

## ARTICLE 1

### INCORPORATION; SHORT TITLE; POWERS

#### SECTION 1-1: INCORPORATION

The inhabitants of the Town of Millbury within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name “Town of Millbury.”

#### SECTION 1-2: SHORT TITLE

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

#### SECTION 1-3: POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Millbury to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

#### SECTION 1-4: DIVISION OF POWERS

The administration of all of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen, unless otherwise specified in this charter. The legislative powers of the town shall be vested in a town meeting open to all voters.

#### SECTION 1-5: CONSTRUCTION

The powers of the Town of Millbury under this charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Millbury as stated in section 1-3.

#### SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject to the applicable requirements of any provision of the constitution or statutes of the Commonwealth, the Town of Millbury may exercise 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 states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

#### SECTION 1-7: DEFINITIONS

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

(a) Charter - The word “charter” shall mean this charter and any amendments to it which may hereafter be adopted.

(b) Days - The word “days” shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.

(c) Emergency - The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

(d) general laws - The words “general laws” (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Millbury is a member.

(e) General Laws - The words “General Laws” (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(f) Local Newspaper - The words “local newspaper” shall mean a newspaper of general circulation in the town of Millbury.

(g) Majority Vote - The words “majority vote” shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.

(h) Multiple Member Body - The words “multiple member body” shall mean any town body consisting of two or more persons and whether styled board, commission, committee, subcommittee, or otherwise and however elected or appointed or otherwise constituted.

(i) Quorum - The word “quorum,” unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies which might then exist.

(j) Town - The word “town” shall mean the Town of Millbury.

(k) Town Agency - The words “town agency” shall mean any board, commission, committee, department, division or office of the town government.

(l) Town Bulletin Board - The words “town bulletin board” shall mean the bulletin board in the town hall on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by by-law.

(m) Town Officer - The words “town officer” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town.

(n) Voters - The word “voters” shall mean registered voters of the town of Millbury.

## ARTICLE 2

### LEGISLATIVE BRANCH

#### SECTION 2-1: TOWN MEETING

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

#### SECTION 2-2: PRESIDING OFFICER

The moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. Annually, at the first session of the annual town meeting, the moderator shall appoint a deputy moderator to serve until the next annual town meeting, or until a successor has been chosen and qualified. The deputy moderator shall serve as acting moderator in the event of the temporary absence or disability of the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting. The deputy moderator shall have all of the powers of the moderator when presiding at town meeting sessions, but shall have no other powers or duties of the moderator.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the town meeting.

#### SECTION 2-3: COMMITTEES

(a) In General - Subject to the provisions of this charter and such by-laws or other town meeting votes regarding committees as may be provided, the moderator shall appoint for fixed terms the members of such committees of the town meeting, special or standing, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be provided to a town meeting committee by the by-law or vote establishing it, each such committee when acting within the scope of its authority shall have a right, subject to any other by-law affecting such access generally, to examine the pertinent records of any town agency and to consult with, at reasonable times, any town officer, employee or agent.

(b) Finance Committee - There shall be a finance committee the members of which shall be appointed by the moderator. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by by-law. The subject matter of all proposals to be submitted to a town meeting by warrant articles shall be referred to the finance committee by the board of selectmen at the earliest practicable time following their receipt by the board of selectmen. The finance committee shall report the action it recommends be taken on the articles contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Provisions for the format and distribution of such report shall be made by by-law. The finance committee shall have such additional powers and duties as may be provided by general law or by by-law.

#### SECTION 2-4: ANNUAL TOWN MEETING

The annual town meeting shall be held during April, May or June, on a date fixed by by-law.

#### SECTION 2-5: SPECIAL MEETINGS

Special town meetings may be held at the call of the board of selectmen at such times as they deem necessary, or desirable, in order to transact the legislative business of the town in an orderly manner. Special town meetings may also be held on the petition of two hundred or more voters, in the manner provided by general law. The town clerk shall, upon request, make available to voters forms for the calling of a special town meeting.

#### SECTION 2-6: WARRANTS

Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every town meeting shall be in accordance with a town by-law governing such matters.

#### SECTION 2-7: INITIATION OF WARRANT ARTICLES

(a) Initiation - The board of selectmen shall receive at any time petitions addressed to it which request the submission of any matter to the town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body acting by a majority of its members, (3) any ten voters for a regular town meeting and any one hundred voters for a special town meeting.

