615 3-12-4 Any officer sought to be removed may be a candidate to
616 succeed him/herself and, unless he requests otherwise in
617 writing, the Town Clerk shall place his/her name on the
618 official ballot without nomination. The nomination of
619 other candidates, the publication of the warrant for the
620 removal election, and the conduct of the same, shall all be
621 in accordance with the provisions of law relating to elec-
622 tions, unless otherwise provided in this Charter. A
623 majority of those voting at the recall election shall be suf-
624 ficient to recall such elected officer.

625 3-12-5 The incumbent shall continue to perform the duties of
626 his/her office until the removal election. If then re-elected,
627 he/she shall continue in office for the remainder of his/her
628 unexpired term, subject to recall as before, except as pro-
629 vided in Section 3-12-7. If not re-elected in the removal
630 election, he/she shall be deemed removed upon the qualifi-
631 cation of his/her successor, who shall hold office during
632 the unexpired term. If the successor fails to qualify within
633 five (5) days after receiving notification of his/her elec-
634 tion, the incumbent shall thereupon be deemed removed
635 and the office vacant.

636 3-12-6 Ballots used in a removal election shall submit the
637 following propositions in the order indicated:

638 For the removal of (name of officer)

639 Against the removal of (name of officer)

640 Immediately at the right of each proposition there shall be a
641 square in which the voter, by making a cross mark (X) may vote for
642 either of such propositions. Under the proposition shall appear the
643 word "Candidates" and the direction "Vote for one" and beneath this
644 the names of candidates nominated as hereinbefore provided.

645 If a majority of the votes cast on the recall question is in the affir-
646 mative, then the candidate that received the highest number of votes
647 in the special election to fill the vacancy shall be elected. If a
648 majority of the votes on the question is in the negative, the ballots
649 for candidates to fill the potential vacancy need not be counted.

650 13-12-7 No removal petition shall be filed against an officer
651 within three (3) months after he/she takes office, no in
652 the case of an officer subjected to a removal election and
653 not removed thereby, until at least three (3) months after
654 such election.

655 13-12-8 No person who has been removed from an office by a
656 removal election, or who has resigned from office while
657 removal proceedings were pending against him/her, shall
658 be appointed to any town office within two (2) years after
659 such removal by a removal election or such resignation.

660 CHAPTER 4. APPOINTED OFFICERS.

661 SECTION 1. General Provisions.

662 4-1-1 In accordance with this Charter, Section 3- 2-6, the Board
663 of Selectmen shall appoint the Town Administrator, Town
664 Counsel, Board of Assessors, Zoning Board of Appeals,
665 Affordable Housing Committee, Capital Improvements
666 Committee, Conservation Commission, Charles River
667 P.C.D. Rep., those members of the Community Preservation
668 Committee as provided by town by-law, and other Com-
669 mittee or Commission representatives as required by
670 M.G.L., Charter, or by-law.

671 4-1-2 The Board of Selectmen shall appoint the Board of Asses-
672 sors, comprised of three (3) members, each appointed to
673 serve staggered terms of three (3) years each. The Town
674 Administrator shall appoint the Administrative Assessor, in
675 accordance with Section 6-4-5 of this Charter.

676 4-1-3 The Board of Selectmen shall appoint an independent
677 External Auditor, who shall report to the Board of
678 Selectmen and ensure compliance with the finance and
679 fiscal procedures as outlined in this Charter.

- 680 4-1-4 Consistent with the Tri-County Regional Vocational Tech-
681 nical High School charter, a committee of three (3), made
682 up of the Chairman of the Board of Selectmen, Chairman of
683 the Medway School Committee, and the Town Moderator,
684 shall appoint a resident of Medway for a three (3) year term,
685 to represent the Town of Medway on the Tri-County
686 RVTHS School Committee.
- 687 4-1-5 All Town Agency appointments by the Board of Selectmen,
688 including those made by the Town Administrator, shall be
689 for a term not to exceed three (3) years, unless otherwise
690 stated in this Charter or required by Town by-law or M.G.L.

691 CHAPTER 5. TOWN ADMINISTRATOR.

692 SECTION 1. Appointment; Qualifications; Term of Office.

- 693 5-1-1 The Town Administrator appointed by the Board of
694 Selectmen for a three (3) year term, shall be the chief
695 administrative officer of the town and be responsible to the
696 Board of Selectmen for the administration of all town
697 affairs placed in his/her charge by or under the Charter. The
698 Town Administrator shall be a person especially fitted by
699 education which shall consist of at least a bachelor's degree
700 from an accredited degree-granting college or university,
701 and a minimum of seven (7) years of professional experi-
702 ence which shall include previous, full-time, compensated
703 service in a managerial capacity in public or business
704 administration
- 705 5-1-2 The Town Administrator need not be a resident of the town
706 or the Commonwealth at the time of appointment. He/she
707 must however establish residence within the Common-
708 wealth and within reasonable proximity of the town, as
709 determined by the Board of Selectmen, within twelve (12)
710 months following his/her appointment.
- 711 5-1-3 The Town Administrator shall hold no elected office or
712 other appointed Town office, shall devote full time to the duties of
713 the office and shall engage in no other business or occupation
714 without written authorization of the Board of Selectmen.
- 715 5-1-4 The Town Administrator shall not have served in an elected
716 office in the Town government for at least twelve (12) months prior
717 to his/her appointment.

