

13 1-3-1 The Town shall possess, exercise and enjoy all powers possible under the Constitution and the
14 General Laws of the Commonwealth as fully and completely as though they were expressly
15 enumerated in this Charter.

16 1-3-2 The powers of the Town under this Charter shall be construed liberally in its favor, and no
17 specific grant of particular powers in this Charter shall limit in any measure the general grant of power
18 under section 1-3-1 of this Charter.

19 1-3-3 The Town may enter into agreements with any governmental division or agency of any
20 municipality, county, the Commonwealth, other state, or the United States to perform jointly, by
21 contract or otherwise, any of its powers or functions, and may jointly participate in the financing
22 thereof.

23 Section 4 General Provisions

24 1-4-1 Specific Provisions Prevail. To the extent that any specific provision of this Charter may conflict
25 with any provision expressed in general terms, the specific provision shall prevail.

26 1-4-2 Severability. If any provision of this Charter is held invalid, such invalidity shall not affect any
27 other provision of this Charter which can be given effect without the invalid provision, and to this end,
28 the provisions of this Charter are severable.

29 (NOTE: Formerly 1-4-4)

30 1-4-3 Nonwaiver of Provisions. The provisions of this Charter shall not be waived. If any provision of
31 this charter is not enforced in any instance for whatever reason, it shall not be construed as a reason for
32 nor a precedent set to avoid or prevent subsequent enforcement of such provision. (119/2000)

33 (NOTE: Formerly 1-4-3)

34 1-4-4 Charter Changes. This Charter may be replaced, revised, or amended in accordance with the
35 Constitution and the General Laws of the Commonwealth. The preferred method of Charter revision in
36 the Town of Truro is via Special Legislation from the General Court.

37 (See Appendix C).

38 (NOTE: Formerly 9-9-3)

39 1-4-5 Future Revisions and Recodifications. In April of the eighth year following the election at which
40 this Charter is adopted and every eighth year thereafter a Charter and By-law Review Committee of
41 seven members shall be appointed by the Board of Selectmen for two years. If deemed necessary by a
42 majority vote of the Board of Selectmen, a Charter and By-law Review Committee may be appointed
43 sooner than the next scheduled ten-year review. Such committee shall make recommendations for the
44 revision, recodification, or amendment of this Charter and/or the General By-laws and/or the
45 Personnel By-laws to the next Annual Town Meeting or at the Town Meeting following the
46 completion of its work, such revisions or amendments to be made in accordance with the General
47 Laws, this Charter, and the General By-laws, and shall be discharged upon making such
48 recommendations to the Annual Town Meeting. The Town Counsel or, if the Board of Selectmen shall
49 so direct, special counsel appointed for that purpose, shall serve as legal counsel to the Committee.

50 The Committee shall commence its review following the adjournment of the Annual Town Meeting in
51 the year preceding the year in which the report is to be filed. The Committee shall cause to be
52 published in a local newspaper (a) the times and places within the Town where complete copies of the
53 report shall be available for inspection by the public; and (b) the date, time and place, not less than two
54 weeks following such publication, when a public hearing shall be held by the Committee on the
55 preliminary report. Following the adoption of any revisions or amendments made in accordance with
56 this section, the Board of Selectmen shall cause to be printed a copy of the revised or amended Charter

57 and/or the General By-laws and shall cause a current reference copy of both to be available in the
58 office of the Town Clerk.

59 1-4-6 Transitional Provisions. For reasons of continuity of government, once a new, revised or
60 amended Charter is implemented, the following policies shall be adhered to:

61 (NOTE: Formerly 9-2-1)

62 a. All General Laws, Special laws, Town By-laws, Town Meeting votes, and rules and regulations of
63 or pertaining to the Town which are in full force not specifically or by clear implication repealed
64 hereby, shall continue in full force and effect until amended or rescinded by due course of law, or until
65 they expire by their own limitation.

66 (NOTE: Formerly 9-3-1)

67 b. Members of all Town agencies, offices, and departments shall continue to perform their duties until
68 reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or
69 until their duties have been transferred or assumed by another Town agency, office, or department in
70 accordance with the provisions of this Charter.

71 (NOTE: Formerly 9-4-1)

72 c. Any person holding an office or position in the administrative office or position in the
73 administrative service of the Town, and any person serving in the employment of the Town,
74 shall retain such office or position and shall continue to perform their duties unless provisions are
75 made in accordance with this Charter for the performance of such duties by another person, agency,
76 office, or department provided, however, that no person in the full-time service or employment of the
77 Town shall forfeit their pay grade or time of service.

78 (NOTE: Formerly 9-10-1)

79 d. All records, property and equipment of any agency, office or department, or of any part thereof, the
80 powers and duties of which are reassigned in whole or in part to another agency, office, or department
81 shall be transferred forthwith to the agency, office or department to which such powers and duties are
82 reassigned.

83 Chapter 2 The Legislative Branch: Town Meeting

84 Section 1 Conduct of the Town Meeting

85 2-1-1 The legislative powers of the Town shall be vested in a Town Meeting which shall consider and
86 act upon, with or without amendments, all operating budgets, capital budgets, bond issues or other
87 financial matters, all proposed By-laws or amendments to By-laws, and any other business which may
88 properly come before it.

89 2-1-2 Every Town Meeting shall be called in pursuance of a warrant issued under the hands of the
90 Selectmen, notice of which shall be given at least seven days before the Annual Town Meeting and at
91 least fourteen days before any special town meeting.

92 (NOTE: Formerly 2-1-2)

93 2-1-3 The Annual Town Meeting shall be held in each year on the last Tuesday in April.

94 (2.55/1993,192/2000)

95 (NOTE: Formerly 2-1-3)

96 2-1-4 A Special Town Meeting shall be held at the call of the Board of Selectmen; or, upon petition on
97 an approved form signed by 200 of the registered voters of the Town, the Board of Selectmen shall
98 call a Special Town Meeting to be held within 45 days of receipt of the petition. (119/2000)

99 (NOTE: Formerly 2-1-4)

100 2-1-5 A quorum for Town Meeting shall be 100 registered voters as listed at the close of the
101 registration period for Town Meeting. If a quorum is not reached, the Moderator shall adjourn the
102 meeting to a stated place date, time, and date which shall be within seven days. (181/1993,119/2000)
103 (NOTE: Formerly 2-1-5)

104 2-1-6 Elected officials, the Town Administrator, division and department heads, and chairpersons of
105 multi-member bodies, or their designated representatives, shall attend Town Meeting in order to
106 provide information when an article or articles which may affect their particular office or function are
107 included in the warrant. If any person so required to attend Town Meeting in accordance with this
108 section is not a resident of the Town, such person shall be allowed to address the Town Meeting.

109 2-1-7 The Annual Town Meeting may be postponed by not less than a 4-1 vote of the Selectmen no
110 later than four (4) weeks prior to the last Tuesday in April provided, however, that the postponed
111 meeting takes place no later than the last Tuesday in May. Such postponement can occur only if the
112 required Town business can not be acted on by the scheduled Town Meeting date.

113 2-1-8 Any Annual or Special Town Meeting may be postponed by the Moderator in coordination with
114 the Truro Emergency Management Director for a period not exceeding seven (7) days in the event of
115 any emergency, disaster or event that could potentially jeopardize the conduct of said meeting, or
116 otherwise harm the citizens of Truro. The Moderator will also postpone said meeting(s) for a period
117 not exceeding seven (7) days if the Truro Central School or other meeting location is being used as a
118 designated shelter, or used in any capacity as determine by the Truro Emergency Management
119 Director.

120 Section 2 The Moderator

121 2-2-1 A Moderator shall be elected in accordance with section 3-1-1 of this Charter and shall preside
122 at Town Meeting.

123 2-2-2 If a vacancy in the office of Moderator occurs during any term, it may be filled by the voters of
124 the town at any annual election in accordance with Chapter 3 of this Charter.

