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# The Charter

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## Chapter C Charter

TOWN CLERK  
TOWN OF WESTWOOD

**PREAMBLE: We, the people of the town of Westwood, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment of the constitution of the commonwealth, do hereby adopt the following home rule charter for this town.**

### CHAPTER 1 POWERS OF THE TOWN

#### SECTION 1 Incorporation

1-1-1. The present town of Westwood, Massachusetts, within its corporate limits as now established, shall continue to be a body politic and corporate under the name, town of Westwood.

#### SECTION 2 Scope of Town Powers

1-2-1. The town shall possess and exercise all powers possible under the constitution and laws of the commonwealth of Massachusetts as fully and completely as though those powers were expressly enumerated in this chapter.

#### SECTION 3 Form of Government

1-3-1. This charter provides for a [selectmenselect board](#) – open town meeting – town administrator form of town government.

#### SECTION 4 Construction of Charter

1-4-1. The power of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any measure the general powers of the town as stated in section 1-2-1.

#### SECTION 5 Intergovernmental Relations

1-5-1. The town may exercise, consistent with the law, any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more civil divisions, subdivisions or agencies of the commonwealth, other states or of the United States government.

### CHAPTER 2 ELECTIONS AND TOWN MEETING

#### SECTION 1 Legislative Power

2-1-1. The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

#### SECTION 2 Town Elections

2-2-1. The annual town meeting shall be held on the last Tuesday in April of each year, except in years

in which the presidential primary elections are held on the last Tuesday in April, then the annual town meeting shall be held on the second Tuesday in April, but the only business to be conducted on that day shall be the election of town officers and the balloting on all matters which are to be determined by official ballot.

2-2-2. All General Laws regarding town elections shall apply, except as provided by this charter or by special act of the legislature.

### SECTION 3 Elections to be Nonpartisan

2-3-1. All elections of town officers shall be nonpartisan and election ballots for town officers shall be printed without any party mark, emblem, vignette or designation whatsoever.

### SECTION 4 Eligibility of Town Voters

2-4-1. Any registered voter of the town shall be eligible for election to any elective office or board of the town. Any person duly elected to any such office or board shall take up the duties of the office the day after the adjournment sine die of the town meeting at which the individual was elected, unless such office was vacant at the time of the election, in which case the individual shall take up the duties of the office immediately; provided, however, the individual shall first have been sworn to the faithful performance of the individual's duties by the town clerk.

### SECTION 5 Initiative

2-5-1. Petition. Any 10 voters of the town may secure, by written petition to the ~~board of selectmenselect board~~, the inclusion of an article for the warrant of any duly scheduled annual town meeting, and at least 100 registered voters may secure the same for any duly scheduled special town meeting.

2-5-1.1. Pre-Petition.

- (a) Any 5 voters of the town may submit to the ~~board of selectmenselect board~~ or the finance and warrant commission by a date set by town by-law prior to the annual town meeting a proposed warrant article and shall designate a lead petitioner.
- (b) The ~~board of selectmenselect board~~ or the finance and warrant commission shall include the proposed article on an agenda at a regular or special meeting for discussion and provide the lead petitioner with nonbinding guidance, if any, concerning the same by a date set by town by-law which shall be no later than 7 days prior to the close of the warrant.
- (c) Failure to submit an article under this section shall not prevent the filing of a petition under section 2-5-1 and any guidance to the petitioners under this section shall not be binding on the finance and warrant commission or ~~board of selectmenselect board~~ in the event the same petition is submitted under section 2-5-1.

### SECTION 6 Business Sessions of the Town Meeting

2-6-1. Business sessions of the annual town meeting shall be held on the first Monday in May and may be continued on such additional days as may be decided by the town meeting. There shall also be a second business session of the annual town meeting held in the last 3 months of the calendar year on a date to be determined by the ~~board of selectmenselect board~~, which meeting shall be an "annual town meeting" for purposes of the General Laws; provided, however, that the ~~board of selectmenselect board~~ may, at its discretion, cancel said fall annual town meeting no later than September 15 in any year, so long as no more than 10 petitioned articles have been submitted for inclusion on the warrant at said fall annual town meeting and notice of the board's action with regard to such meeting shall be posted on the town's website and principal bulletin board. The board's decision as to whether to hold a fall town meeting shall not prohibit the board from calling for a

special town meeting at its discretion.

2-6-2. Rules of procedure of the town meeting shall be determined through town by-law.

2-6-3. A journal of the proceedings of the town meeting shall be kept and it shall be a public record.