- 718 5-1-5 The Board of Selectmen shall evaluate annually the perfor-
719 mance of the Town Administrator, based on mutually estab-
720 lished pre-determined goals, standards and criteria for
721 performance.
- 722 5-1-6 The Board of Selectmen may, from time-to-time, establish
723 additional duties or qualifications for the office of Town
724 Administrator. The Town Administrator shall perform such
725 other duties consistent with the office as may be required by
726 the by-laws of the Town, or by vote of the Selectmen, or
727 Town Meeting.
- 728 SECTION 2. Powers and Duties.
- 729 5-2-1 The Town Administrator shall be the administrative officer
730 for the Town and shall be responsible to the Board of
731 Selectmen for the proper operation of Town affairs for
732 which the Town Administrator has been given responsi-
733 bility for under this Charter, by vote of the Town Meeting,
734 or by vote of the Selectmen.
- 735 5-2-2 The Town Administrator shall have all the powers, duties,
736 and responsibilities of appointing and removing all tech-
737 nical and operational positions of the Town, including all
738 department heads, all officers, subordinates, and employees
739 of the Town, except for employees of the School Committee
740 and Library Trustees, appointments made by the Common-
741 wealth, and those appointments for which another method
742 of appointment is provided for in this Charter. A listing of
743 the appointments authorized under of this Charter is pro-
744 vided in Article 9. The Town Administrator shall consider
745 the recommendations of department heads, committees and
746 commissions when making any appointment within their
747 respective areas. Department heads, committees and com-
748 missions shall be notified in writing, prior to the Town
749 Administrator making any appointment within their respec-
750 tive areas, if the appointment is other than the recommenda-
751 tion of said department heads, committees and
752 commissions.
- 753 5-2-3 The Town Administrator shall direct and supervise the
754 administration of all functions under his/her control, and be
755 responsible for the efficient and proper operation of all
756 Town agencies/departments, with the exception of the
757 School Department and Public Library.

- 758 5-2-4 The Town Administrator shall coordinate the activities of
759 the Town with the School Department, Library, and other
760 departments, which may not be under the direct control of
761 the Town Administrator.
- 762 5-2-5 The Town Administrator shall be Chairman of the Town
763 Financial Review Team, shall establish monthly meetings of
764 the Financial Review Team to ensure timely review of all
765 financial matters affecting the town, including a review of
766 all major variances to budget. Reports on variances and
767 matters of importance shall be provided timely to the Board
768 of Selectmen, Finance Committee, and School Committee.
- 769 5-2-6 The Town Administrator shall be responsible for the prepa-
770 ration and submission to the Board of Selectmen, Finance
771 Committee and Capital Improvement Committee, the
772 annual capital outlay program. The Library and School
773 Department shall provide the Town Administrator with their
774 capital outlay programs.
- 775 5-2-7 The Town Administrator shall attend all meetings of the
776 Board of Selectmen, unless excused at his/her own request,
777 and shall have a voice, but no vote, in all of its discussions.
- 778 5-2-8 The Town Administrator shall attend all sessions of the
779 Town Meetings and answer all questions directed to him/her
780 by the voters of the Town.
- 781 5-2-9 The Town Administrator, at his/her request, shall be free to
782 attend all meetings of the School Committee, and shall have
783 a voice in all discussions. The Town Administrator shall
784 have no vote at School Committee meetings, except as
785 authorized under M.G.L. Chapter 150E for the purpose of
786 negotiating union contracts.
- 787 5-2-10 The Town Administrator shall see that all provisions of the
788 M.G.L., of the Charter, of by-laws, and of votes of the
789 Town Meeting and of the Board of Selectmen which
790 require enforcement by him/her or officers subject to
791 his/her direction and supervision are faithfully carried out.
- 792 5-2-11 The Town Administrator shall administer all provisions of
793 general and special laws applicable to the Town, to the
794 Charter, to the by-laws and votes of the Town, and all rules
795 and regulations made by the Board of Selectmen which lie
796 within the scope of the powers and duties of the office.

- 797 5-2-12 The Town Administrator shall negotiate all contracts
798 involving any subject within the jurisdiction of the office
799 of Town Administrator, including contracts with all Town
800 employees, as provided under M.G.L., excluding contracts
801 with the Director of the public library and other profes-
802 sional librarians, which shall fall under the purview of the
803 Library Trustees.
- 804 5-2-13 The Town Administrator shall have full jurisdiction over
805 the leasing, rental and use of all Town facilities, including
806 land and buildings, except land and buildings under the
807 control of the School Committee, Library Trustees, Park
808 and Recreation Commission and Conservation Commis-
809 sion. He/she shall be responsible for the maintenance and
810 repair of all Town property, excluding school buildings
811 and library, placed under his/her control by this Charter, by
812 by-law or otherwise.
- 813 5-2-14 The Town Administrator, as required by M.G.L.
814 Chapter 30B, Uniform Procurement Act, shall be the certi-
815 fied Chief Procurement Officer responsible for the pur-
816 chase of all supplies, materials, and equipment, except
817 books and other educational materials for schools and
818 books, supplies, materials, equipment and other media
819 materials for the library, and approve the award of all con-
820 tracts for all Town departments with the exception of the
821 School Department and Public Library, subject to the
822 approval of the Board of Selectmen.
- 823 5-2-15 The Town Administrator shall be responsible for keeping
824 full and complete records of the financial and administra-
825 tive activities of the Town and shall render a full report to
826 the Board of Selectmen at the end of each fiscal year and
827 otherwise as said board may require.
- 828 5-2-16 The Town Administrator shall keep full and complete
829 inventory of all property of the Town, both real and per-
830 sonal.
- 831 5-2-17 The Town Administrator may at any time inquire into the
832 conduct of the office of any officer or employee, or depart-
833 ment under his/her jurisdiction.