125 2-2-3 If the Moderator is absent at any Town Meeting, the Town Meeting may elect a temporary
126 Moderator for that Town Meeting.

127 2-2-4 The Moderator shall regulate the proceedings of all Town Meetings, decide all questions of
128 order and make public declaration of all votes. The Moderator shall conduct the proceedings of Town
129 Meeting in accordance with the General Laws, this Charter, the By-laws, and the Town Meeting Time.

130 2-2-5 If a simple majority or two-thirds vote of a Town Meeting is required on a particular vote, the
131 Moderator may declare that such plurality has been achieved based on a voice vote, and unless
132 challenged, the vote shall be recorded by the Town Clerk. If any voice vote declared by the Moderator
133 is immediately questioned by a least seven voters, an actual count shall be taken by polling the voters.
134 If a four-fifths or a nine tenths vote of a Town Meeting is required, a count shall be taken by polling
135 the voters and the count recorded by the Town Clerk, unless there is a unanimous vote.

136 (NOTE: Formerly 2-2-4)

137 2-2-6 The Moderator shall appoint a Finance Committee in accordance with the provisions of Chapter
138 6. The Finance Committee shall act in an advisory capacity to the legislative branch, the Town
139 Meeting, in accordance with Section 2-3-7 of this Charter.

140 (119/2000)

141 Section 3 The Warrant

142 2-3-1 Except for procedural matters, all subjects to be acted upon by the Town Meeting shall be placed
143 on warrants issued by the Board of Selectmen. The warrant for the Town Meeting shall be prepared by
144 the Board of Selectmen and shall incorporate appropriate recommendations in accordance with
145 sections 2-3-7 and 2-3-8 of this Charter. (119/2000)

146 2-3-2 The warrant for any Town Meeting shall include all articles submitted in writing by: (i) any
147 elected or appointed multi-member body acting by a majority of its members; (ii) any ten or more
148 registered voters for submission of any article on the Annual Town Meeting Warrant; or (iii) any 100
149 or more registered voters for submission of an article on any Special Town Meeting
150 Warrant. All Town Meeting articles petitioned by registered voters shall be submitted in accordance
151 with sections 2-3-3 and 2-3-4 of this Charter.

152 (119/2000)

153 2-3-3 A petition registered voters for submission of an article on a town meeting warrant shall be
154 submitted on a form previously approved by the Board of Selectmen for such purpose. Sufficient
155 guidance shall be provided to the petitioners to ensure that the petitioned article is in the proper form
156 to secure inclusion in the warrant. (119/2000)

157 2-3-4 The warrant shall be opened for submission of articles no less than 90 days before the date of the
158 Annual Town Meeting and shall remain open for not less than 30 days. The warrant for a Special
159 Town Meeting shall be opened and closed as determined by the Board of Selectmen, except the period
160 between opening and closing the warrant shall not be less than seven days. (119/2000)

161 2-3-5 The Town Constable is responsible for serving the warrant and giving the notice prescribed by
162 the General Laws. The Board of Selectmen shall ensure that the warrant is posted and sufficient copies
163 are available at least 14 days before the date of a Town Meeting. The warrant shall be posted and made
164 available to the voters at Town Hall, the Central School, the Public Library, the Transfer Station, and
165 any other locations deemed appropriate by the Board of Selectmen. (119/2000)

166 2-3-6 In the Annual Town Meeting warrant, the proposed operating budget shall be presented in a
167 single article placed before any other article involving the appropriation, transfer or borrowing of
168 funds. This article shall be followed directly by an article, or series of articles, involving proposed

169 capital expenditures and related matters. These articles shall be followed immediately by any other
170 articles involving the appropriation, transfer or borrowing of funds. In a Special, Town Meeting
171 warrant, the Board of Selectmen shall determine the order of all articles. (119/2000)

172 2-3-7 The Finance Committee shall state in the warrant or at Town Meeting its recommendation of
173 approval or disapproval and recorded vote for any article calling for the appropriation, transfer, or
174 borrowing of funds before it shall be acted upon by the Town Meeting. Any article not receiving such
175 recommendation as required by this provision may be considered and acted upon only with the
176 approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by the General Laws.
177 The recommendation required by this section shall be made in accordance with section 7-1-7 of this
178 Charter. (119/2000)

179 2-3-8 Any article sponsored by a multi-member body shall state in the warrant the sponsor's
180 recommendation and recorded vote before it shall be acted upon by the Town Meeting. (119/2000)

181 Chapter 3 Elections and Recall

182 Section 1 Elected Officials

183 3-1-1 The offices to be filled by the voters shall be: 1) the Board of Selectmen; 2) the School
184 Committee; 3) Board of Library Trustees; 4) the Housing Authority; 5) the Planning Board; 6) the
185 Cemetery Commission; 7) the Moderator; and 8) such members of regional authorities or districts as
186 may be established by General Laws, inter-municipal agreement, or bylaw.

187 3-1-2 There shall be a Board of Selectmen consisting of five (5) members elected for three year terms,
188 so arranged that as nearly an equal number of terms as possible shall expire each year. See Chapter 4
189 for the powers and duties of the Selectmen.

190 3-1-3 There shall be a School Committee consisting of five (5) members elected for three-year terms,
191 so arranged that as nearly an equal number of terms as possible shall expire each year. The School

192 Committee shall have all of the powers and duties given it under the provisions of the Constitution and
193 the General Laws, and such additional powers and duties as may be authorized by this Charter, by
194 bylaw, or by town meeting vote. The School Committee shall annually submit a School Budget to the
195 Town Administrator in accordance with the provisions of Chapter 7 of this Charter. Contracts funded
196 within the school budget shall be negotiated and signed by the Superintendent of Schools or the School
197 Committee, in accordance with the General Laws, provided such contract receives funding authorized
198 by Town Meeting.

199 3-1-4 There shall be a Board of Library Trustees consisting of five (5) members elected for three-year
200 terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The
201 Board of Library Trustees shall have all the powers and duties given it under the provisions of the
202 Constitution and the General Laws, and such additional powers and duties as may be authorized by
203 this Charter, by bylaw, or by town meeting vote. The Board of Library Trustees shall have the custody
204 and management of the library and of all property of the Town related thereto. All money raised or
205 appropriated by the Town for the library's support and maintenance shall be expended by the Board,
206 and all money or property that the town may receive by gift or bequest for the library shall be
207 administered by the Board in accordance with the provisions of such gift or bequest.

208 3-1-5 There shall be a Housing Authority consisting of five (5) members, four members of which shall
209 be elected by ballot and the fifth member of which shall be a resident of the Town and appointed by
210 the State's Department of Housing and Community Development or as otherwise provided by the
211 General Laws. The Housing Authority members shall serve five (5) year terms, so arranged that one
212 term shall expire each year. The Housing Authority is an independent public body and shall operate
213 pursuant to the provisions of the General Laws and all applicable federal,
214 state, and local provisions.

215 (NOTE: Formerly 3-1-1)
216 3-1-6 A Moderator shall be elected for a three-year term at any annual election of the town by ballot of
217 the registered votes of the Town. For the powers and duties of the Moderator see Chapter 2, Section 2.

218 Section 2 Conduct of the Elections

219 3-2-1 The Annual Election for all elected Town offices shall be by official ballot held each year on the
220 second Tuesday in May. (119/2000)

221 3-2-2 All Town Elections shall be non-partisan and election ballots shall be printed without any party
222 designation whatsoever.

223 3-2-3 Only registered voters of the Town shall be eligible for any elected Town office or elected
224 multi-member body of the Town. (119/2000)

225 3-2-4 No person shall be a candidate for, or hold concurrently, more than one elected Town office.
226 Service as a representative from the Town to a governmental body other than the Town shall not be
227 prohibited by this provision. (181/1993,171/1994)

228 Section 3 Taking Office

229 3-3-1 Persons duly elected to any Town office or multi-member body shall forthwith be sworn to the
230 faithful performance of their duties by the Town Clerk and shall immediately take up the duties of the
231 office or the multi-member body.