#### **SECTION 7 Finance and Warrant Commission Recommendation**

2-7-1. The finance and warrant commission shall consider all articles in warrants for all town meetings and shall report in writing before each town meeting in the manner provided by town by-law its advice, estimates and recommendations for consideration by the town meeting, and it shall hold a public meeting with respect to the warrant at least 14 days prior to any town meeting. Failure to timely post, publish or mail such advice, estimates and recommendations in the manner provided by town by-law shall not affect the validity of the town meeting.

#### **SECTION 8 Quorum**

2-8-1. The town meeting shall establish by town by-law a quorum requirement for the conduct of its business, but a smaller number than the established quorum may adjourn immediately any meeting to a stated date, time and place.

#### **SECTION 9 Presiding Officer**

2-9-1. A moderator, who shall be a registered voter of the town, shall be elected for a 1-year term. The moderator shall preside at all sessions of the town meeting.

2-9-2. If the office of moderator becomes vacant, or if the moderator is absent, the ~~board of selectmen~~ select board shall appoint an acting moderator for a particular meeting or to serve until the next regular election of town officers.

2-9-3. No elected town officer shall be eligible to be appointed acting moderator.

### **CHAPTER 3**

#### **THE BOARD OF SELECTMEN/SELECT BOARD**

##### **SECTION 1 Composition and Terms**

3-1-1. A ~~board of selectmen~~ select board of 3 members shall be elected for 3-year overlapping terms. At each annual town election, 1 ~~selectman~~ select board member shall be elected to fill the office the term of which is expiring. Members may receive such compensation as may be appropriated by the town meeting.

##### **SECTION 2 Powers and Duties**

3-2-1. The board shall exercise those powers and duties prescribed by the General Laws, this charter and town by-laws.

3-2-2. The board shall have the power to establish, in the performance of its duties, rules and regulations not otherwise governed by the General Laws, this charter and town by-laws.

3-2-3. The select board shall have all the powers and duties of a board of selectmen under the general laws and any special laws applicable to the town of Westwood, except as otherwise provided in this charter, as well as such other powers and duties as are provided in this charter.

##### **SECTION 3 Power of Investigation**

3-3-1. The board may conduct investigations into the conduct and operation of any town department as authorized by the General Laws.

#### **SECTION 4 Power to Appoint Town Officers**

3-4-1. The board shall have the power to fill by appointment the offices of: police chief, fire chief, department of public works director and town counsel.

#### **SECTION 5 Power to Appoint Town Boards and Commissions**

3-5-1. The board shall have the power to appoint: a board of health, a council on aging, a conservation commission, a recreation commission, election officers, registrars of voters and such other boards, commissions and committees as are authorized by the General Laws, this charter, town by-laws or the town meeting, for whom appointment is not otherwise provided.

#### **SECTION 6 Power to Rescind Appointments**

3-6-1. The board shall have the power to rescind any appointment to any board, commission, committee or individual office made under this chapter, provided that the appointee shall first have been served with written notice of the board's intention and reasons for rescinding said appointment.

### **CHAPTER 4 ELECTED TOWN BOARDS AND OFFICERS**

#### **SECTION 1 School Committee**

4-1-1. A school committee of 5 members shall be elected for 3-year overlapping terms. Members shall serve without compensation.

4-1-2. The committee shall have general charge of all public schools in the town, under the General Laws, this charter and town by-laws.

#### **SECTION 2 Board of Assessors**

4-2-1. A board of assessors of 3 members shall be elected for 3-year overlapping terms. Members may receive such compensation as may be appropriated by the town meeting.

#### **SECTION 3 Sewer Commission**

4-3-1. A board of sewer commissioners of 3 members shall be elected for 3-year overlapping terms. Members may receive such compensation as may be appropriated by the town meeting.

4-3-2. The board of sewer commissioners shall be responsible for the development of general goals and long-term plans for the town's sewer system and shall also establish the fees, user charges or rates necessary to fully fund the sewer system operations.

#### **SECTION 4 Planning Board**

4-4-1. A planning board of 5 members shall be elected for 3-year overlapping terms. Members shall serve without compensation.

4-4-2. The board shall meet regularly and shall maintain a public record of its proceedings, resolutions and determinations. It shall be responsible for the general, physical, economic and environmental planning of the town under the general laws, this charter and town by-laws.

#### **SECTION 5 Library Trustees**

4-5-1. A board of 6 library trustees shall be elected for 3-year overlapping terms. Members shall serve without compensation.

4-5-2. The board shall be responsible for the administration and operation of the town library, including staffing, acquisitions, maintenance and the promulgation of library rules and regulations.