- 834 SECTION 3. Acting Town Administrator.
835 5-3-1 Temporary absence. By letter filed with the Board of
836 Selectmen and Town Clerk, the Town Administrator shall
837 designate a qualified Town administrative officer or
838 employee to exercise the powers and perform the duties of
839 Town Administrator during a temporary absence. During a
840 temporary absence the Board of Selectmen may not revoke
841 such designation until at least ten (10) working days have
842 lapsed, whereupon it may appoint another qualified Town
843 administrative officer or employee until the Town Adminis-
844 trator shall return.
- 845 5-3-2 Vacancy. Any vacancy in the office of the Town Adminis-
846 trator shall be filled as soon as possible by the Board of
847 Selectmen, but, pending such regular appointment the
848 Board of Selectmen shall appoint a qualified administrative
849 officer to perform the duties of the office on an acting basis.
850 Such temporary appointment may not exceed three
851 (3) months, but one renewal may be voted by the Board of
852 Selectmen not to exceed the second three (3) months. Com-
853 pensation for such person shall be set by the Board of
854 Selectmen.
- 855 5-3-3 Powers and duties. The powers of temporary or acting
856 Town Administrator, under Section 5-3-1 and 5-3-2 of this
857 Charter, shall be limited to matters which should not be
858 delayed and shall include authority to make temporary,
859 emergency appointments or designations to Town office or
860 employment but not to make permanent appointments or
861 designations.
- 862 SECTION 4. Removal and Suspension.
863 5-4-1 The Board of Selectmen may for just cause, by the affirma-
864 tive vote of four (4) of its members, terminate and remove,
865 or suspend, the Town Administrator from office in accor-
866 dance with the following procedure:

- 867 (a) The Board of Selectmen shall adopt a preliminary resolution
868 of removal or suspension by affirmative vote of four (4)
869 members which must state the reason or reasons for removal
870 or suspension. This preliminary resolution may suspend the
871 Town Administrator for a period not to exceed forty-five
872 (45) days. A copy of the resolution shall be delivered to the
873 Town Administrator forthwith.
- 874 (b) Within five (5) days after receipt of the preliminary resolu-
875 tion the Town Administrator may request a public hearing by
876 filing a written request for such hearing with the Board of
877 Selectmen. This hearing shall be held at a meeting of the
878 Board of Selectmen not later than thirty (30) days after the
879 request is filed nor earlier than twenty (20) days. The Town
880 Administrator may file a written statement responding to the
881 reasons stated in the resolution of removal or suspension
882 with the Board of Selectmen provided the same is received
883 at its office more than forty-eight (48) hours in advance of
884 the public hearing.
- 885 (c) The Board of Selectmen may adopt a final resolution of
886 removal or suspension, which may be made effective imme-
887 diately, by the affirmative vote of four (4) of its members not
888 less than ten (10) nor more than twenty-one (21) days
889 following the date of delivery of a copy of the preliminary
890 resolution to the Town Administrator, if the Town Adminis-
891 trator has not requested a public hearing; or within ten (10)
892 days following the close of the public hearing if the Town
893 Administrator has requested one. Failure to adopt a final
894 resolution of removal or suspension within the time periods
895 as provided in this section shall nullify the preliminary reso-
896 lution of removal or suspension and the Town Administrator
897 shall at the expiration of said time, forthwith resume the
898 duties of the office.
- 899 (d) Faced with action by the Board of Selectmen to terminate,
900 remove or suspend, the Town Administrator shall be
901 afforded all of the provisions provided municipal employees
902 under M.G.L. Ch. 39, Sect. 23B, Open Meeting Law.

- 903 5-4-2 The action of the Board of Selectmen in suspending or
904 removing the Town Administrator shall be final, it being the
905 intention of this provision to vest all authority and fix all
906 responsibility for such suspension and removal solely in the
907 Board of Selectmen.
- 908 5-4-3 Any appointed officer, member of a multiple member body
909 or employee of the Town, not subject to the provisions of
910 M.G.L., or covered by the terms of a collective bargaining
911 agreement which provides a different method, and whether
912 appointed for a fixed or an indefinite term, may be sus-
913 pended or removed from office, without compensation, by
914 the appointing authority for good cause. The term “good
915 cause” shall include, but not be limited to the following:
916 incapacity other than temporary illness, inefficiency, insub-
917 ordination, and conduct unbecoming to the office.
- 918 5-4-4 Any appointed officer, member of a multiple member body
919 or employee of the Town may be suspended from office by
920 the appointing authority if such action is deemed by said
921 authority to be necessary to protect the interests of the town.
922 Suspension may be coterminous with removal and shall not
923 interfere with the rights of the officer or employee under the
924 removal procedure stated in section 5-4-5 of this Charter.
- 925 5-4-5 The appointing authority when removing any officer,
926 member of a multiple member body or employee of the
927 Town shall act in accordance with the following procedure:
- 928 (a) A written notice of the intent to remove and a statement of
929 the cause or causes therefore shall be delivered in hand, or
930 by registered mail or certified mail, return receipt requested,
931 to the last known address of the person sought to be
932 removed.
- 933 (b) Within five (5) days following deliverance of such notice,
934 the officer, member of a multiple member body or employee
935 of the Town may request a public hearing at which such
936 person may be represented by counsel, shall be entitled to
937 present evidence, call witnesses and to question any witness
938 appearing at the hearing.

- 939 (c) Between one (1) and ten (10) days after the public hearing is
940 adjourned, or if the officer, member of a multiple member
941 body or employee of the Town fails to request a public
942 hearing between six (6) and fifteen (15) days after delivery
943 of the notice of intent to remove, the appointing authority
944 shall take final action, either removing the officer, member
945 of a multiple member body or employee of the Town or noti-
946 fying such that the notice is rescinded. Failure of the
947 appointing authority to take any action within the time
948 periods as stated in this section shall be deemed to be a
949 rescission of the original notice and the officer, member of a
950 multiple member body or employee shall, forthwith, be rein-
951 stated.
- 952 (d) Nothing in this section shall be construed as granting a right
953 to such a hearing when a person who has been appointed for
954 a fixed term is not reappointed when the original term
955 expires.