(b) Referral - Forthwith following receipt of any petition containing a proposed warrant article, the board of selectmen shall cause a copy of the proposal to be delivered in hand, or mailed, to the residence of the chairperson of the finance committee, a copy to be posted on the town bulletin board and shall cause such other distribution to be made of each such proposal as may be required by law or by by-law.

(c) Inclusion on Warrant - The board of selectmen shall include on the warrant, for a regular town meeting, the subject matter of all petitions which have been received by it 60 or more days prior to the date fixed by by-law for town meeting to convene. The board of selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with the board be included after said date.

Whenever a special town meeting is to be called, the board of selectmen shall give notice by publication in a local newspaper of such intention and shall notify all town agencies of its intention to do so. The board of selectmen shall include in the warrant, for such special town meeting, the subject matter of all petitions which are received at its office on or before the close of the fifth business day following such publication.

## SECTION 2-8: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS

Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting at which warrant articles pertinent to their agency are or may be acted upon for the purpose of providing the town meeting with information pertinent to all such matters as appear in the warrant for the town meeting.

In the event any town officer, chairperson of a multiple member body, department or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

## SECTION 2-9: CLERK OF THE MEETING

The town clerk shall serve as clerk of the town meeting, give public notice of all adjourned sessions of the town meeting, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this charter, by by-law or by other town meeting vote.

## SECTION 2-10: RULES OF PROCEDURE

The town meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all town meetings.

## SECTION 2-11: GENERAL POWERS AND DUTIES

All powers of the town, except as otherwise provided by law or this charter, shall be vested in the town meeting. The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made in this charter, or by by-law.

# **ARTICLE 3**

## **ELECTED OFFICERS**

### SECTION 3-1: IN GENERAL

(a) Elective Town Offices – The town offices to be filled by the voters shall be a board of selectmen, a school committee, and a town moderator.

(b) Other Offices Filled at Town Elections – In addition to the town offices enumerated above, members of a Millbury Housing Authority, a Millbury Redevelopment Authority, a Planning Board, a Board of Library Trustees, a Blackstone Valley Regional Vocational School District

Committee, a Board of Assessors, a Board of Health and such other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement shall also be filled by ballot at town elections.

(c) Eligibility - Any voter shall be eligible to hold any elective town office, provided however, no person shall simultaneously hold more than one elected town office as defined in this section.

(d) Town Election - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.

(e) Compensation - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.

(f) Coordination – Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or of the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(g) Filling of Vacancies

(1) Multiple Member Body - If there is a vacancy in a board consisting of two or more members, other than the board of selectmen, the remaining members shall forthwith give written notice of the existence of any such vacancy to the board of selectmen. After one week's notice of the date on which the vote shall be taken, the board of selectmen with the remaining members or member of such board shall fill such vacancy by a joint vote. until the next town election, at which the vacancy will be filled by the voters for the remainder of the original term. If such notice is not given within thirty days following the date on which said vacancy occurs the board of selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

(2) Board of Selectmen – If there is a failure to elect or if a vacancy occurs in the office of selectmen, the remaining selectmen may call a special election to fill the vacancy and shall call such special election upon the request in writing of two hundred voters of the town.

(h) Recall of an Elected Official - Any holder of an elective town office, as defined in section 3-1(a), with more than six months remaining of the term for which elected, may be recalled by the provisions accepted by the town election, passed by the state legislature, and approved by the governor as Chapter 335 of the Acts of 1992.

## SECTION 3-2: BOARD OF SELECTMEN

(a) Composition, Term of Office - There shall be a board of selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly equal number of members as is possible shall expire each year.

(b) Powers and Duties in General - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency.

(c) Licensing Authority - The board of selectmen shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

(d) Appointments - The board of selectmen shall appoint a town manager, the town counsel, registrars of voters (but not the town clerk) and other election officers, the members of a board of appeals, a conservation commission, a Millbury Historical commission, an industrial development financing authority, a police chief and other police officers, a board of fire engineers, a council on aging and a forest fire warden. The board of selectmen may, in addition, from time to time, establish and appoint such study or advisory committees of a non-permanent nature as it deems necessary or desirable.

(e) Investigations - The board of selectmen may make investigations and may authorize the town manager to investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the board of selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report.