## SECTION 6 Associate Members

4-6-1. Notwithstanding any general or special law to the contrary, there shall be not more than 2 associate members of each board elected under this chapter who may participate in all board matters. The ~~chairman~~chair of the elected board may designate the associate member(s) to sit on the board in the case of absence, inability to act or conflict of interest, on the part of any member of the board or in the event of a vacancy on the board. The associate members shall be appointed for 3-year rotating terms by majority vote of a joint meeting of the ~~board of selectmen~~select board and the elected board being augmented with the associate members. Any vacancies arising in said position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

4-6-2. Notwithstanding the provisions of 4-6-1, the following town officers shall be elected by ballot of the whole town for three-year terms.

Town Treasurer commencing at the Annual Town Election in 2003

Town Clerk commencing at the Annual Town Election in 2004

Tax Collector commencing at the Annual Town Election in 2005

## SECTION 7 Elected Officers

4-7-1. The following town officers shall be elected by ballot of the whole town: a moderator for a term of 1-year and a town clerk, a town treasurer and a tax collector for terms of 3-years. Each officer may receive such compensation as may be appropriated by the town meeting.

## SECTION 8 Recall

4-8-1. A holder of an elected office in the town of Westwood may be recalled from that office by the registered voters of the town under this section, except that the maximum number of members of a board that may be recalled shall be a majority or as otherwise limited by section 4-8-7.

4-8-2. Any 200 registered voters of the town of Westwood may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Not more than  $33 \frac{1}{3}$  per cent of the signatures appearing on the affidavit may be from any 1 precinct of the town. The town clerk shall thereupon prepare a sufficient number of copies of petition blanks demanding such recall, a supply of which shall be kept on hand. Such blanks shall be issued by the town clerk, with the clerk's signature and official seal attached. Further, such blanks shall be dated, addressed to the ~~selectmen~~select board of the town and contain the names of the first 10 signers to the affidavit, as designated by the person identified as the lead petitioner at the time of filing of the affidavit, the name and office of the person whose recall is sought and the grounds of recall as stated in the affidavit, and shall demand the election of a successor to said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 20 days after the recall petition blanks are made available to the lead petitioner and shall be signed by at least 15 per cent of the registered voters of the town as of the date of the most recent regular town election, who shall add to their signatures their place of residence, including their street, number and precinct; provided, however, that not more than  $33 \frac{1}{3}$  per cent of the total number shall be from any 1 precinct.

The town clerk shall, within 24 hours of receipt of the petition, submit the signed petition to the registrars of voters in the town and said registrars shall, within 5 working days, certify on the petition the number of signatures which are names of registered voters of the town.

4-8-3. If the petition shall be found and certified to be sufficient, the town clerk shall submit the petition



with a certificate to the [selectmenselect board](#) within 5 working days and the [selectmenselect board](#) shall, within 5 working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, immediately order an election to be held on a date fixed by them not less than 65 days nor more than 90 days after the date the [board-of-selectmenselect board](#) calls for said election; provided, however, that if any other town election is to occur within 100 days thereafter, the [selectmenselect board](#) shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall proceed as provided in this section.

4-8-4. An officer sought to be removed may be a candidate at such election and, unless such officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for and the conduct of the removal election shall be under the laws relative to elections unless otherwise provided in this chapter.

4-8-5. An incumbent shall continue to perform the duties of the office until a recall election is held. If not recalled, such officer shall continue in office for the remainder of the unexpired term subject to recall as before, except as provided in section 4-8-7. If such officer is recalled in the recall election, the officer shall be removed upon certification of the election results. If a successor fails to qualify within 15 days after receiving notification of election, the office shall be vacant.

4-8-6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name and title of officer).

Against the recall of (name and title of officer).

Immediate at the right of each proposition there shall be a location in which a voter may vote for either of said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of Candidates nominated under the laws relating to elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

4-8-7. No recall petition shall be filed against an officer within 90 days after the officer takes office, nor shall any officer be subject to recall if the officer's term of office expires within 90 days of the town clerk's certificate issued under section 4-8-3. In the case of an officer subjected to a recall election and not recalled, no recall petition shall be filed against such officer until at least 90 days after the election at which the officer's recall was submitted to the voters.

4-8-8. No person who has been recalled from an office or who has resigned from office after the filing of a recall petition shall be appointed to town office within 1 year after such recall or such resignation.

## CHAPTER 5 APPOINTED TOWN BOARDS

### SECTION 1 Board of Health

5-1-1. A board of health of 3 members shall be appointed by the [board-of-selectmenselect board](#) for 3-year overlapping terms. Members shall serve without compensation. One member of the board, who shall not necessarily be the [chairmanchair](#), shall be a doctor of medicine, certified to practice

medicine in Massachusetts or a registered nurse with current and valid Massachusetts registration.

5-1-2. The board shall exercise such public health functions as may be prescribed by the General Laws, this charter and town by-laws.