956 SECTION 5. Loss of Office, Excessive Absence.

957 5-5-1 If any person appointed as a member of a multiple member
958 body shall fail to attend four (4) or more consecutive meet-
959 ings, or one half of all of the meetings of such body held in
960 one (1) calendar year, the remaining members of the mul-
961 tiple body may, by a majority vote of the remaining mem-
962 bers of such body, declare the office vacant, provided,
963 however, that not less than ten (10) days prior to the date
964 said vote is scheduled to be taken the body has given in
965 hand, or mailed by registered or certified mail, return
966 receipt requested, notice of such proposed or pending vote
967 to the last known address of such person.

968 SECTION 6. Resolution of Policy Conflicts.

969 5-6-1 The Board of Selectmen shall maintain an “open door”
970 policy, and shall establish procedures for addressing policy
971 conflicts, should they arise between or among either
972 appointed or elected Town officials, which could impact the
973 health, safety, or welfare of the Town.

974 CHAPTER 6. ADMINISTRATIVE ORGANIZATION.

975 SECTION 1. Organization of Town Agencies.

976 6-1-1 The organization of the Town into operating
977 agencies/departments for the provision of services and the
978 administration of the government may be accomplished
979 through either of the methods provided in this article.

980 6-1-2 The Town Administrator, after consultation with the Board
981 of Selectmen, may from time to time prepare and submit to
982 the Town Meeting plans for organization or reorganization
983 which establish operating divisions/departments for the
984 orderly, efficient or convenient conduct of the business of
985 the Town.

986 Whenever the Town Administrator prepares such a plan, the
987 Board of Selectmen shall hold one or more public hearings on the
988 proposal giving notice by publication in a local newspaper, posting
989 on the Town bulletin board, and posting on the Town official elec-
990 tronic external internet web-site, which notice shall describe the
991 scope of the proposal and the date, time and place at which the
992 hearing will be held, not less than seven (7) nor more than fourteen
993 (14) days following the said publication. Following such public
994 hearing, the proposal, which may have been amended subsequent to
995 the public hearing, shall be submitted to the Town meeting by an
996 appropriate warrant article.

997 6-1-3 An organization or reorganization submitted in compliance
998 with Section 6-1-2 of this Charter shall become effective at
999 the expiration of sixty (60) days following the date of
1000 adjournment of the Town Meeting at which the required
1001 quorum was present and the proposal is submitted, unless
1002 the Town Meeting shall, by a majority vote, vote to disap-
1003 prove the plan. The Town Meeting may vote only to
1004 approve or disapprove the plan and may not vote to amend
1005 or alter it.

- 1006 6-1-4 The Town Administrator, for the purpose of implementing
1007 changes approved under Section 6-1-2 and Section 6-1-3 of
1008 this Charter, may transfer the duties and powers and, so far
1009 as is consistent with the use for which the funds were voted
1010 by the Town, transfer the appropriations of one (1) Town
1011 agency to another; provided, however, that no function
1012 assigned by this Charter to a particular Town agency may
1013 be discontinued or, unless this Charter so specifically pro-
1014 vides, be assigned to any other.
- 1015 SECTION 2. Department of Public Services.
- 1016 6-2-1 There shall be a Department of Public Services, headed by a
1017 Director of Public Services, who shall be either the Town
1018 Administrator or a Director of Public Services appointed by
1019 the Town Administrator. The Director of Public Services so
1020 appointed shall be a person especially fitted by education,
1021 training, or previous experience to perform the duties of the
1022 office.
- 1023 6-2-2 The Director of Public Services shall be responsible for the
1024 supervision and coordination of all public services opera-
1025 tions of the Town which are placed under his/her control by
1026 this Charter, by by-law, by vote of the Town or otherwise.
1027 Public Services operations may include, but need not be
1028 limited to, the following operations: refuse collection and
1029 disposal, sewer, water supply and distribution, forestry serv-
1030 ices, and maintenance of Town infrastructure, including
1031 Town buildings, roads, parks, and cemeteries.
- 1032 6-2-3 Other offices, the functions of which are related to a
1033 Department of Public Services, may from time to time be
1034 assigned to the department in accordance with by-laws as
1035 provided in this article.
- 1036 SECTION 3. Finance Director.
- 1037 6-3-1 There shall be a Finance Director appointed by the Town
1038 Administrator, who may simultaneously serve as the Town
1039 Accountant or Treasurer-Collector. The Finance Director
1040 shall be responsible for all matters dealing with Town
1041 finance. The appointed Treasurer-Collector, appointed
1042 Town Accountant, and appointed Administrative Assessor
1043 shall report to the Finance Director.