## SECTION 3-3: SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a school committee consisting of five members elected for terms of three years each so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties - The school committee shall have all of the powers and duties which are given to the school committees by general laws and it shall have such additional powers and

duties as may be authorized by the charter, by by-law, or by other town meeting vote. The powers of the school committee shall include, but are not intended to be limited to the following:

- (i). to select and to terminate the superintendent.
- (ii). to review and approve budgets for public education in the district.
- (iii). to establish educational goals and policies for the schools in the district with the requirements of law and statewide goals and standards established by the board of education.

#### SECTION 3-4: TOWN MODERATOR

(a) Term of Office - There shall be a town moderator elected for a term of three years.

(b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, as provided in section 2-2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

#### SECTION 3-5: MILLBURY HOUSING AUTHORITY

(a) Composition, Term of Office - There shall be a Millbury Housing Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. Four of these members shall be elected by the voters and the fifth member shall be appointed as provided in the general laws.

(b) Powers and Duties - The Millbury Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Millbury Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

#### SECTION 3-6: MILLBURY REDEVELOPMENT AUTHORITY

(a) Composition, Term of Office - There shall be a Millbury Redevelopment Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. Four of these members shall be elected by the voters and the fifth member shall be appointed as provided in the general laws.

(b) Powers and Duties - The Millbury Redevelopment Authority shall determine which areas within the town are decadent, sub-standard or blighted open areas and shall prepare plans and undertake projects for the clearance, conservation or rehabilitation of such areas. The Redevelopment Authority shall have such other powers and duties as are assigned to redevelopment authorities by general law.

### SECTION 3-7: PLANNING BOARD

(a) Composition, Term of Office - There shall be a planning board consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties - The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall have the power to make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the town. The board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations. The planning board shall make recommendations to the town meeting on all proposed warrant articles which affect land use and development, including but not limited to proposals to amend the zoning by-laws and the zoning map.

The planning board shall make an annual report, giving information regarding the condition of the town and any plans or proposals for its development and estimates of their costs. The planning board shall have all of the other powers and duties which have been given to planning boards by general law, by this charter, by by-laws or by other town meeting vote.

### SECTION 3-8: BOARD OF LIBRARY TRUSTEES

(a) Composition, Term of Office - There shall be a board of library trustees consisting of seven members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties - The board of library trustees shall have the custody and management of the public library and of all property of the town related to the said library. All of the funds of money and property that the town may receive by gift or bequest for the purpose of library support and maintenance shall be administered by the board in accordance with the provisions of any such gift or bequest. The board shall have all of the other powers and duties which have been given to boards of library trustees by general law, by this charter, by by-laws or by other town meeting vote.

### SECTION 3-9: BLACKSTONE VALLEY REGIONAL VOCATIONAL SCHOOL DISTRICT COMMITTEE (MILLBURY REPRESENTATIVE)

(a) Composition, Term of Office – The voters shall elect such members of the Blackstone Valley Regional Vocational School Committee for such terms as may be provided under the agreement and laws establishing the same.

(b) Powers and Duties - The members of the Blackstone Valley Regional Vocational School Committee shall, along with members of the committee from other municipalities participating therein, be responsible for the management and supervision of said school according to the agreement and laws governing the same.

## SECTION 3-10: BOARD OF ASSESSORS

(a) Composition, Term of Office - There shall be a board of assessors consisting of three members elected for terms of three years each, so arranged that the term of office of one member shall expire each year.

(b) Powers and Duties - The board of assessors shall annually make a fair cash valuation of all property, real and personal, subject to taxation within the town. The board shall have all of the other powers and duties which have been given to boards of assessors by general law, by this charter, by by-laws or by other town meeting vote.

## SECTION 3-11: BOARD OF HEALTH

(a) Composition, Term of Office - There shall be a board of health consisting of three members elected for terms of three years each, so arranged that the term of office of one member shall expire each year.

(b) Powers and Duties - The board of health may make reasonable health regulations and shall enforce the laws relating to public health, the provisions of the state sanitary code, and all local health regulations. The board shall have all of the other powers and duties which have been given to boards of health by general law, by this charter, by by-laws or by other town meeting vote.

## SECTION 3-12: OTHER ELECTED OFFICERS

Powers and Duties – All other elected officers shall have the powers and duties which have been conferred upon their offices by general law, by this charter, by by-laws or by other town meeting vote.