#### **SECTION 2 Council on Aging**

5-2-1. A council on aging of 9 members shall be appointed by the ~~board of selectmen~~select board for 3-year overlapping terms. No member will be eligible for reappointment to a third term until and unless 1 year has elapsed from and after the expiration of that member's second full term. Members shall serve without compensation.

5-2-2. The council shall coordinate and carry out programs designed to meet the problems of aging persons, under the General Laws, this charter and town by-laws.

#### **SECTION 3 Conservation Commission**

5-3-1. A conservation commission of 7 members shall be appointed by the ~~board of selectmen~~select board for 3-year overlapping terms under the General Laws. Members shall serve without compensation.

5-3-2. The conservation commission shall exercise such conservation-related functions as may be prescribed by the General Laws, this charter and town by-laws.

#### **SECTION 4 Recreation Commission**

5-4-1. A recreation commission of 7 members shall be appointed by the ~~board of selectmen~~select board for 3-year overlapping terms. Members shall serve without compensation.

5-4-2. The commission shall be responsible for the development and supervision of a town recreation program.

#### **SECTION 5 Zoning Board of Appeals**

5-5-1. A zoning board of appeals of 3 regular members and 6 associate members shall be appointed by the ~~board of selectmen~~select board for 3-year overlapping terms. Members shall serve without compensation.

5-5-2. The zoning board of appeals shall exercise such zoning-related functions as may be prescribed by the General Laws, this charter and town by-laws.

#### **SECTION 6 Youth and Family Services**

5-6-1. A youth and family services commission consisting of no fewer than 3 nor more than 17 members shall be appointed by the ~~board of selectmen~~select board for 3-year overlapping terms. A quorum of the commission shall be a majority of those members then in office, provided, however, that a lesser number may adjourn from time to time.

5-6-2. The youth and family services commission shall carry out programs designed or established to support the development of youth of the town as may be prescribed by the General Laws, this charter and town by-laws.

#### **SECTION 7 Associate Members**

5-7-1. There shall be not more than 2 associate members of each board appointed under this chapter and chapter 7, other than the zoning board of appeals, who shall be eligible to participate in all board matters. The ~~chairman~~chair of the appointed board may designate the associate members to sit on the board in the case of absence, inability to act or conflict of interest, on the part of any member of the appointed board or in the event of a vacancy on the appointed board. The associate members shall be

appointed for 3-year rotating terms by the board or officer responsible for appointing the board itself and any vacancies arising in said position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

## CHAPTER 6 TOWN ADMINISTRATOR

### SECTION 1 **Town Administrator**

6-1-1. The ~~board of selectmen~~ select board shall appoint a town administrator for an indefinite term to serve at its pleasure and shall fix the compensation for such person, annually, within the amount appropriated by the town. The ~~board of selectmen~~ select board may establish an employment contract with the town administrator for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of the duties or office, liability insurance, conditions of discipline, termination, dismissal and reappointment, performance standards and leave.

6-1-2. The town administrator shall not have served in an elective office in the town government for at least 12 months prior to appointment.

6-1-3. The town administrator shall devote full time to the office and shall not hold any other public office, elected or appointed, nor engage in any business or occupation during such service, unless such action is approved in advance by the ~~board of selectmen~~ select board; provided, however, that this section shall not prevent the town administrator from serving, at the direction of the ~~board of selectmen~~ select board, on any committee as an ex officio member or as the ~~board of selectmen~~ select board's designee on other committees and boards. The ~~board of selectmen~~ select board shall provide for an annual review of the job performance of the town administrator.

### SECTION 2 **Duties**

6-2-1. The town administrator shall be the chief administrative officer of the town and shall be directly responsible to the ~~board of selectmen~~ select board. The town administrator shall supervise, direct and be responsible for the efficient administration of all functions under the administrator's control as may be authorized by the charter, by town by-law, by town meeting vote or by the vote of the ~~board of selectmen~~ select board, including all department heads and employees appointed by the town administrator or the ~~board of selectmen~~ select board, and their respective departments, and shall coordinate activities of all town departments. The powers and duties of the town administrator shall include, but not be limited to, the power or duty to:

- (a) (i) appoint, discipline, suspend or remove town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by the charter or general or special laws, consistent with the town's personnel policies and subject to the terms of any applicable collective bargaining agreements; provided, however, that the town administrator shall keep the ~~chairman~~ chair of the ~~board of selectmen~~ select board, or the ~~chairman~~ chair's designee, informed as to status of all personnel decisions made or to be made hereunder and shall consult with the appropriate department head or principal deputy or agent prior to hiring an employee for that department;
- (ii) appointments or removals of town officers, department heads or principal deputies or agents of elected and appointed boards or officers made by the town administrator under paragraph (i) shall



become effective on the 15th day following the day notice of proposed appointment or removal is filed with the ~~board of selectmenselect board~~ unless said board, within that period, rejects such appointment or removal, or has sooner voted to affirm it; copies of notices of proposed appointments, as filed with the ~~board of selectmenselect board~~, shall simultaneously be posted on the town bulletin board.