232 Section 4 Recall of Elected Officials.

233 3-4-1 Persons duly elected to any Town office or multi-member body may be recalled by recall
234 petition and special election in accordance with Chapter 204 of the Massachusetts Acts of 1985, "An
235 Act Authorizing the Town of Truro to Recall Elected Officials," as may be amended from time to
236 time.

237 Chapter 4 The Executive Branch: Board of Selectmen

238 Section I The Board of Selectmen

239 4-1-1 The executive powers of the Town shall be vested in a Board of Selectmen of five members who
240 shall be elected in accordance with the provisions of Chapter(s) 3 and 6 of this Charter. The Selectmen
241 shall have all the powers and duties given to Boards of Selectmen under the Constitution and the
242 General Laws of the Commonwealth, and such additional powers and duties as may be authorized by
243 this Charter, by bylaw or by other Town Meeting vote.

244 4-1-2 A vacancy in the office of Selectmen shall be filled by special election in accordance with
245 provisions of the General Laws.

246 4-1-3 Members Ofthe Board of Selectmen may receive such honoraria as may be authorized and
247 appropriated by the Annual Town Meeting.

248 (NOTE: 4-1-4, 4-1-5, 4-1-6 formerly 4-5-1, 4-5-2, 4-5-3 of Chapter 5)

249 4-1-4 Members of the Board of Selectmen shall possess no individual authority.

250 4-1-5 Except for the purposes of investigation in accordance with section 4-4-1 of this Charter, the
251 Board of Selectmen shall deal with employees who are subject to the direction and supervision of the
252 Town Administrator solely through the Town Administrator, and neither the Board nor its members
253 shall give orders to any such employee, the single exception being the Administrative Secretary and
254 the Licensing Agent who reports both to the Town Administrator and the Board of Selectmen.

255 (119/2000)

256 4-1-6 No member of the Board of Selectmen may be elected or appointed to any other Town office or
257 multi-member body, except in accordance with section 6-2-10 of this Charter. Service as a
258 representative from the Town to a governmental body other than the Town shall not be prohibited by
259 this provision. (119/2000)

260 4-1-7 The Board of Selectmen shall organize annually, elect a chairperson and other necessary
261 officers, adopt rules of procedure and voting, maintain minutes and all other records of proceedings
262 (copies of which shall be a public record and shall be filed promptly with the Town Clerk), and shall
263 annually submit a report for inclusion in the annual town report.

264 Section 2 Executive Powers

265 4-2-1 The Board of Selectmen, under the leadership of its Chairman and considering the guidelines of
266 the Truro Local Comprehensive Plan (LCP) and other Town-approved Plans, shall set and complete
267 goals and objectives for the Town, establish Town policies and Board policies in consultation with the
268 multi-member Boards, and develop and oversee the Town's 5-year Plan (see 4-2-5). The Board shall
269 provide direction to the Town Administrator whom the Board shall appoint pursuant to the provisions
270 of Chapter 5 of this Charter and whom shall administer the day-to-day affairs of the Town in
271 accordance with the goals, policies, and plans of the Town developed by the Board.

272 4-2-2 The Board of Selectmen shall, in March of each year, conduct and complete an annual
273 evaluation of the performance of the Town Administrator and Police Chief. The evaluation shall
274 consider the competency by which the day-to-day administration of the Town's and the Police
275 Department's affairs have been conducted and whether there has been adequate and appropriate
276 progress on and adherence to the specific goals, objectives, policies, and plans, as established by the
277 Board (see 4-2-1 and 4-2-5).

278 (NOTE: Formerly 4-2-2)

279 4-2-3 Any goal, objective, policy, plan, or official act adopted by the Board of Selectmen shall be
280 made in writing, the text of which shall be included in its entirety in the minutes of the meeting at
281 which it is adopted. The , -the Board shall cause a current reference copy of the minutes to be available

282 to the public in the office of the Town Clerk. A file containing all the Board of Selectmen's current
283 policies and goals shall be maintained at the Office of the Town Clerk for public reference. (119/2000)

284 (NOTE: Formerly 4-2-3)

285 4-2-4 The Board of Selectmen shall have the power to enact rules and regulations establishing Town
286 policies not otherwise governed by the General Laws, this Charter, or Bylaw, provided, however, that
287 whenever an appropriation shall be necessary to implement such action, the vote of the Board of
288 Selectmen shall be effective only after such appropriation has been authorized by the Town Meeting.

289 (NOTE: Formerly 4-2-4)

290 4-2-5 The Board of Selectmen shall cause to be compiled and published an Annual Town
291 Report for each calendar year; which shall include reports from all elected and appointed Town
292 Officials, department heads and multi-member bodies. Such Report shall be available at least 14 days
293 before the next Annual Town Meeting. The Moderator shall be exempt from submitting a report. The
294 Board of Selectmen's report shall include, at a minimum:

- 295 • A Report on the status of all previously established goals and objectives.
- 296 • The previous year's accomplishments by the Board.
- 297 • The rolling Five-Year Plan for the Town defined in Appendix A.
- 298 • The setting of new specific goals and objectives for the Town, including those related to the
299 Five-Year Plan. (119/2000)

300 (NOTE: Formerly 4-2-5)

301 4-2-6 The Board of Selectmen shall cause the laws and orders of the government of the Town to be
302 enforced.

303 (NOTE: Formerly 4-2-6)

304 4-2-7 The Board of Selectmen shall serve as the custodian of all Town-owned property, unless
305 otherwise provided by the General Laws, and shall direct the Town Administrator to plan for its
306 preservation, maintenance, and protection, and for the timely replacement of capital facilities and
307 infrastructure. (181/1993,119/2000)

308 (NOTE: Formerly 4-2-7)

309 4-2-8 The Board of Selectmen shall have the sole authority to enter into contracts for the Town of
310 Truro as follows:

311 a.) Procurement Contracts which exceed the authority of the Town Administrator
312 as set forth in Section 5-3-3 of this Charter;

313 b.) All contracts pertaining to real property or interests therein; and

314 c.) Contracts for the Town in all other matters, in accordance with the General
315 Laws. (119/2000)

316 4-2-9 The Board of Selectmen shall be the Licensing Board of the Town and shall have the power to
317 issue all licenses with the exception of public health licenses issued by the Board of Health and other
318 licenses reserved unto others by the General Laws. The Board of Selectmen shall also devise rules and
319 regulations regarding the licensing procedure, set all standards for the issuance of licenses, devise such
320 conditions and restrictions appropriate to each license as it deems to be in the public interest, and to
321 enforce the laws relating to all businesses for which it issues licenses. The Selectmen shall supervise
322 the Licensing Agent of the Town who shall administer the Licenses issued by the Selectmen. The
323 Selectmen may delegate to the Licensing Agent the authority to issue renewals of licenses and to issue
324 certain classes of new licenses, provided the General Laws do not require a public hearing by the
325 Selectmen prior to said renewal or issuance and provided further that the license application meets the
326 standards set by the Selectmen in each instance. (119/2000)

327 4-2-10 The Board of Selectmen shall, in the fourth quarter of every other calendar year, set all fees
328 collected by the Town, for the following year. The amount of such fees shall be set in accordance with
329 the relevant provisions of the General Laws and only after a public hearing and consultation with the
330 appropriate Town Department, multi-member board(s), and Town Administrator, and the Finance
331 Committee. (119/2000)

332 4-2-11 The Chairman of the Board of Selectmen, in his or her capacity as the chief presiding officer of
333 the Board, shall have the following additional responsibilities. These responsibilities may be delegated
334 to the Vice-Chairman in the absence or temporary incapacity of the Chairman.