## **ARTICLE 4**

### **TOWN MANAGER**

#### SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM

The board of selectmen shall appoint a town manager from a list prepared by a screening committee established by by-law. The board of selectmen shall appoint the town manager to serve for an indefinite term and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town manager shall be a person qualified by education, training and previous experience to perform the duties of the office, as required by section 8-5(b). A town manager need not be resident of the town or of the commonwealth at the time of appointment, nor at any time during the period of such service. The town manager shall not have served as a member of the board of selectmen in the town government for at least twelve months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

The town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless such action is approved in advance and in writing by the board of selectmen.

The board of selectmen shall provide for an annual review of the job performance of the town manager which shall, at least in summary form, be a public record.

#### SECTION 4-2: POWERS AND DUTIES

The town manager shall be the chief administrative officer of the town, directly responsible to the board of selectmen for the administration of all town affairs for which the office of town manager is given responsibility by or under this charter. The powers and duties of the town manager shall include, but are not intended to be limited to, the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of town manager is given authority, responsibility or control by this charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise.

(b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided by this charter or by law. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless, within that period, the board of selectmen by a vote of at least three of its members shall vote to reject such appointment, or, has sooner voted to affirm it. Copies of the notices of all such appointments shall be posted on the town bulletin board when submitted to the board of selectmen.

(c) To be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.

(d) To fix the compensation of all officers and employees appointed by the town manager within the limits established by appropriations.

(e) To attend all regular and special meetings of the board of selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.

(f) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the board of selectmen, but not less than quarterly, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.

(g) To keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen and to other elected town officers and agencies for

adoption such measures requiring action by them or by the town meeting as the town manager may deem necessary or expedient.

(h) To have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, or the conservation commission. The town manager shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town manager's control by this charter, by by-law, by vote of the town or otherwise.

(i) To prepare and present, in the manner provided in Article 6, an annual operating budget for the town and a proposed capital outlay program for the five fiscal years next ensuing.

(j) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee.

(k) To negotiate all contracts involving any subject within the jurisdiction of the office of town manager, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment. All contracts shall be subject to ratification and execution by the board of selectmen.

(l) To be responsible for purchasing all supplies, material and equipment for all departments and activities of the town, but not including food for schools, school books and other instructional material, supplies and equipment, unless otherwise specifically requested by the school committee. The town manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency, except schools. The town manager shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency.

(m) To see that all of the provisions of the general laws, of the charter, town by-laws and other votes of the town meeting, and votes of the board of selectmen which require enforcement by the town manager or officers subject to the direction and supervision of the town manager are faithfully executed, performed or otherwise carried out.

(n) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency.

(o) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the town manager exercises any supervision.

(p) To reorganize, consolidate or abolish, in the manner provided in Article 5, town agencies serving under the supervision of the town manager, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(q) To coordinate the activities of all town agencies serving under the office of town manager and the office of board of selectmen with those under the control of other officers and multiple

member bodies elected directly by the voters. For this purpose, the town manager shall have authority to require the persons so elected, or their representatives, to meet with the town manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town.

(r) To perform any other duties as are required to be performed by the town manager by by-laws, administrative code, votes of the town meeting, or votes of the board of selectmen, or otherwise.

#### SECTION 4-3: DELEGATION OF AUTHORITY

The town manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of town manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town manager.

#### SECTION 4-4: ACTING TOWN MANAGER

(a) Temporary Absence - By letter filed with the town clerk, the town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town manager during a temporary absence. During a temporary absence the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town manager shall return.

(b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen in the manner provided in section 4-1, but, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen.

(c) Powers and Duties - The powers of a temporary or acting town manager, under (a) and (b) above, 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.

#### SECTION 4-5: REMOVAL AND SUSPENSION

The board of selectmen by the affirmative votes of three or more members may terminate and remove, or suspend, the town manager from office in accordance with the following procedure:

(a) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of at least three of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith.

(b) Within five days after receipt of the preliminary resolution the town manager may request a public hearing by filing a written request for such hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than thirty days after the request is filed nor earlier than twenty days. The town manager may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided the same is received at its office more than forty-eight hours in advance of the public hearing.

(c) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of three of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the town manager, if the town manager has not requested a public hearing; or, within ten days following the close of the public hearing if the town manager has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of said time, forthwith resume the duties of the office.

The town manager shall continue to receive a salary until the effective date of a final resolution of removal.