- 1044 6-3-2 The Finance Director shall provide the coordination of all
1045 financial services and activities and provide assistance to all
1046 other Town departments in any matter related to finances;
1047 and other such functions related to the fiscal management
1048 and planning of the Town.
- 1049 6-3-3 The Finance Director and other officers and employees of
1050 the finance office shall operate in matters related to finance
1051 under the oversight and direction of the Town Administrator
1052 and shall assist the Town Administrator in providing
1053 required and interim reports and preparing materials for the
1054 budget process, as required under Article 7, Section 2 of
1055 this Charter.
- 1056 6-3-4 There shall be a Town Financial Review Team. The Town
1057 Administrator shall serve as chairman of the Financial
1058 Review Team which shall be comprised of the following
1059 Town Officers: Town Administrator, Town Finance
1060 Director, Town Treasurer/Collector, Town Accountant,
1061 Administrative Assessor, Town Human Resource Director,
1062 School Business Manager, and Town MIS Director.
- 1063 SECTION 4. Treasurer-Collector, Town Accountant, and
1064 Administrative Assessor.
- 1065 6-4-1 The Town Administrator shall appoint for a three (3) year
1066 term a Treasurer-Collector who shall report to the Finance
1067 Director, as provided in Section 6-3-1 above.
- 1068 6-4-2 The Treasurer-Collector shall provide for the administra-
1069 tive, supervisory and technical work involving the timely
1070 receipt, disbursement, and investment of Town funds, the
1071 borrowing of monies and the timely collection of all taxes
1072 and fees, as determined by by-law or Town meeting vote,
1073 due the Town or any agency of the Town.
- 1074 6-4-3 The Town Administrator shall appoint for a three (3) year
1075 term a Town Accountant, who shall report to the Finance
1076 Director, as provided in Section 6-3-1 above.
- 1077 6-4-4 The Town Accountant shall be responsible for the adminis-
1078 trative, supervisory and technical work involved in keeping
1079 detail, complete, and accurate general ledger and
1080 accounting records for the Town.

- 1081 6-4-5 The Town Administrator shall appoint for a three (3) year
1082 term an Administrative Assessor who shall report to the
1083 Finance Director, as provided in Section 6-3-1 above.
- 1084 6-4-6 The Town Administrative Assessor shall be responsible for
1085 the administrative, supervisory, and technical work
1086 involving the valuation and assessment of real and personal
1087 property within the Town.
- 1088 SECTION 5. Human Resource Director.
- 1089 6-5-1 There shall be a Town Human Resource Director, who shall
1090 be either the Town Administrator or a Human Resource
1091 Director appointed by the Town Administrator. The Human
1092 Resource Director shall administer the Town Personnel
1093 System, except employees of the school department,
1094 including, but not limited to, personnel policies and prac-
1095 tices, rules and regulations, and all collective bargaining
1096 agreements entered into by the Town. The HR Director
1097 shall serve the entire Town as personnel administrator, and
1098 perform the functions of contract negotiations with Town
1099 employees, Town agencies, union organizations, personnel
1100 associations, insurance carriers, State agencies, and invest-
1101 ment advisors, as directed by the Town Administrator.
- 1102 6-5-2 The Town Personnel System shall provide for timely back-
1103 ground reviews and proper security authorization of all
1104 Town employees, job descriptions for every employee, per-
1105 formance appraisals and reviews, and maintenance of all
1106 personnel records, contracts, and collective bargaining
1107 agreements.
- 1108 6-5-3 All appointments and promotions of Town officers and
1109 employees shall be made solely on the basis of merit and fitness by
1110 examination or other evidence of competence and suitability. The
1111 HR Director shall ensure the Town Personnel System contains an
1112 employee classification plan, compensation plan, promotion policy,
1113 disciplinary policy, and grievance procedures.

- 1114 SECTION 6. Director of Management Information Systems.
1115 6-6-1 There shall be a Management Information Systems Director
1116 for the Town. This individual shall be a shared resource
1117 between Town agencies, the School Department, and
1118 Library. The MIS Director shall be jointly appointed by the
1119 Town Administrator and the Superintendent of Schools, and
1120 shall report to the Town Administrator.
1121 6-6-2 The MIS Director, working in collaboration with all Town
1122 departments, shall be responsible for establishing uniform
1123 standards, operating procedures, security policies for all
1124 hardware and software applications across the entire Town,
1125 and development of a long term technology plan.
- 1126 SECTION 7. Inspectional Services Department.
1127 6-7-1 There shall be a Department of Inspectional Services
1128 reporting to the Town Administrator, which shall include
1129 the Inspector of Buildings who shall serve as the Zoning
1130 Enforcement Officer, Inspector of Weights and Measures;
1131 Wiring Inspector; Gas and Plumbing Inspector; and any
1132 other code enforcement inspectors required by M.G.L.
1133 6-7-2 The Department of Inspectional Services shall provide for
1134 the consolidation of inspection operations, coordination of
1135 functions, centralized planning of work assignment and dis-
1136 tribution, timely inspection services, centralized record
1137 keeping, and management of manpower resources.
1138 6-7-3 The Town Administrator shall appoint the Inspector of
1139 Buildings, the Inspector of Weights and Measures, Wiring
1140 Inspector, Gas and Plumbing Inspector, Health Agent and
1141 Zoning Enforcement Officer, each for a term of three (3)
1142 years and in accordance with M.G.L. The Town Adminis-
1143 trator may appoint assistants to any of the referenced
1144 inspectors in this section, as provided by town by-law, or
1145 Town Meeting vote.
- 1146 SECTION 8. Publication of the Charter, By-Laws, Organization
1147 Chart and Personnel Plan.

1148 6-8-1 For the convenience of the public, the Town Charter, By-
1149 Laws, Organization Chart, and Staffing Plan, as prepared by
1150 the Town Administrator, in conformity with Article 5,
1151 Section 2, shall be published and available on the Town's
1152 official external internet web-site. The School Committee
1153 and the Library Trustees shall provide the Town Adminis-
1154 trator with copies of their respective staffing plans annually
1155 for publication on the Town's official web-site. The Town
1156 Administrator shall ensure the timely publication and avail-
1157 ability of all information cited in this section.

1158 CHAPTER 7. FINANCE AND FISCAL PROCEDURES.

1159 SECTION 1. Fiscal Year and Duties.

1160 7-1-1 The fiscal year of the Town shall begin on the first day of
1161 July and shall end on the last day of June, unless another
1162 period is required by M.G.L.