- 335 • Preside over all meetings of the Board.
- 336 • Set the agenda for all Board meetings, in consultation with the Town Administrator and
337 other Board members.
- 338 • Perform the ceremonial requirements of the Board. This responsibility may be appropriately
339 delegated to other Board members on a case-by-case basis.
- 340 • Assign, after consultation with other members of the Board, oversight and/or
341 direct responsibility, to a Board member, for the completion of each project/program.
- 342 • Maintain a written Working Plan containing all open items being worked by the Board,
343 which Plan shall be reviewed and updated quarterly at a scheduled Board meeting.
- 344 • Create timelines, after consideration with other members of the Board, for projects or
345 programs administered by the Board.
- 346 • Oversee the activities of the Board.
- 347 • Promote policies designed to ensure that project program timelines and commitments are
348 met.
- 349 • Promote policies designed to ensure that issues presented to and by the Board for

350 consideration are resolved expediently.

- 351 • Promote adequate and regular communication between the Board of Selectmen and all
352 multi-member bodies, including communications regarding what aspects of the Board and
353 Town goals and objectives might be considered by them.

354 Section 3 Powers of Appointment

355 4-3-1 The Board of Selectmen shall appoint:

356 Town Administrator

357 Public Safety Personnel:

358 Police Chief and Officers

359 Board of Fire Engineers

360 Emergency Management Director

361 Constables

362 Town Counsel (19/200)

363 4-3-2 The Board of Selectmen shall appoint all members to all appointed multi-member bodies, except
364 those to be appointed by the Moderator in accordance with sections 2-2-6 and 6-4-3 of this Charter,
365 and shall appoint all appointed representatives to governmental bodies other than the Town except
366 when otherwise provided by the General Laws or inter-municipal agreements. All appointments are to
367 be made in accordance with the provisions of Chapter 6 of this Charter. (181/1993,119/2000)

368 Section 4 Powers of Investigation

369 4-4-1 The Board of Selectmen may conduct investigations and may authorize the Town

370 Administrator or other agent to investigate the affairs of the Town and the conduct of any

371 Town Department office, agency or official, including any doubtful claims against the Town. To the

372 extent that the investigation report is a public record under the General Laws, the final report will be

373 filed with the Town Clerk and available for public inspection. If the subject of the investigation is an
374 individual, the Board shall conduct its investigation in accordance with the provisions of the General
375 Laws governing open meetings and public records and the town's Personnel Bylaw, if applicable.
376 (119/2000)

377 (NOTE: Section 5 [4-5-1, 4-5-2, 4-5-3] moved to Section I [Chapter 4] as 4-1-4, 4-1-5, 4-1-6)

378 Chapter 5 Administration: The Town Administrator

379 Section 1 Appointment

380 5-1-1 The Board of Selectmen shall, by an affirmative vote of at least four of its five members
381 appoint a Town Administrator whose terms of employment shall be set by negotiated employment
382 contract. (119/2000)

383 (NOTE: Formerly 5-1-3)

384 5-1-2 The Board of Selectmen shall search for candidates for the position of Town
385 Administrator by placing an advertisement in the International City/County Management
386 Association (ICMA) Newsletter or one other similar professional publication and at least two
387 newspapers having state-wide or regional distribution. (119/2000)

388 Section 2 Qualifications

389 5-2-1 The Town Administrator shall be appointed on the basis of educational and professional
390 qualifications.

391 5-2-2 The minimum educational qualifications shall include at least a bachelor's degree, preferably in
392 public administration, granted by an accredited degree-granting college or university. This educational
393 qualification may be waived by an affirmative vote of at least four of the five members of the Board of
394 Selectmen.

395 (119/2000)

396 5-2-3 The minimum professional qualifications shall include at least three years compensated
397 service in public administration at a managerial level, provided that the educational qualification
398 required by section 5-2-2 of this Charter is in public administration. If the educational qualification
399 required by section 5-2-2 of this Charter is not in public administration, the professional qualifications
400 shall include at least six years compensated service in public administration, with at least three of
401 those years at a managerial level. If the minimum educational qualification required by subsection 5-2-
402 2 is waived by the Board of Selectmen, the professional qualification shall include at least nine years
403 compensated service in public administration with at least six at a managerial level. (119/2000)

404 Section 3 Powers and Duties

405 5-3-1 The Town Administrator shall be the chief administrative officer of the Town and shall
406 be responsible to the Board of Selectmen for the proper administration of all Town affairs placed in his
407 or her charge by or under this Charter or bylaws. The Town Administrator shall be responsible for
408 administering and coordinating all appointed Town employees, offices, and departments in accordance
409 with Sections 4 and 5 of this chapter and Charter, unless otherwise provided by the General Laws.
410 (119/2000)

411 5-3-2 The Town Administrator shall devote full time to the duties of the office and shall not hold any
412 other public office, elected or appointed, nor be engaged in any other business, occupation, or
413 profession while serving in such office, unless such action is approved in advance and in writing by
414 the Board of Selectmen.

415 5-3-3 The powers and duties of the Town Administrator shall include, but not be limited to the
416 following:

417 (a) To supervise and be responsible for the administration of all functions under his or her
418 control as authorized by this Charter, Bylaw, Town Meeting vote, or vote of the

419 Selectmen;
420 (b) To supervise all officers and employees appointed by him or her and their respective
421 departments;

422 (NOTE: Formerly 5-3-3 (k))

423 (c) To be responsible for personnel administration in accordance with section 5 of this
424 chapter and Charter;

425 (d) To carry out and administer the plans, programs, projects, goals, and objectives
426 assigned to the Town Administrator by the Board of Selectmen;

427 (NOTE: Formerly 5-3-3 (a))

428 (e) To attend all meetings of the Board of Selectmen, unless excused at the Town
429 Administrator's request, and to possess the right to speak, but not vote, at all such
430 meetings;

431 (f) To attend all sessions of the Town Meeting and answer all questions directed to the
432 Town Administrator that are related to the responsibilities of the Town
433 Administrator; (119/20002)

434 (NOTE: Formerly 5-3-3 (b))

435 (g) To keep the Board of Selectmen fully informed as to the financial condition
436 needs and needs problems of the Town, and to recommend to the Board of
437 Selectmen such measures which require action by the Board of Selectmen,
438 as the Town Administrator deems necessary or expedient;

439 (h) To see that all provisions of the General Laws, this Charter, the Bylaws,
440 Town Meeting votes and votes of the Selectmen are faithfully carried out and
441 enforced;

442 (NOTE: Formerly 5-3-3 (c))

443 (i) To prepare and present to the Board of Selectmen an annual draft operating
444 budget and proposed capital expenditure budget, in accordance with the provisions
445 contained in Chapter 7 of this Charter;

446 (NOTE: Formerly 5-3-3 (d))

447 (j) To administer the annual operating budget and capital expenditures budget as voted by
448 Town Meeting to ensure all such funds are expended or committed in accordance with
449 the General Laws Law, this Charter, By-laws and/or or Town Meeting Vote;

450 (k) To keep the Board of Selectmen fully informed as to the availability of all sources of
451 outside funding, both public and private, including, but not limited to,
452 intergovernmental grants, so-called "in-lieu-of-taxes" payments, gifts, bequests,
453 contributions or otherwise, giving special consideration to the relationship between
454 such funding sources and the needs and goals of the Town, both short and long
455 range;

456 (l) To assure that a full and complete record of the financial and administrative activities
457 of the Town is kept;

458 (NOTE: Formerly 5-3-3 (e))

459 (m) To represent the Town in its relations with federal, state, and local units of government
460 as directed by the Board of Selectmen;

461 (NOTE: Formerly 5-3-3 (j))

462 (n) To develop and maintain a full and complete inventory of all real and personal property
463 owned by the Town in excess of a certain value to be determined by the Board of
464 Selectmen and the Finance Committee; (119/2000)

465 (o) To negotiate and sign contracts the total monetary value of which is up to \$25,000
466 (twenty-five thousand). The Board of Selectmen may increase the above monetary
467 limitations, as it deems appropriate.