(iii) the town administrator shall consult with the ~~board of selectmenselect board~~ prior to appointing a finance director under section 8-1-2 of this charter; provided, that such appointment shall be subject to subsection (a) of section 6-2-1.

- (b) supervise and direct all appointed department heads and principal deputies or agents of part-time or volunteer elected and appointed boards or officers in a manner consistent with the town's personnel policies;
- (c) coordinate the activities of all town agencies serving under the office of the town administrator and the office of the ~~board of selectmenselect board~~ with those under the control of other officers and multiple member bodies elected directly by the voters; for this purpose, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town; the town administrator shall have the right to attend and speak at any public meeting of any multiple member body;
- (d) administer and enforce, to the extent required, the General Laws, special acts of the commonwealth applicable to the town or town by-laws, and all regulations established by the ~~board of selectmenselect board~~;
- (e) attend all regular and special meetings of the ~~board of selectmenselect board~~, unless excused, and shall have a voice but not a vote in all discussions;
- (f) attend all sessions of the town meeting and answer all questions addressed to the town administrator which are related to the warrant articles and to matters under the general supervision of the town administrator;
- (g) keep the ~~board of selectmenselect board~~ fully informed as to the needs of the town and recommend to the ~~selectmenselect board~~ for adoption such measures requiring action by them or by the town as the town administrator considers necessary or expedient;
- (h) ensure that the complete and full records of the financial and administrative activity of the town are maintained and render reports to the ~~board of selectmenselect board~~ as may be required;
- (i) serve as the chief procurement officer under chapter 30B of the General Laws, and be responsible for the procurement and award of all contracts for supplies, services materials and equipment other than those for the school department and the library; provided, however, that any contract over \$100,000 shall require approval by the ~~board of selectmenselect board~~;
- (j) develop and maintain a formal and complete inventory of all town-owned real and personal property and equipment;
- (k) administer personnel policies, practices, rules and regulations, compensation and classification plan and related matters, in consultation with the personnel board, for all municipal employees; and

administer all collective bargaining agreements entered into by the town;

- (l) subject to the approval of the board of selectmenselect board, fix the compensation of all officers, department heads, officers and employees appointed by the town administrator or the board of selectmenselect board within the limits established by appropriation and any applicable compensation plan and collective bargaining agreement;
- (m) be responsible for the negotiation of all contracts with town employees, except employees of the school department, regarding wages and other terms and conditions of employment; provided, that collective bargaining agreements negotiated under the authority of this section shall be subject to the approval of the board of selectmenselect board and to chapter 150E of the General Laws;
- (n) prepare, in consultation with the director of municipal finance, and submit an annual operating budget and capital improvement plan as provided in section 9-3-1 of this charter and be responsible for its administration after its adoption; transfer funds between individual line-items within a department account at any time during the fiscal year, with the approval of the board of selectmenselect board; provided, however, that notice of such proposed transfer shall be provided to the board of selectmenselect board and the finance and warrant commission and shall be posted on the town bulletin board, no less than 14 days prior to said transfer;
- (o) keep the board of selectmenselect board and the finance and warrant commission fully informed as to the financial condition of the town and make recommendations to the board of selectmenselect board;
- (p) prepare and submit to the board of selectmenselect board at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;
- (q) investigate or inquire into the affairs of any town department or office;
- (r) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty or responsibility which the office of town administrator may exercise; provided, however, that all acts performed under such delegation shall be the acts of the town administrator;
- (s) seek out and work to obtain resources from federal, state and other governmental jurisdictions that further town purposes;
- (t) approve all payroll and expense warrants for payment of town funds; provided, that in the event of the absence of the town administrator, the board of selectmenselect board shall approve such warrants; provided, further, that if a vacancy exists in the office of town administrator, the board of selectmenselect board shall approve all such warrants or may delegate such responsibility to an acting or temporary town administrator appointed under sections 6-4-1 or 6-4-2 of this charter;
- (u) represent the board of selectmenselect board, at its direction, at any county, regional, state and federal meetings;
- (v) supervise the issuance by the board of selectmenselect board of licenses and permits, and schedule all related hearings;
- (w) serve as emergency management director, convening meetings and monitoring the centralized management issues during emergencies;
- (x) coordinate litigation and authorize and monitor use of town counsel, special counsel and consultants;

and

- (y) perform such other duties as necessary or as may be assigned by this charter, town by-law, town meeting vote or vote of the ~~board of selectmen~~ select board.