The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the board of selectmen.

## **ARTICLE 5**

### **ADMINISTRATIVE ORGANIZATION**

#### SECTION 5-1: ORGANIZATION OF TOWN AGENCIES

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

(a) By-laws - Subject only to express prohibitions in a general law or the provisions of this charter, the town meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

(b) Administrative Code - The town manager may from time to time prepare and propose plans of organization or reorganization for the orderly, efficient or convenient conduct of that portion of the business of the town for which the town manager is responsible by or under this charter.

Whenever the town manager prepares such a plan the town manager and the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the board of selectmen for its final review.

An organization or reorganization plan submitted by the town manager shall become effective at the expiration of thirty days following the date of its submission to the board of selectmen unless the board of selectmen by a vote of at least three of its members has sooner voted to approve or to reject it.

The town manager may, through the administrative code, and subject only to express prohibitions in a general law, or this charter, reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary to the same extent as is provided in section 5-1 (a), above, for by-laws; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, assigned to any other town agency unless this charter specifically so provides.

#### SECTION 5-2: PUBLICATION OF ADMINISTRATIVE CODE AND STAFFING PLAN

For the convenience of the public, the administrative code and any amendment thereto shall be printed as an appendix to the by-laws of the town of Millbury.

The personnel staffing plan prepared in conformity with section 4-2 (c), shall be published annually in the town report.

#### SECTION 5-3: MERIT PRINCIPLE

All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

### **ARTICLE 6**

#### **FINANCE AND FISCAL PROCEDURES**

##### SECTION 6-1: FISCAL YEAR

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

## SECTION 6-2: SCHOOL COMMITTEE BUDGET

(a) Public Hearing - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The school committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) Submission to Town Manager - The budget as adopted by the school committee shall be submitted to the town manager within the time fixed by by-law before the date the town manager is required to submit a proposed town budget to the finance committee to enable the town manager to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this article.

## SECTION 6-3: ELECTED OFFICIALS' BUDGETS

The budgets as prepared by all elected officials shall be submitted to the town manager within the time fixed by by-law before the date the town manager is required to submit a proposed town budget to the finance committee.

## SECTION 6-4: SUBMISSION OF BUDGET AND BUDGET MESSAGE

Within the time fixed by by-law, before the town meeting is to convene in its annual session, the town manager, after consultation with the board of selectmen, shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town manager shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

## SECTION 6-5: BUDGET MESSAGE

The budget message of the town manager shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the town manager deems desirable, or the board of selectmen may reasonably require.

## SECTION 6-6: THE BUDGET

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the town manager deems desirable or the board of selectmen may require. In the presentation of the budget, the town manager shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- (d) General long-term debt group of accounts and a statement of general long-term debt that shall include: inside and outside debt limit, date of bond, maturity year, rate of interest, amount of original issue, bonds outstanding at end of current fiscal year, and bonds outstanding at end of proposed budget year.

## SECTION 6-7: ACTION ON THE BUDGET

- (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the finance committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.
- (b) Review - The finance committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The finance committee may require the town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.
- (c) Action by Town Meeting - The finance committee shall file a report containing its recommendations for the action to be taken by the town meeting on each line item in the proposed operating budget, which report shall be available at least seven days before the date on which the town meeting acts on the proposed budget. When the amendments which have been submitted subsequent to its initial filing, is before the town meeting for action it shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

## SECTION 6-8: CAPITAL IMPROVEMENT PROGRAM

The town manager shall submit a capital improvement program to the board of selectmen and the finance committee at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by the capital improvement committee established by by-law, if any including:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

## SECTION 6-9: APPROVAL OF WARRANTS

The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the general laws shall be submitted to the town manager. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen alone shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

## SECTION 6-10: AUDITS

The board of selectmen shall provide for an independent audit of all financial books and records of the town whenever the Commonwealth fails, in any two year period, to provide for such audit, or whenever it deems an audit of the whole town, or, of any particular town agency, to be necessary.

Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

## ARTICLE 7

### GENERAL PROVISIONS

#### SECTION 7-1: CHARTER CHANGES

This Charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

#### SECTION 7-2: SEVERABILITY

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

#### SECTION 7-3: SPECIFIC PROVISIONS TO PREVAIL

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

#### SECTION 7-4: NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

#### SECTION 7-5: RULES AND REGULATIONS

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten days following the date it has been so filed in the office of the town clerk.