468 (p) To award all contracts within the limits prescribed in the preceding paragraph for all
469 departments and activities of the town, with the exception of the School Department,
470 pursuant to the provisions governing such procurements contained in the General Laws.

471 (NOTE: Formerly 5-3-3 (h))

472 (q) To possess the right to attend any regular meeting of any multi-member body of the
473 Town, and to possess the right to speak, but not vote, at any such meeting. (119/2000)

474 (NOTE: Formerly 5-3-3 (i))

475 (r) To inform the Board of Selectmen regarding vacancies in Town offices and multi-member
476 bodies which are appointed by the Board of Selectmen;

477 (s) To function as liaison for the Board of Selectmen to the Police Department.

478 (NOTE: Formerly 5-3-3 (1))

479 (t) To perform such other duties as may be required by the General Laws, this Charter,
480 By-laws Town Meeting vote, and/or by vote of the Board of Selectmen.

481 5-3-4 The Town Administrator shall be the negotiator for the Town for collective bargaining
482 agreements unless otherwise provided by the General Laws. The Administrator shall appoint a
483 collective bargaining team which shall consist of the Town Administrator, a member of the Finance
484 Committee in an advisory capacity, and those department heads whose employees shall be subject to
485 the collective bargaining agreement, unless a Department Head is a member of the bargaining unit.
486 The Town Administrator may use professional assistance on the collective
487 bargaining team.

488 Section 4 Powers of Appointment

489 5-4-1 The Town Administrator shall make appointments on the basis of merit and fitness alone,
490 and may suspend or remove, in accordance with section 8-2-1 of this Charter, Town officials or
491 employees who are subject to the direction and supervision of the Town Administrator.

492 5-4-2 The Town Administrator shall appoint the following, subject to the provisions of Sections
493 5-4-5 and 5-5-4 of this Charter and in accordance with the General Laws, Personnel By-laws, Board of
494 Selectmen Policy or collective bargaining agreements: (119/2000)

495 Director of Public Works Beach Commission Supervisor

496 Town Accountant Golf Course Manager

497 Building Commissioner Recreation Director

498 Deputy Assessor Harbormaster

499 Administrative Secretary Town Clerk

500 Licensing Agent Town Treasurer

501 Agent to the Zoning Board of Appeals Collector of Taxes

502 Agent to the Board of Health Council on Aging Director

503 Library Director Assistant Town Administrator

504 (in consultation with Board of Library Trustees)

505 (171/1994,119/2000)

506 5-4-3 After consultation with the appropriate elected officials, supervisors, department heads
507 or multi-member bodies, the Town Administrator shall appoint all full-time, part-time or seasonal
508 employees, except those of the Police Department, the Fire Department or the School Department.

509 5-4-4 The Town Administrator shall appoint all inspectors, wardens, or other individual
510 appointments as may be delegated to the Town Administrator by the Board of Selectmen.

511 5-4-5 All appointments for regular full-time and regular part-time employees made by the
512 Town Administrator shall be subject to disapproval by a majority vote of the Board of
513 Selectmen, provided that such a vote is taken prior to the date of the appointment. (119/2000)
514 5-4-6 The Town Administrator shall appoint, as needed, the director, clerk, and employees of
515 the Council on Aging, notwithstanding the provision of Section 8B of Chapter 40 of the General Laws.
516 (181/1993)

517 Section 5 Personnel Administration

518 5-5-1 The Town Administrator shall, in conjunction with the Board of Selectmen, administer
519 and enforce the Personnel By-laws and any other personnel rules or regulations adopted by the Town
520 or by collective bargaining agreements. (119/2000)

521 5-5-2 The Town Administrator shall, in conjunction with the Board of Selectmen, develop and
522 maintain a personnel plan establishing the staffing requirements of all Town departments or offices,
523 except for those of the School Department. (119/2000)

524 5-5-3 The Town Administrator shall, in consultation with the Board of Selectmen, cause to be
525 written, approved, signed, and maintained in a current file, attendance records and job descriptions,
526 which shall include appropriate qualifications and compensation schedules, for all appointed officials
527 and employees. The Town Administrator shall annually review compensation schedules and shall
528 make recommendations regarding modification of the schedules to the Board of Selectmen.
529 (119/2000)

530 5-5-4 The Town Administrator may, with the approval of the Board of Selectmen, establish,
531 reorganize, consolidate, or abolish any positions which are subject to the direction and

532 supervision of the Town Administrator, except as otherwise provided by the General Laws or By-laws
533 The creation of any new position under this section shall not become effective until the position has
534 been funded by Town Meeting, unless otherwise permitted by the General Laws. (119/2000)

535 Section 6-Vacancy

536 5-6-1 The Board of Selectmen shall fill a vacancy which arises in the office of the Town
537 Administrator as soon as possible, but no later than six months after such a vacancy
538 occurs. The Board may appoint a Screening Committee to assist them in the search and
539 hiring process. (119/2000)

540 5-6-2 During vacancy in the office of the Town Administrator due to temporary absence, suspension,
541 removal, resignation, or death, the Assistant Town Administrator shall be the Acting
542 Town Administrator and shall exercise the rights, possess all authority, and perform the duties
543 assigned or delegated to the Town Administrator. If the Assistant Town Administrator is unable to
544 assume the duties of the Acting Town Administrator, the Board of Selectmen may appoint a town
545 employee to exercise the powers and perform the duties of the Town Administrator during said
546 vacancy. The appointment of the Acting Town Administrator shall be for a period not to exceed
547 ninety days, and the appointment may be renewed only once for an additional period
548 not to exceed ninety days. The appointee under this section shall not be precluded from
549 permanent appointment to the position of Town Administrator, provided that such appointment is
550 made in accordance with Sections 1 and 2 of this chapter and Charter.

551 5-6-3 No member of the Board of Selectmen shall be eligible for appointment to the position
552 of Acting Town Administrator. (119/2000)

553 5-6-4 Compensation for the Acting Town Administrator shall be determined by the
554 Board of Selectmen. (119/2000)

555 Section 7- Rescinded and Reserved (119/2000)

556 Chapter 6 Multi-member Bodies; Elected and Appointed

557 Section 1 Powers

558 6-1-1 All multi-member bodies shall possess and exercise all powers given to them under the
559 Constitution and the General Laws of the Commonwealth, and shall have and exercise such additional
560 powers and duties as may be granted or delegated by the Board of Selectmen, this Charter, the By-
561 laws, or vote of the Town Meeting. (119/2000)

562 6-1-2 Any appointed multi-member body whose powers or purpose are not clearly defined under the
563 Constitution and the General Laws of the Commonwealth, this Charter, the By-laws or vote of Town
564 Meeting shall have a written charge by the Board of Selectmen to define such powers and purpose,
565 provided such charge is consistent with the intent for which the multi-member body was created.
566 (119/2000)

567 6-1-3 An Organizational Chart identifying all appointed and elected multi-member bodies within the
568 town is set forth in Appendix B to this Charter.

569 Section 2 Organization and Procedures

570 6-2-1 All multi-member bodies shall organize annually, elect a chairperson and other necessary
571 officers, adopt rules of procedure and voting, maintain minutes and all other records of proceedings,
572 copies of which shall be a public record and shall be filed promptly with the Town Clerk, and shall
573 annually submit a report for inclusion in the annual town report.

574 6-2-2 All multi-member bodies shall conduct their meetings in accordance with the open meeting
575 provisions of the General Laws.

576 6-2-3 Generally speaking, a quorum for all multi-member bodies shall consist of a majority of the full
577 complement of the body. However, certain regulatory boards, including the Planning Board, Zoning

578 Board of Appeals, Conservation Commission, and Board of Health will have different quorum
579 requirements for specific actions taken. Each multi-member body, therefore, is referred to the General
580 Laws for the necessary quorums required for each particular instance.