1163 7-1-2 The Finance Committee, acting on behalf of the Towns resi-
1164 dents, shall be responsible for the timely and thorough
1165 review of all financials statements, forecasts, and recom-
1166 mendations to be presented in conjunction with warrants for
1167 expenditures at the Annual Town Meeting, as authorized in
1168 this Charter under Article 2, Section 6.

1169 SECTION 2. Budget Process.

1170 7-2-1 Annually, prior to the first day of October, the Board of
1171 Selectmen, with the assistance of the Town Administrator
1172 and Financial Review Team, shall establish and issue a bud-
1173 geting calendar, which shall set forth the scheduled calendar
1174 dates relating to the development of the Town's annual
1175 operating budget for the ensuing fiscal year.

1176 7-2-2 The schedule shall be in accordance with this Charter, and
1177 designed to comply with meeting all of the Massachusetts
1178 Department of Revenue reporting deadlines, unless devia-
1179 tion therefrom is recommended by the Town Administrator
1180 and approved by the Board of Selectmen and the Finance
1181 Committee.

- 1182 7-2-3 Annually, prior to the first day of October, the Town
1183 Administrator shall receive from the Board of Selectmen,
1184 Finance Director, Treasurer-Collector, Town Accountant
1185 and the Board of Assessors the estimated revenues for the
1186 ensuing fiscal year. Upon receipt of any additional specific
1187 fiscal data provided by the Commonwealth or any other
1188 source the above officials shall within ten (10) business
1189 days revise, update and submit the data forthwith to the
1190 Town Administrator.
- 1191 7-2-4 Annually, prior to the first day of November, the Board of
1192 Selectmen, after consultation with the Town Administrator
1193 shall issue a policy statement that shall establish the general
1194 guidelines for the next fiscal year's Town budget.
- 1195 7-2-5 All agency and department heads and all multiple member
1196 bodies, including the School Department and Library, shall
1197 submit the next fiscal year's detailed budget to the Town
1198 Administrator, in accordance with the Board of Selectmen's
1199 budgeting calendar and guidelines.
- 1200 7-2-6 The Town Administrator shall submit to the Board of
1201 Selectmen, in accordance with the Board of Selectmen's
1202 budgeting calendar, a comprehensive draft budget for all
1203 Town functions for the ensuing fiscal year and an accompa-
1204 nying budget message.
- 1205 7-2-7 The draft budget message shall explain the draft budget in
1206 fiscal terms and in terms of what specific projects are con-
1207 templated in the year ahead. It shall:
- 1208 (a) Outline the proposed financial policies of the Town for
1209 the ensuing year,
1210 (b) Describe the important features of the budget,
1211 (c) Indicate any major changes from the current fiscal year
1212 in financial policy, expenditures and revenues, together
1213 with reasons for such changes,
1214 (d) Summarize the Town's debt position, and
1215 (e) Include such other material as the Town Administrator
1216 may deem appropriate.

- 1217 7-2-8 The draft budget shall provide a complete financial plan for
1218 all Town funds and activities and shall be in such form as
1219 the Town Administrator, in consultation with the Financial
1220 Review Team and Finance Committee, may establish. The
1221 draft budget shall indicate proposed expenditures for Town
1222 and School Department operations and for capital projects
1223 during the ensuing year, detailed by each Town agency and
1224 by specific purposes and projects.
- 1225 7-2-9 The Board of Selectmen shall, within thirty (30) days
1226 following the submission of the draft budget by the Town
1227 Administrator, adopt a proposed budget, with or without
1228 amendments, and shall submit it to the Finance Committee.
1229 The Board of Selectmen shall also transmit the budget
1230 request of the School Committee, with its recommendations
1231 thereon, to the Finance Committee.
- 1232 7-2-10 The Finance Committee shall conduct one or more public
1233 hearings on the proposed budget, including the school
1234 budget, and shall issue printed recommendations and
1235 detailed explanations and of all financial articles in an
1236 Annual Finance Committee Report, in accordance with the
1237 Board of Selectmen's budgeting calendar. In preparing its
1238 recommendations, the Finance Committee may require the
1239 Town Administrator, any town agency or department,
1240 office, board, commission, or committee to appear and fur-
1241 nish it with appropriate additional financial reports and
1242 budgetary information.
- 1243 7-2-11 The Board of Selectmen shall meet with and consider all
1244 Finance Committee recommendations and present its pro-
1245 posed budget to the Town Meeting, with or without
1246 Finance Committee changes thereto.
- 1247 7-2-12 The Finance Committee shall present its recommendations
1248 to the Town Meeting and shall be given first opportunity at
1249 Town Meeting to move amendments to the budget.
- 1250 SECTION 3. Budget Tracking.
- 1251 7-3-1 The Finance Director shall ensure the timely monitoring of
1252 all Town agencies and departments, including the School
1253 Department and Library, actual revenues and expenditures
1254 to budget at least monthly throughout the Town's fiscal
1255 year. All variances to budget will be made known in a
1256 monthly report to the Board of Selectmen and Finance
1257 Committee.

1258 7-3-2 Wherever variances to budget exist, the Board of Selectmen
1259 will ensure that corrective action is taken by each agency or
1260 department to bring the Town's total revenues and expenses
1261 in line. Annually, at the Fall Town Meeting, the Board of
1262 Selectmen will report all significant, anticipated and actual,
1263 variances to budget and the corrective actions being taken
1264 to bring the total revenues and expenses in line.

1265 SECTION 4. Long Term Budget.

1266 7-4-1 Annually, the Town Administrator shall update a five (5)
1267 year revenue and expense budget. Budget guidelines shall
1268 be issued based upon revenue projections.

1269 CHAPTER 8. GENERAL PROVISIONS.

1270 SECTION 1. Charter Changes.

1271 8-1-1 This Charter may be replaced, revised or amended in accor-
1272 dance with any procedures made available under the Massa-
1273 chusetts Constitution and statutes enacted to implement the
1274 said constitutional provisions.