#### SECTION 7-6: PERIODIC REVIEW, CHARTER AND BY-LAWS

(a) Charter Review - At least once in every ten years, in each year ending in a zero, a special committee to consist of nine members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the school committee, and the finance committee shall each designate two persons, and three persons shall be appointed by the town moderator. Persons appointed by the said agencies may,

but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the annual town meeting.

(b) By-Law Review - The board of selectmen shall at five year intervals, in each year ending in five, or in zero, cause to be prepared by a special committee appointed by it for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment not later than at the annual town meeting in the year following the year in which the said committee is appointed. The said committee in its final or in an interim report shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by general laws. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

#### SECTION 7-7: PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson or by one-third of the members thereof by suitably written notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board(s). Special meetings of any multiple member body shall also be called within one week after the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(b) Agendas - At least twenty-four hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, as resolution declaring that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.

(c) Rules and Minutes of Meetings - Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by law and shall provide for keeping minutes of its proceedings. These rules and minutes shall be public records, and certified copies shall be kept available in the office of the town clerk.

(d) Voting - Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be recorded.

(e) Quorum - A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.

(f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.

(g) Composition of Multiple Member Bodies - All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

#### SECTION 7-8: REMOVALS AND SUSPENSIONS

Any appointed town officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

(a) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

(b) Within five days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

(c) Between one and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the term for which such person was appointed has expired.

#### SECTION 7-9: NOTICE OF VACANCIES

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

#### SECTION 7-10: LOSS OF OFFICE, EXCESSIVE ABSENCE

If any person appointed to serve as a member of a multiple member body shall fail to attend five or more consecutive regular meetings, or one-half or more of all of the meetings of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

### **ARTICLE 8**

#### **TRANSITIONAL PROVISIONS**

#### SECTION 8-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

## SECTION 8-2: CONTINUATION OF GOVERNMENT

All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.

## SECTION 8-3: CONTINUATION OF ADMINISTRATIVE PERSONNEL

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency.

## SECTION 8-4: TRANSFER OF RECORDS AND PROPERTY

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

## SECTION 8-5: TIME OF TAKING EFFECT

This charter shall take effect upon its adoption by the voters of Millbury, except as is hereinafter provided:

(a) Forthwith following the election at which this charter is adopted each town agency shall designate some person to represent it at all sessions of the town meeting to be held in this calendar year, in accordance with the provisions of section 2-8.

(b) Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town manager shall, in addition to the qualifications as stated in section 4-1, have the following specific qualifications, (a) have at least an earned bachelor's level degree from a recognized, accredited college or university, (b) have served full time as the chief administrative officer of a city or town (under any title) for not less than two years. The term "chief administrative officer" shall mean a person who has had major responsibilities in a municipality in most, if not all, of the following areas: general supervision and management of all administrative agencies of a city or town, but not including schools; direct involvement in the formulation of budget proposals for all municipal offices and agencies and the administration of the budget throughout the fiscal year; purchasing; personnel administration.

(c) A screening committee shall consist of nine persons who shall be chosen as follows: the board of selectmen, the school committee, the board of assessors, the finance committee and the personnel board shall each designate one person, and four persons shall be chosen by the town moderator, at least one of whom shall have been a member of the charter commission. Persons

chosen by said agencies may, but need not, be members of the agency by which they are designated: appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not later than the third Thursday in May, in the year in which the charter is adopted, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.

Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager. In the event the board of selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the town manager.

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

Until such time as some other provision is made, by by-law, for another screening committee, a committee as above shall be established whenever the office of town manager shall become vacant, provided, however, that in the third paragraph the phrase "thirty days following the date of such vacancy, or pending vacancy, becomes known," shall be substituted for the phrase "the third Thursday in May," and the provision requiring a former member of the charter commission to serve shall be void.

(d) The position of administrative assistant to the board of selectmen, established by a vote under article 26 of the warrant for the 1974 annual town meeting of the town is hereby abolished effective upon the assumption of office by the first town manager appointed pursuant to the provision of this charter. Provided, however, the incumbent of said office may be continued in town service for a period of up to ninety days following such assumption of office for the purpose of providing transitional assistance to the first town manager. While it is the intention of this provision, and subsection (c), above, that there be a widespread, diligent search for candidates for the office of town manager and that the incumbent administrative assistant is not automatically to be continued in office as the town manager, nothing contained in this document

should be construed in any way as to prevent the incumbent of said office from applying for, or from being considered as a candidate qualified to fill such position.