581 6-2-4 Any person duly elected or appointed to a multi-member body shall forthwith be sworn by the
582 Town Clerk to the faithful performance of his or her duties, shall take up the duties of the office
583 immediately and shall carry out their responsibilities in accordance with the General Laws, this
584 Charter, and the By-laws.

585 6-2-5 All multi-member bodies shall consist of an uneven number of members, no fewer than
586 three. The Board of Selectmen or Town Meeting may increase or decrease the number of members to
587 serve on multi-member bodies, unless such number is otherwise established by the General Laws or
588 this Charter. (119/2000)

589 6-2-6 Members of multi-member bodies shall be elected or appointed for three-year overlapping terms,
590 unless such term is otherwise established by the General Laws, with at least one member being elected
591 or appointed each year.

592 (NOTE: Formerly 6-2-8)

593 6-2-7 Except as provided in this Charter, nothing shall be deemed to prevent or prohibit a compensated
594 Town employee from serving on a multi-member body, provided that such employee not be under the
595 general policy or administrative direction of such body, with the exception of the fire fighting or
596 rescue employees who may serve on the Board of Fire Engineers.

597 (NOTE: Formerly 6-2-9)

598 6-2-8 During a member's term on a multi-member body, no member may hold a paid position

599 or be awarded a contract under the general policy or administrative direction of such body, except for
600 the Board of Fire Engineers who may be compensated for work performed in the execution of
601 firefighting or rescue duties under the direction of the Board of Fire Engineers. (119/2000)

602 (NOTE: Formerly 6-2-10)

603 6-2-9 Vacancies on multi-member bodies shall be filled in accordance with General Laws and in
604 accordance with the provisions of this Charter by the Board of Selectmen or other appointing authority
605 as may be established by the General Laws, this Charter, Bylaw or vote of the Town Meeting.

606 (NOTE: Formerly 6-2-11)

607 6-2-10 The Board of Selectmen may appoint one of their members as ex-officio members without a
608 vote, to any multi-member body unless prohibited by the General Laws. (119/2000)

609 6-2-11 The members of all multi-member bodies shall serve without compensation.

610 Section 3 Elected Multi-member Bodies.

611 6-3-1 The multi-member bodies listed in Appendix B Part 1 shall be elected in accordance with
612 subsections 3-2-3 and 6-2-6 of this Charter. (119/2000)

613 Section 4 Appointed Multi-member Bodies.

614 6-4-1 All appointed multi-member bodies which exist as of the effective date of a newly revised
615 Charter shall continue to exist and shall be subject to Section 2 of this chapter and Charter. (119/2000)

616 6-4-2 The multi-member bodies listed in Appendix B Part 2 shall be appointed by the Board of
617 Selectmen in accordance with Sections 4-3-2 and 6-2-6 of this Charter. (119/2000)

618 6-4-3 The Moderator shall in accordance with sections 2-2-6 and 6-2-6 of this Charter appoint a
619 Finance Committee of five members who shall be voters and shall not hold elected office in the Town
620 of Truro. (119/2000)

621 6-4-4 The Town Meeting or the Board of Selectmen may from time to time establish other multi-
622 member bodies for particular purposes. The appointment of ad hoc committees by the Board of
623 Selectmen shall be made only for specific and immediate purposes, and any such committee shall be
624 appointed for a definite period of time, not to exceed two years.

625 Should the particular purpose for which an ad hoc committee was created not be resolved at the
626 expiration of the two-year appointment, such committee may be reappointed for an additional one-year
627 period. (119/2000)

628 6-4-5 Any multi-member body created by Town Meeting shall continue to exist until dissolved by vote
629 of the Town Meeting, unless the vote creating such body provides for a definite time of dissolution.
630 (119/2000)

631 6-4-6 Any multi-member body created by the Board of Selectmen, except those ad hoc committees as
632 may be appointed in accordance with Section 6-4-4 of this Charter, shall continue to exist until
633 dissolved by the Board of Selectmen, unless the vote creating such body provides for a definite time of
634 dissolution. (119/2000)

635 6-4-7 The absence of a member or alternate member for four consecutive meetings of an appointed
636 multi-member body shall serve to vacate the office, unless such absence is approved by a vote of the
637 multi-member body. The Chairman of the body shall forthwith notify the appointing authority that
638 such vacancy has occurred. The vacancy shall be filled in accordance with Section 6-2-10 of this
639 Charter and the appointee shall complete the vacant unexpired term. (119/2000)

640 Chapter 7 Financial Procedures

641 Section 1 The Annual Budget

642 7-1-1 The fiscal year of the town shall begin on July first and end on June thirtieth, unless another
643 provision is made by the General Laws.

644 (NOTE: Formerly 7-1-1)

645 7-1-2 On or before October 15 of each year, the Board of Selectmen, the Town Administrator,
646 and the Finance Committee shall jointly establish approve and adhere to a schedule for delivery of the
647 annual operating budget and capital improvement plan for the ensuing fiscal year. Once approved, they
648 shall transmit the budget and plan to all Department Heads and budget managers.

649 (NOTE: Formerly 7-1-2)

650 7-1-3 By the date agreed in the jointly approved budget schedule (7-1-2) of each year, the Town
651 Administrator shall submit to the Board of Selectmen the following:

652 (a) A draft budget of the probable expenditures of the Town government, including the draft school
653 budget, for the ensuing fiscal year, together with an estimate of such expenditures for the current fiscal
654 year and a statement of such expenditures for the two preceding fiscal year; (119/2000)

655 (b) Revenue projections for the ensuing fiscal year, together with an estimate of such revenues for the
656 current fiscal year and a statement of such revenues for the two preceding fiscal years;

657 (c) The draft budget document for the ensuing year shall:

658 (1) Include a financial summary listing all proposed expenditures, show the tax levy limit,
659 disclose the source of any additional revenues, and itemize the Town's reserves;

660 (2) Explain the budget in terms of service changes or major expenditure changes and outline
661 the reasons for such changes;

662 (3) Indicate any major changes from the current fiscal year in financial policies together with
663 the reasons for such changes;

664 (4) Summarize the Town's debt position and projections;

665 (5) Include such other material deemed to be appropriate. (119/2000)

666 7-1-4 The School Committee shall prepare a School Budget each year in accordance with

667 Section 3-1-3 of this Charter and shall submit it to the Town Administrator in sufficient time to enable
668 him or her to prepare the annual budget required under Section 7-1-3. The School Committee shall
669 hold at least one public hearing on the proposed School Budget for the ensuing fiscal year, notice of
670 which hearing shall be published in a local newspaper no less than fourteen days before said hearing.
671 The action of the School Committee in adopting the budget following the public hearing shall be
672 summarized and the vote of each member shall be duly recorded.

673 (NOTE: Formerly 7-1-3)

674 7-1-5 By the date agreed in the jointly approved budget schedule (7-1-2) of each year, the Board of
675 Selectmen shall submit to the Finance Committee the proposed budget for the ensuing fiscal year,
676 including the School Budget, as submitted by the School Committee. The proposed budget
677 shall include a budget summary as outlined in Subsection 7-1-2 and recommendations. (119/2000)

678 (NOTE: Formerly 7-1-4)

679 7-1-6 By the date agreed in the jointly approved budget schedule (7-1-2) of each year, the Finance
680 Committee shall hold at least one public hearing on the proposed budgets, including the School
681 Budget, for the ensuing fiscal year, notice of which public hearing shall be published in a local
682 newspaper no less than fourteen days prior to the date of the hearing.

683 (NOTE: Formerly 7-1-5)

684 7-1-7 At least 14 days prior to the Annual Town Meeting, the Finance Committee shall issue in printed
685 form its Budget recommendations and explanations. Copies of the printed recommendations and
686 explanations shall be available in accordance with Subsection 2-3-5 of this Charter. (119/2000)

687 (NOTE: Formerly 7-1-6)

688 7-1-8 The Board of Selectmen shall present the proposed budget to the Annual Town Meeting,
689 which shall consider such budget with or without amendments for the ensuing fiscal year.