### **SECTION 3 Qualifications**

- 6-3-1. The town administrator shall be appointed solely on the basis of educational, executive and administrative qualifications and experience. The educational qualifications shall consist of a master's degree granted by an accredited degree granting college or university, in public or business administration or related field, and professional experience shall include at least 5 years of full-time, compensated service in finance, government law, personnel administration, collective bargaining or organization development or extensive experience in working with the public and responding to customer service requests. The ~~board of selectmen~~ select board may waive the education or experience requirements listed herein if the board determines that an applicant's qualifications provide an equivalent combination of education and experience and that such waiver is in the best interest of the town.

### **SECTION 4 Acting and Temporary Town Administrator**

- 6-4-1. Acting Town Administrator. The ~~board of selectmen~~ select board may designate a qualified person to exercise the rights and perform the duties of the town administrator during a temporary vacancy caused by the suspension, removal or resignation of the town administrator. Members of the ~~board of selectmen~~ select board shall be ineligible to serve in this capacity.
- 6-4-2. Temporary Town Administrator. With the approval of the ~~board of selectmen~~ select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during an absence of the town administrator. Such delegation shall be made by letter filed with the town clerk and the ~~board of selectmen~~ select board.
- 6-4-3. Powers and Duties. The powers and duties of the acting or temporary town administrator, under sections 6-4-1 and 6-4-2 shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations, unless otherwise authorized by the ~~board of selectmen~~ select board.

## **CHAPTER 7**

### **BOARDS AND COMMISSIONS APPOINTED BY MODERATOR**

#### **SECTION 1 Moderator's Power of Appointment**

- 7-1-1. The moderator shall have the power to appoint members of those boards and commissions authorized under this chapter. Appointments made by the moderator shall in each instance be for a fixed term and such appointments shall not be subject to review or confirmation by any other person or group.

#### **SECTION 2 Power to Rescind Appointments**

- 7-2-1. The moderator may rescind any appointment to any board or commission made under the authority of this chapter; provided, however, that the appointee shall first have been served with a written notice of the moderator's intention and the moderator's reasons for rescinding the appointment.

#### **SECTION 3 Finance and Warrant Commission**

- 7-3-1. A finance and warrant commission of 15 members shall be appointed for 3-year overlapping terms. Members shall serve without compensation and no member may hold any other elective or

appointive town position during the member's term of office.

- 7-3-2. In making appointments to the commission, the moderator shall take into consideration the demographic composition of the town.

#### **SECTION 4 Personnel Board**

- 7-4-1. A personnel board of 5 persons shall be appointed for 3-year overlapping terms. Members shall serve without compensation.

- 7-4-2. It shall be the responsibility of the board to administer and to propose periodic revisions of the town classification and compensation plan, under the General Laws.

#### **SECTION 5 Permanent Building Commission**

- 7-5-1. A permanent building commission of not more than 7 members shall be appointed for 3-year overlapping terms. In making appointments to the permanent building commission, the moderator shall endeavor to include town residents with architecture, engineering or construction experience, or knowledge of state public bidding laws. Members shall serve without compensation.

- 7-5-2. Temporary members. For each municipal project with an estimated cost of more than \$100,000, a temporary member who is a member or representative of the appointed or elected board or committee sponsoring or requesting the project or whose facility would benefit from the project shall be appointed and may participate for the duration of the project as a voting member of the commission.

- 7-5-3. Ex officio members. For each project, the moderator may appoint town employees or other town residents, with particular expertise or knowledge, to advise the commission related to the particular project. Any such request shall be made to the town moderator, who shall consult with the town administrator with regard to the appointment of town employees, other than school department employees, and to the superintendent of schools for school department employees. Ex officio members shall have a voice, but no vote, in the proceedings of the commission and shall not count towards the quorum needed to conduct business.

- 7-5-4. The commission shall have charge and direction of the construction and reconstruction of all buildings owned, leased or occupied by the town, and it shall have the power to make recommendations concerning the design, plans, specifications and location of other buildings financed, in whole or in part, by other public funds. From time to time the commission shall consult with the ultimate user of such buildings concerning said design, plans, specifications and locations of such buildings.

## **CHAPTER 8 DEPARTMENTS**

### **SECTION 1 Finance Department**

- 8-1-1. There shall be a department of municipal finance which shall be responsible for the coordination of all financial services and activities of the town, the maintenance of all accounting records and other financial statements, payment of all obligations, receipt of all funds due, monitoring of and reporting on all fiscal and financial activities of the town, supervision of all purchases of goods, materials and supplies, and maintenance of inventory controls. The department shall include the offices and functions of the town accountant, town treasurer, tax collector and board of assessors; provided, however, that although the offices of the town treasurer, tax collector and board of assessors shall be part of the department of municipal finance, such officers shall continue to exercise their respective duties and responsibilities under the General Laws, except as otherwise provided in this charter. The department shall have such additional powers, duties and

responsibilities with respect to municipal finance-related functions and activities as the town may provide by town by-law.