(e) Until such time as the town meeting may act, by by-law, to amend, repeal or otherwise revise them, the following provisions shall have the force of town by-laws and shall be construed so as to supercede any contrary or inconsistent provision of any existing by-law:

(1) Town Administrative Organization – Until such time as a different form of organization shall be provided, in accordance with the provisions of article 5 of this charter, the following outline of organization shall be operative:

The board of selectmen shall appoint:

- a town manager, selected in accordance with section 8-5(c), to serve for an indefinite term;
- a town counsel, to serve for an indefinite term;
- a board of registrars of voters and other election officers, in the manner provided by general law;
- a board of appeals, as provided in the zoning by-law;
- a conservation commission, to consist of five members, appointed for terms of three years each;
- a Millbury Historical commission, to consist of seven members, appointed for terms of three years each;
- an industrial development financing authority, to consist of five members, appointed for terms of three years each;
- a police chief and other police officers;
- a board of fire engineers;
- a council on aging to consist of eleven members;
- a forest fire warden;

The town manager shall appoint:

- a town accountant, who shall have the powers, duties and responsibilities as provided in General Laws chapter forty-one, sections fifty-five through sixty-one;
- a town treasurer;

- a town collector;
- a town clerk;
- a highway surveyor;
- a tree warden;
- a cemetery commission to consist of three members;
- a sewer commission to consist of three members;
- a parks commission to consist of five members;
- a youth commission to consist of seven members;
- a cultural/(arts) council to consist of five members, appointed annually;
- a Millbury cable television commission to consist of five members appointed annually;
- a development and industrial commission to consist of five members;
- an emergency management director and related emergency management personnel;
- a personnel board to consist of three members;
- a capital budget committee to consist of seven members;
- an inspector of buildings;
- a wire inspector;
- an inspector of gas appliances and gas fittings;
- a plumbing inspector;
- a dog officer;
- a sealer of weights and measures in accordance with the civil service law and rules;
- a parking clerk;
- a right-to know coordinator;
- a veteran's services director, veteran's agent, veteran's graves officer and burial agent;

- an Asa Waters Mansion Task Force to consist of seven members;
- all other officers, department heads, and employees for whom no other method of selection is provided.

Unless otherwise provided all appointments made by the town manager shall be for a term of three years, appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms of members as possible shall expire each year.

(2) Reports of the Finance Committee – The report of the finance committee shall be printed and copies shall be made available for distribution to every person who shall request a copy thereof at the office of the town clerk, at the public library, and at other places in the town chosen by the finance committee for the convenience of the voters. The reports shall be available at least seven days before the town meeting is to act on any article contained in the warrant for the said town meeting.

(3) Time for Submission of Proposed Operating Budgets – For the purpose of section 6-2(b), section 6-3 and section 6-4 the following shall apply: The town manager shall submit a proposed town operating budget to the finance committee not less than sixty days prior to the date on which the town meeting is to convene in its annual session. The school committee shall submit its proposed operating budget to the town manager at least seventy-five days prior to the date on which the town meeting is to convene in its annual session.

(f) All town officers and all members of all boards, commissions and committees who have heretofore been elected and who will henceforth be appointed under the provisions of this charter, shall serve for the balance of the term for which they were elected, unless a vacancy in the office shall have sooner occurred, but their successors shall be appointed.

(g) Forthwith following the election at which this charter is adopted a special committee of seven members shall be appointed by the board of selectmen to revise the by-laws of the town in order to fully implement the provisions of this charter. The said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article at a session of the town meeting held not later than the annual town meeting in the year following the year in which the charter is adopted. At least one member of the said committee shall have been a member of the charter commission.

(h) The provisions of articles 4, 5 and 6 of this charter shall not take effect until the effective date of the appointment of the first town manager. Notwithstanding any provision of this charter to the contrary, it is not expected that the first person to serve as town manager shall forthwith upon appointment begin at once to perform all of the duties and exercise all of the powers, duties and responsibilities assigned by this charter to the office of town manager. It is recognized that in the best long-range interest of the town of Millbury, that such assumption must be gradual and on a phased-in basis.

(i) The provisions of section 6-2 and section 6-6 of the charter shall not become effective until the year following the year in which the charter is adopted.