690 Section 2 The Capital Improvement Plan

691 7-2-1 By the date agreed in the jointly approved budget schedule (7-1-2) of each year, the Town
692 Administrator shall submit to the Board of Selectmen a five-year capital improvement plan that shall
693 include:

694 (a) A clear summary of its contents;

695 (b) A list, together with supporting data, of all capital improvements proposed to be
696 undertaken in the next five years; such list to include all capital improvements of the
697 School Department and those resulting from any inter-municipal or regional agreements.

698 Such list shall detail proposed:

699 (1) Acquisition of new land, facilities, vehicles, and equipment; (119/2000)

700 (2) Construction of new and expansion of existing facilities;

701 (3) Major maintenance and repairs of facilities, vehicles and equipment;

702 (4) Replacement program for existing equipment and vehicles;

703 (c) Cost estimates, methods of financing, and recommended timetables;

704 (d) Estimated annual operating costs including maintenance for newly acquired or
705 constructed facilities;

706 7-2-2 The capital improvement plan shall be revised and extended each year regarding capital
707 improvements pending or in the process of acquisition or construction.

708 7-2-3 By the date agreed in the jointly approved budget schedule (7-1-2) of each year, the Board of
709 Selectmen shall submit to the Finance Committee the Capital Improvement Plan capital together with
710 its recommendations thereon.

711 7-2-4 The public hearing on the budget to be held by the Finance Committee in accordance
712 with Section 7-1-4 of this Charter shall include a consideration of the Capital Improvement Plan.

713 7-2-5 At least fourteen days prior to the Annual Town Meeting, the Finance Committee shall
714 issue its printed recommendations and explanations of the capital improvement plan.
715 Copies of the printed recommendations and explanations shall be available at the Town
716 Hall.

717 7-2-6 The Board of Selectmen shall make available a printed copy of the proposed five-year
718 capital plan to all voters at the Annual Town Meeting. (119/2000)

719 Section 3 Collections and Disbursements

720 7-3-1 Except as may otherwise be established by the General Laws the Town Treasurer/Collector shall
721 be responsible for the timely and prudent collection and deposit, in the Town Treasury of all monies
722 and fees collected or received by any person acting in any capacity for the Town. (119/2000)

723 7-3 -2 Warrants for the expenditure of Town funds, prepared and signed by the Town
724 Accountant in accordance with the General Laws shall be approved the Town Administrator.

725 Section 4 - Lapse of Appropriations

726 7-4-1 Every amount appropriated by Town Meeting for each fiscal year shall lapse at the end of that
727 fiscal year to the extent that it has not been expended or encumbered.

728 Section 5 Financial Audits

729 7-5-1 At least every other fiscal year, the Board of Selectmen shall retain a Certified Public
730 Accountant or accounting firm to audit all accounts, books, and records of financial transactions of all
731 Town agencies, offices, and departments, including the School Department. The necessity for any
732 additional audits shall be determined by the Finance Committee.

733 7-5-2 A copy of the auditor's report and recommendations shall be a public record filed with
734 the Town Clerk. (119/2000)

735 Chapter 8 Removals and Suspensions

736 Section I Elected Official

737 8-1-1 Suspension and/or removal from elected office shall be accomplished in accordance with
738 section 3-4-1 of this Charter. (119/2000)

739 Section 2- Appointed Paid Employees of the Town

740 8-2-1 Except as otherwise provided in this Charter, any appointed paid employee of the Town,
741 whether appointed for a fixed or indefinite term, may be suspended or removed from office by the
742 appointing authority for good cause necessary to protect the interests of the Town. Good cause shall
743 include, but not be limited to the following:

- 744 (a) Incapacity other than temporary illness;
 - 745 (b) Inefficiency and/or inability to perform assigned tasks;
 - 746 (c) Insubordination and/or refusal to carry out lawful instructions;
 - 747 (d) Conduct unbecoming to the office and/or which reflects adversely upon the Town.
- 748 Suspension and/or removal from office shall be accomplished in accordance with the
749 General Laws, Town Personnel By-laws, employment contract, or Collective Bargain
750 Agreement

751 8-2-2 Nothing in this section shall be construed as granting any specific rights of appeal when a person
752 who has been appointed for a fixed-term frxed-term is not reappointed when the fixed term expires.

753 Section 3 Appointed Non-paid Officials, Officers• or Members of Multi-member Bodies

754 8-3-1 Any appointed official, officer, or member of a multi-member body, whether appointed for a
755 fixed or indefinite term, may be suspended and/or removed from office by the appointing authority for
756 good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited
757 to the following:

- 758 (a) Incapacity other than temporary illness;

759 (b) Inability or refusal to perform assigned tasks or adhere to lawful instructions;

760 (NOTE: Formerly 8-3-1(d))

761 Conduct unbecoming to the office and/or which reflects adversely upon the Town.

762 8-3-2 The rights of the individual shall be protected under the following removal procedure:

763 (119/2000)

764 (a) Written notice of the intent to remove and/or to effect the suspension period, and a
765 statement of the cause or causes therefore, shall be delivered by hand, or by certified mail,
766 addressee only, return receipt requested, to the last known address of the person sought to
767 be removed. (119/2000)

768 (b) Within five days following the receipt of the notice, the individual may file a written
769 request for a hearing before the Board of Selectmen. Said hearing shall be conducted in
770 accordance with the General Laws. At said hearing, the individual may be represented
771 by counsel, shall be entitled to present evidence, call witnesses, and question the
772 appointing authority whose action tins resulted in the hearing and any witnesses appearing
773 at the hearing. This hearing shall be held within fourteen days of the receipt by the Board
774 of Selectmen of the written request for such hearing. If no hearing is requested, the
775 removal shall be deemed to be uncontested and will take effect at the conclusion of the
776 five-day period as described above. (119/2000)

777 (c) Within ten days of the hearing, the Board of Selectmen shall make a decision to either
778 remove or reinstate the individual and shall s• notify the person of its action. A record of
779 the hearing and the action taken shall be made by the Board of Selectmen. (119/2000)

780 8-3-3 Nothing in this section shall be construed as granting a right to a hearing held in accordance with
781 section 8-3-2 of this Charter when a person who has been appointed for a fixed term is not reappointed
782 when the fixed term expires.

783 Section 4 The Town Administrator

784 8-4-1 The Board of Selectmen, by the affirmative vote of a majority of the members, may initiate the
785 removal of the Town Administrator by making a resolution to that effect, provided that no such
786 resolution be adopted within sixty days following any Town election. Such a resolution shall state the
787 reason therefore;, and shall be adopted only at a regularly scheduled public meeting of the Board of
788 Selectmen and in open session.

789 8-4-2 The adoption of a resolution in accordance with section 8-4-1 of this Charter shall serve
790 to suspend the Town Administrator for not more than forty-five days, during which the salary shall
791 continue to be paid. A copy of the resolution shall be delivered in hand forthwith to the Town
792 Administrator or sent by certified mail return receipt requested to the last known address of the Town
793 Administrator. (119/2000)

794 8-4-3 Within five days following the receipt of a resolution adopted in accordance with section
795 8-4-1 of this Charter charter, the Town Administrator may file a written request for a hearing before
796 the Board of Selectmen. Upon receipt of such request, the Board of Selectmen shall schedule a hearing
797 within two weeks. At least seven days prior to the heating, the Board of Selectmen shall advertise the
798 hearing in a newspaper of general circulation and shall cause notice stating the purpose, location, time
799 and date to be posted in the Town Offices The hearing shall be conducted and posted in accordance
800 with the provisions of the General Laws.

801 8-4-4 The Town Moderator, or the Moderator's designee if the Moderator is unable to attend,
802 shall preside at a hearing held in accordance with section 8-4-3 of this Charter.