8-1-2. Finance Director. The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by the town administrator, after consultation with the ~~board of selectmen~~select board, and whose salary shall be fixed annually within the amount appropriated by the town. The appointment, and any discipline, suspension or removal of said finance director shall be undertaken under paragraphs (i) to (iii) of subsection (a) of section 6-2-1.

8-1-3. Finance Director, Qualifications. The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The educational qualifications shall consist of a master's degree in finance, accounting or public or business administration, granted by an accredited degree-granting college or university, and professional qualifications shall include at least 3 years of prior full-time compensated service in accounting or business administration or 5 years or more of such professional experience and a bachelor's degree in an appropriate discipline. At the request of the town administrator, the ~~board of selectmen~~select board may waive the education or experience requirements listed if the board determines that an applicant's qualifications provide an equivalent combination of education and experience and that such waiver is in the best interests of the town.

The salary, fringe benefits and other conditions of employment of the director of municipal finance, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of the duties of office, liability insurance, conditions of discipline, termination, dismissal and reappointment, performance standards and leave may be established by contract.

8-1-4. Finance Director, Duties and Responsibilities. The director of municipal finance shall be responsible for the supervision and coordination of all financial personnel, tasks and activities of the department under the charter. General Laws, town by-laws and any applicable rules and regulations. The director of municipal finance may serve as the town accountant and shall be responsible for coordinating the fiscal management procedures of the offices of the town treasurer, tax collector and board of assessors and shall be the administrator of budgeting, including financial reporting, accountability and control, as well as an advisor to the ~~board of selectmen~~select board, town administrator, finance and warrant commission and all other town departments, concerning financial and programmatic implications of current and future financial policies. The director of municipal finance shall provide such assistance to the town administrator as the town administrator shall request with regard to the preparation of the town budget and capital plan. and have such additional duties and responsibilities with regard thereto under subsection (n) of section 6-2-1 and chapter 9 of the charter.

## **SECTION 2 Other Departments**

8-2-1. Department of Public Works.

There shall be a department of public works, as established by chapter 140 of the acts of 1992, with the powers, duties and responsibilities under said chapter 140, as said chapter 140 may be amended from time to time.

8-2-2. Fire Department. There shall be a fire department in accordance with the terms in this charter and the general bylaws, and in accordance with Chapter 149 of the Acts of 2015.

8-2-3. Police Department. There shall be a police department, as established by vote of the March 12, 1951 Town Meeting accepting chapter 595 of the acts of 1948, now codified as section 97A of



chapter 41 of the General Laws, with the powers, duties and responsibilities under said section 97A.

## CHAPTER 9 FINANCIAL PROCEDURES

### SECTION 1 Fiscal Year

9-1-1. The fiscal year of the town shall commence on July 1 and end on June 30, unless another uniform fiscal year for all towns shall be specified by state law.

### SECTION 2 Audit Committee

9-2-1. There shall be an audit committee consisting of 3 members appointed by the ~~board of selectmen~~ select board for overlapping 3-year terms. The audit committee shall review annual financial statements of the town financial offices; review the independent auditor's management recommendations; and provide advice and counsel to the ~~board of selectmen~~ select board, town administrator and other financial staff.

### SECTION 3 Budget – Preparation and Schedule

9-3-1. The town administrator shall prepare an annual operating budget for the town as described in section 9-4-3. For such purposes, the town administrator shall establish a budget schedule for the development and submission of all departmental budgets to the town administrator and director of municipal finance, and for the compilation of a proposed consolidated operating budget for the town, or such schedule may be established by town by-law. The town administrator shall also prepare, in consultation with the director of municipal finance, a 5-year capital plan.

### SECTION 4 Budgetary Procedures

9-4-1. Not less than 3 months before the business session of the spring annual town meeting, the town administrator shall submit to the ~~board of selectmen~~ select board for its review and approval a proposed operating budget for the town with a summary budget message and supporting documents, and a 5-year capital plan. The ~~board of selectmen~~ select board may make such changes to the proposed operating budget and budget message as it considers appropriate. Following approval by the ~~board of selectmen~~ select board, the proposed annual operating budget, with summary budget message and supporting documents, and 5-year capital plan shall immediately be forwarded to the finance and warrant commission.

9-4-2. The summary budget message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing year and shall indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes.

9-4-3. The operating budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the finance and warrant commission may require: provided, that it shall indicate proposed expenditures for both current operations and capital projects during the ensuing year, detailed by purpose, offices, departments, commissions and committees.