1275 SECTION 2. Severability.

1276 8-2-1 The provisions of this Charter are severable. If any provi-
1277 sion of this Charter is held invalid, the other provisions of
1278 this Charter shall not be affected thereby. If the application
1279 of this Charter or any of its provisions to any person or cir-
1280 cumstances is held invalid, the application of this Charter
1281 and its provisions to other persons and circumstances shall
1282 not be affected thereby.

1283 SECTION 3. Specific Provisions Prevail.

1284 8-3-1 To the extent that any specific provision of this Charter
1285 shall conflict with any provision expressed in general terms,
1286 the specific provision shall prevail.

1287 SECTION 4. Number and Gender.

1288 8-4-1 Words importing the singular number may extend and be
1289 applied to several persons or things; words importing the
1290 plural number may include a singular person or thing;
1291 words importing the feminine gender shall include the mas-
1292 culine gender; words importing the masculine gender shall
1293 include the feminine gender.

1294 SECTION 6. Rules and Regulations.

1295 8-6-1 A copy of the rules and regulations adopted by a Town
1296 agency shall be filed in the office of the Town Clerk, shall be posted
1297 on the Town's official external internet web-site, and shall become
1298 effective immediately upon filing.

1299 SECTION 7. Periodic Review, Charter and By-Laws.

1300 8-7-1 Charter review. Once every seven (7) years, a special com-
1301 mittee consisting of five (5) members shall be established
1302 for the purpose of reviewing this Charter and to make a
1303 report, with recommendations, to the Town Meeting con-
1304 cerning any proposed amendments which said committee
1305 may determine to be necessary or desirable. The five (5)
1306 members of the committee shall be chosen as follows: the
1307 Board of Selectmen, the School Committee, the Library
1308 Trustees, the Finance Committee, and the Town Moderator
1309 shall each designate one (1) person. Persons designated by
1310 said agencies may, but need not, be members of the agency
1311 by which they are designated. The committee shall meet to
1312 organize forthwith following the final adjournment of the
1313 Annual Town Meeting.

1314 8-7-2 By-Law Review. The Board of Selectmen shall immediately
1315 upon adoption of this Charter and thereafter at five (5) year
1316 intervals, in each year ending in eight (8) or three (3), cause
1317 to be prepared by a special committee for that purpose, a
1318 proposed revision or modification of all by-laws of the
1319 Town which shall be presented to the Town Meeting in the
1320 year following the year in which the said committee is
1321 appointed. The said committee in its final or its interim
1322 report shall include recommendations for such substantive
1323 change in Town by-laws as it deems necessary or advisable.
1324 The review of Town by-laws shall be in conjunction with
1325 Town counsel or special counsel retained for that purpose.

1326 Subsequent to enactment by the Town Meeting, copies of
1327 the revised by-laws shall be forwarded to the attorney
1328 general of the commonwealth for approval, and they shall
1329 be otherwise published, all as required by M.G.L. Copies
1330 of the revised by-laws shall be made available for distribu-
1331 tion to the public, and posted on the Town official external
1332 internet web-site.

1333 CHAPTER 9. OTHER PROVISIONS.

1334 SECTION 1. Town Administrative Organization.

1335 9-1-1 Until such time as a different form of organization shall be
1336 provided for, in accordance with the provisions of Article 6
1337 of this Charter, the following outline of administrative orga-
1338 nization shall be operative:

- 1339 1. The Board of Selectmen shall appoint:
 - 1340 Town Administrator
 - 1341 Town Counsel
 - 1342 Affordable Housing Committee
 - 1343 Board of Assessors
 - 1344 Board of Registrars
 - 1345 Zoning Board of Appeals
 - 1346 Capital Improvement Committee
 - 1347 Conservation Commission
 - 1348 Charles River Pollution Control District Representatives
 - 1349 Disability Commission Representative
 - 1350 Conservation Commission Representatives
 - 1351 Norfolk County Advisory Board Representative
 - 1352 Southwest Advisory Planning Committee Representative
 - 1353 External Auditor
 - 1354 Historical Commission
 - 1355 Memorial Committee
 - 1356 Cultural Council
 - 1357 Council on Aging
 - 1358 Constables

1359 2. The Town Moderator, Chairman of the Board of Selectmen,
1360 and the current Chairman of the Finance Committee shall appoint:
1361 Finance Committee

1362 3. The Town Administrator shall appoint:
1363 Police Chief
1364 Fire Chief
1365 Administrative Assessor
1366 Treasurer/Collector
1367 Finance Director
1368 Town Accountant
1369 Director of Public Services
1370 Code Enforcement Officers [Including: Building, Wires,
1371 Plumbing, Gas, and Sealer of Weights and Measures]
1372 Zoning Enforcement Officer
1373 Human Resource Director
1374 Management Information Systems Director
1375 (in conjunction with the School Superintendent.)
1376 Planning Coordinator
1377 Health Agent
1378 Senior Center Director
1379 Veterans Agent and Grave Officer
1380 Emergency Management Director
1381 Tree Warden/Moth Agent

1382 All other Town Employees except those appointed by the School
1383 Committee and Library Trustees.
1384 Other Committees and Commissions of the Town defined by
1385 M.G.L., Charter, or by-law.
1386

1387 4. The Library trustees shall appoint:
1388 Director of the Public Library and other professional
1389 librarians.