803 8-4-5 At a hearing held in accordance with section 8-4-3 of this Charter, the reasons for the resolution
804 to remove, adopted in accordance with section 8-4-1 of this Charter, shall first be read aloud. The
805 Town Administrator shall then have the right to respond either personally or through counsel, and
806 shall have the power to compel testimony and subpoena any witnesses or Town records.

807 8-4-6 Final removal of the Town Administrator shall be effected only by an affirmative vote
808 of at least four members of the Board of Selectmen at a hearing, which shall be held within fourteen
809 days after the adoption of the resolution to remove in accordance with Section 8-4-1 of this Charter.
810 (119/2000)

811 8-4-7 In the event of a vote for final removal in accordance with section 8-4-6 of this Charter,
812 the salary of the Town Administrator shall continue to be paid for sixty days following the vote for
813 final removal, or in accordance with the termination clause in the Town Administrator's contract,
814 unless the incumbent has been convicted of a felony.

815 Chapter 9 Transitional Provisions

816 (NOTE: Transferred to 1-4-6(a))

817 (NOTE: Transferred to 1-4-6(b))

818 (NOTE: Transferred to 1-4-6(c))

819 (NOTE: Transferred to 1-4-5)

820 (NOTE: Transferred to I-4-6(d))

821 Appendix A- Definitions

822

By-laws: shall refer to all By-laws of the Town of Truro.

Charter: shall refer to the Home Rule Charter for the Town of Truro.

days: shall mean calendar days, unless otherwise noted.

ex-officio: shall be a Board/committee member without a vote.

5-Year Plan: shall mean an annual Plan devised by the Board of Selectmen based on an evaluation of the Town's projected needs over the next 5 year, i.e., a rolling 5-year projection, that includes, but is not limited to, the goals and objectives of the Board of Selectmen, the Town Administrator, and the multi-member Boards. The Plan will consider the Local Comprehensive Plan and any other Town-approved Plans.

General shall mean the General Laws of the Commonwealth of Massachusetts

Laws:

shall be understood to mean without the loss of time; i.e., within three immediately/ business days of the Town Of Truro.

forthwith:

shall imply "subject to."

may:

shall mean the majority of those present providing that a quorum of the body is present in accordance with section 6-2-3 of this Charter.

majority

vote:

shall mean all boards, committees, commissions, or councils of the

Town

- multi-member body: consisting of two or more persons, whether elected or appointed.
- removal: shall mean to dismiss from office, to terminate.
- shall: shall imply "must."
- Town: shall mean the Town of Truro.
- Town agencies: shall include any legal body of the Town not otherwise identified.
- Town agencies: shall refer to Annual Town Meeting and/or Special Town Meeting.
- Town Meeting: shall mean all registered voters of the Town of Truro.
- voters: shall mean all voters whose names appear on the certified voting list on the
- voters, eligible: final day of registration to establish eligibility for any election or Town Meeting.

824 Part 1. Elected positions the General Laws and section 6-3-1 of this Charter.

825 Voters elect:

826

A Moderator.

1.

A Board of Selectmen of five members.

2.

A School Committee of five members.

3.

A Board of Library Trustees Of five members, notwithstanding the provisions
of Section 10 of Chapter 78 of the General Laws.

4.

A Housing Authority of four members in accordance with the General Laws.

A fifth member of the Housing Authority shall be appointed by the Commonwealth.

A Planning Board of seven members.

5.

A Cemetery Commission of three members.

6.

7.

827

828 Part 2. Appointed positions per the General Laws and section 6-4-2 of this Charter

829 1. The School Committee appoints a School Superintendent who appoints the School
830 Personnel.

831 2. The Moderator appoints the Finance Committee.

832 3. The Board of Selectmen appoints:

833 a. Town Administrator

834 b. Town Counsel

835 c. Public Safety Personnel including : Police Chief and Officers, Board of Fire
836 Engineers, Constables, Emergency Management Director,

837 d. Regional Delegates-One Representative each to:

838 Cape Light Compact

839 Cape Cod Commission

840 Representative to Cape Cod National Seashore Highlands Center

841 e. Other Intergovernmental and Regional Representatives

842 f. Nominees for Representative and an alternate to the Cape Cod National

843 Seashore Advisory Commission. Appointments are made by the Secretary of the
844 Interior.

845 g. The following multi-member bodies:

846

Board of Appeals

Pamet Harbor Commission

Board of Assessors	Recreation Commission
Beach Commission	Recycling Committee
Cable Advisory Committee	Registrar of Voters
Open Space Committee	Shellfish Advisory Committee
Commission on Disabilities	Town Building Committee
Conservation Commission	Truro Cultural Council
Council on Aging	Water Resources Oversight Com.
Board of Fire Engineers	Town Safety Committee
Golf Course Advisory	

Commission

Board of Health	
Historical Commission	
Town Employee Insurance	
Advisory Committee	
Historical Review Board	(171/1994,
Human Services Committee	119/2000)

847 Appendix C Revision/Amendment of the Charter

848 The Charter may be changed in any of the three ways summarized below, In Truro, however, due to
849 previously revised Charters by Special Legislation from the General Court, and because of the length
850 of time involved in the other two methods, the recommended revision procedure is via further Special
851 Legislation.

852 1. Changes to a previously adopted or revised the charter may be proposed by an article in the
853 Town Meeting warrant that petitions the General Court (the state legislature) to pass a special act
854 enabling the Town to make the proposed changes to the charter. Any changes, including changes
855 which create conflicts with the General Laws, may be submitted to the legislature for approval.

856 Historically, such petitions have been acted upon by the legislature in six to nine months.

857 (Article 89, Section 8 of the Amendments to the Constitution of the Commonwealth of

858 Massachusetts)

859 2. A previously adopted or revised charter may be changed through an amendment process
860 initiated by a Selectman or a voters' petition by at least ten registered voters filed with the Town Clerk
861 and proposing consideration of the amendments by Town Meeting. This process is limited to
862 amendments that do not relate in any way to the composition, mode of election or appointment, or
863 terms of office of the Board of Selectmen or Town Administrator, amendments which are not
864 substantially the same as an amendment already considered and voted upon by Town Meeting within
865 the last twelve months, and amendments which do not conflict with the Constitution or the General
866 Laws of the Commonwealth. This process involves public hearings by an appointed Charter
867 Committee and the Board of Selectmen. Ultimately, Annual Town Meeting acts on a final proposal no
868 earlier than six (6) months after the original amendment petition is filed with the Town Clerk's office
869 (although a Special Town Meeting can be called earlier upon petition of 200 registered voters). Town
870 Meeting approved amendments are then sent to the Attorney General and the Department of Housing
871 and Community Development for
872 their review and approval. Once so approved, the amendments must be mailed to the residence of
873 every registered voter in town at least two weeks before they are finally voted on at a Town Election.
874 (Massachusetts General Laws, Chapter 43B, Section 10 an 11)

875 3. Upon petition of 15 % of the registered voters of the Town, a Charter may be adopted or
876 revised by nominated by a petition of registered voters and elected at a Town Election. The Charter
877 Commission consists of nine registered voters of the town receiving the highest number of votes at the
878 Town Election. The Charter Commission must hold public hearings to discuss proposed language for
879 the Charter or Charter Revision. Within eighteen (18) months after its election, the Commission must
880 submit to the Selectmen its final report, including the full text and explanation of the proposals and its
881 recommendations. Upon submission of the final report, the Selectmen shall order the proposed text to
882 be submitted to the voters for their approval at the first annual or biennial Town Meeting held at least
883 two months after such submission. The same process relative to the distribution of the final
884 amendments and the Town Election described in Paragraph 2 above must be followed to adopt a
885 Charter or Charter Revision under this process, as well. (Massachusetts General Laws, Chapter 43B,
886 Section 3, 4, 9 and 11)