9-4-4. The 5-year capital plan shall be designed to address unmet long-range needs and to implement the capital goals and objectives of the town, and shall include all town activities and departments. The capital improvements plan shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next 5 years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The information required by this section may be revised and extended each year by the town administrator and shall apply each year to capital improvements pending or in the process of construction or acquisition.

9-4-5. The finance and warrant commission shall conduct 1 or more public meetings on the proposed operating budget at least 14 days prior to its submission at the annual town meeting.

9-4-6. The ~~board of selectmen~~ select board shall be responsible for presenting the proposed operating budget to the town meeting.

9-4-7. Town meeting may, by town by-law, establish additional procedures applicable to consideration and adoption of the budget that are not inconsistent with this charter.

## CHAPTER 10 TOWN BY-LAWS

### SECTION 1 How Proposed

10-1-1. Town by-laws may be proposed in warrant article form under the General Laws and section 2-5-1 of this charter.

### SECTION 2 How Adopted and Revised

10-2-1. Adoption of a new town by-law or town by-law revision shall be by a two-thirds vote of those voting at an annual or special town meeting.

### SECTION 3 Revision and Publication

10-3-1. The ~~board of selectmen~~ select board shall ensure that the town by-laws are reviewed and prepared for any necessary revision at least every 5 years.

10-3-2. The town clerk shall codify and republish the town by-laws every 5 years. Copies shall be made available to all registered voters who request them.

### SECTION 4 Continuation of Town By-Laws

10-4-1. All special acts, town by-laws, town meeting resolutions, rules and regulations of the town in force at the time this charter takes effect, not inconsistent with this charter, shall continue in force.

## CHAPTER 11 SEVERABILITY

### SECTION 1

11-1-1. If any section or partial section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this charter, nor the context in which such section or partial section so held invalid may appear.

## CHAPTER 12 CHARTER REVISION

### SECTION 1 Proposal of Amendments

12-1-1. Amendments to this charter relating in any way to the composition, mode of election or appointment or terms of office of the legislative body, ~~board of selectmen~~ select board or the town administrator may be proposed only by a charter commission elected under the General Laws, or proposed as otherwise authorized by the Massachusetts constitution.

12-1-2. Amendments to the charter relating to other matters may be proposed by a two-thirds vote at a duly called town meeting under the General Laws, or proposed as otherwise authorized by the Massachusetts constitution.

## **SECTION 2 Adoption of Amendments**

12-2-1. Proposed amendments under this charter shall be acted upon by ballot of the whole town at a regular or special town meeting for the election of town officers under the General Laws, or approved as otherwise authorized by the Massachusetts constitution.

## **SECTION 3 Periodic Review**

12-3-1. The ~~board of selectmen~~ **select board** shall appoint a committee of no fewer than 5 nor more than 9 members to review the charter and town by-laws not less than once every 10 years from the date of the last review undertaken under this section and said committee may make recommendations to a subsequent town meeting to amend said charter and town by-laws.

# **CHAPTER 13 TRANSITIONAL PROVISIONS**

## **SECTION 1 Effective Date**

13-1-1. This charter shall take effect immediately upon acceptance of a special act enacted by the general court establishing this charter as the charter of the town of Westwood.

## **SECTION 2 Continuation of Government**

13-2-1. Each appointed or elected town official holding office on the effective date of this charter shall continue to serve until the expiration of that official's term. All appointed officials serving on the effective date of this charter shall be eligible for reappointment.

13-2-2. No officer holding tenure of office by act of the legislature, or vote of the town or both, shall have the same set aside as the result of the adoption of this charter.

13-2-3. Upon the effective date of this charter, the position of executive secretary shall be abolished. The person serving the town in the capacity of executive secretary/town administrator as of the effective date of this charter shall be the first appointee to the newly created position of town administrator; provided, however, that nothing in this charter shall restrict the ~~board of selectmen~~ **select board** from reappointing, terminating or taking other employment action with regard to said appointee under this charter.

13-2-4. Upon the effective date of this charter, the position of assistant town administrator/finance director shall be abolished. The person serving the town in the capacity of assistant town administrator/finance director as of the effective date of this charter shall be the first appointee to the newly created position of finance director; provided, however, that nothing in this charter shall restrict the town administrator from reappointing, terminating or taking other employment action with regard to said appointee under this charter.

13-2-5. No contracts or liabilities in force on the effective date of this charter shall be affected by the abolition or creation of appointed offices, the consolidation of financial functions of the town under this charter, or the newly created appointed offices and municipal finance department and all such newly created offices and departments shall in all respects be the lawful successor of offices and departments so abolished or consolidated.

13-2-6. All records, property and equipment whatsoever of any office, department, or part thereof, the powers and duties of which are assigned in whole or in part to another office or department shall be assigned to such office or department.