1390
1391 5. The School Committee shall appoint:
1392 The Superintendent of Schools

1393 CHAPTER 10. TRANSITIONAL PROVISIONS.

1394 SECTION 1. Continuation of Existing Laws.

1395 10-1-1 All General Laws, special laws, Town by-laws, votes,
1396 rules and regulations of or pertaining to the town which
1397 are in force when this Charter takes effect and which are
1398 not specifically or by clear implication repealed hereby,
1399 shall continue in full force and effect until amended or
1400 rescinded by due course of law or expire by their own lim-
1401 itation. In any case in which the provisions of this Charter
1402 are found to be inconsistent with the provisions of any
1403 general or special law that would otherwise be applicable,
1404 the provisions of this Charter shall be deemed to prevail.
1405 Every inconsistency between the prior law and this
1406 Charter shall be decided in favor of this Charter.

1407 This Charter shall be submitted to the voters of the Town of
1408 Medway for acceptance at the next town election in the form of the
1409 following question, which shall be placed on the official ballot to be
1410 used at that election: “Shall the Town of Medway accept the provi-
1411 sions of an Act passed by the General Court entitled ‘An Act to
1412 Establish a Charter for the Town of Medway’, be accepted?”. A fair
1413 and accurate summary of the provisions of this Charter prepared by
1414 Town Counsel shall also be placed on the official ballot. If a
1415 majority of votes cast in answer to this question are in the affirma-
1416 tive, this Charter shall then take effect.

1417 SECTION 2. Continuation of Government.

1418 10-2-1 All Town agencies shall continue to perform their duties
1419 until reappointed, reelected, or until successors to their
1420 respective positions are duly appointed or elected, or their
1421 duties have been transferred and assumed by another Town
1422 agency in accordance with the provisions of this Charter.

1423 SECTION 3. Continuation of Personnel.

- 1424 10-3-1 Any person holding a Town office or employment under
1425 the Town shall retain such office or employment and shall
1426 continue to perform his/her duties until provisions shall
1427 have been made in accordance with this Charter for the
1428 performance of said duties by another person or agency,
1429 provided, however, no person in the permanent full time
1430 service of the Town shall forfeit their pay grade, or time in
1431 the service of the Town as a result of the adoption of this
1432 Charter.
- 1433 10-3-2 Upon the effective date of the adoption of this Charter, the
1434 incumbents serving as members of the Board of Assessors
1435 shall continue to serve in said offices for the balance of the
1436 terms for which they were elected. Upon the expiration of
1437 said terms of office or if a vacancy shall sooner occur, the
1438 offices shall be appointed by the Board of Selectmen.
- 1439 SECTION 4. Time of Taking Effect.
- 1440 10-4-1 This Charter shall become fully effective upon its adoption
1441 by the voters of the Town, except as otherwise provided in
1442 this section:
- 1443 (a) Forthwith following the adoption of this Charter, the Town
1444 Administrator shall engage legal counsel for the Town to
1445 revise the existing by-laws of the Town in order to fully
1446 implement the provisions of this Charter and bring them in
1447 conformity with the provisions of this Charter. Town
1448 counsel shall submit a report and recommendations to the
1449 Town Meeting for adoption by a warrant article at a ses-
1450 sion of the Town Meeting held not later than the Annual
1451 Town Meeting in the year following the year in which the
1452 Charter is adopted.
- 1453 (b) The Board of Selectmen shall have the authority to adopt
1454 measures which have the force of transitional provisions
1455 of this Charter in order to clarify, confirm or extend any
1456 provision of this Charter in order that the transition may
1457 be made in the most expeditious and the least contentious
1458 manner possible.
- 1459 (c) Within twelve (12) months following the adoption of this
1460 Charter, the Town Administrator shall appoint a Human
1461 Resources Director in accordance with Section 6-5-1 of
1462 this Charter.

- 1463 (d) Within twelve (12) months following the adoption of this
1464 Charter, the Town Administrator shall appoint a Finance
1465 Director in accordance with Section 6-3-1 of this Charter.
1466 Upon the appointment of a Finance Director, a Financial
1467 Review Team shall be established.
- 1468 (e) Within twelve (12) months following the adoption of this
1469 Charter, the Town Administrator shall appoint a Public
1470 Services Director in accordance with Section 6-2-1 of this
1471 Charter.
- 1472 (f) Within twenty four (24) months following the adoption of
1473 this Charter, the Town Administrator, in consultation with
1474 the School Superintendent, shall appoint an MIS Director
1475 in accordance with Section 6-6-1 of this Charter.
- 1476 (g) Within twenty four (24) months following the adoption of
1477 this Charter, the Town Administrator shall establish a cen-
1478 tralized procurement system for the Town in accordance
1479 with M.G.L. Chapter 30B and Section 5-2-14 of this
1480 Charter.
- 1481 (h) At the next annual town election following the effective
1482 date of this Charter, only one (1) member of the School
1483 Committee shall be elected and, until then, the six (6)
1484 incumbent members shall remain in office.
- 1485 (i) The members of the Planning Board in office on the date
1486 that this Charter takes effect shall serve as members of the
1487 Planning and Economic Development Board during their
1488 current terms of office. As the term of each current
1489 member of the Planning Board expires, a member of the
1490 Planning and Economic Development Board will be
1491 elected at the annual town election in accordance with this
1492 Charter.
- 1493 (j) The members of the Park Commission in office on the date
1494 that this Charter takes effect shall serve as members of the
1495 Park and Recreation Commission during their current
1496 terms of office. As the term of each current member of the
1497 Park Commission expires, a member of the Park and
1498 Recreation Commission will be elected at the annual town
1499 election in accordance with this Charter.

1500 SECTION 5. Transfer of Records and Property.
1501 10-5-1 All records, property and equipment whatsoever of any
1502 office, department, or agency or part thereof, the powers
1503 and duties of which are assigned in whole or in part to
1504 another office or agency shall be transferred forthwith to
1505 the office, department or agency to which such powers and
1506 duties are assigned.