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BEEN ACCEPTED***

ARTICLE 1

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

The inhabitants of the Town of South Hadley, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of South Hadley."

SECTION 1-2: SHORT TITLE

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

SECTION 1-3: DIVISION OF POWERS

The administration of the fiscal, prudential and municipal affairs of South Hadley, with the government thereof, shall be vested in an executive/administrative branch headed by a mayor and a legislative branch to consist of a town council. The legislative branch shall never exercise any executive/administrative power and the executive/administrative branch shall never exercise any legislative power.

SECTION 1-4: POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the Commonwealth, it is the intention and the purpose of the voters of South Hadley through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

SECTION 1-5: CONSTRUCTION

The powers of the Town of South Hadley under this charter are to be construed liberally in favor of the town, and the specific mention of any particular power is not intended to limit the general powers of the town as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth, South Hadley 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 the Commonwealth or any agency or political sub-division thereof, or with the United States government or any agency thereof.

SECTION 1-7: DEFINITIONS

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

- (a) **Charter** – The word “charter” shall mean this charter and any amendment to it hereafter adopted.
- (b) **Emergency** – The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) **Full Council, Full Multiple Member Body** – The words “full council” or “full multiple member body” shall mean the entire authorized complement of the town council, school committee or other multiple member body notwithstanding any vacancy which might exist.
- (d) **general laws** – The words “general laws” (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two or more cities and towns of which South Hadley is a member.
- (e) **General Laws** – The words “General Laws”) (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (f) **Initiative Measure** – The words “initiative measure” shall mean a measure proposed by the voters through the initiative process provided under this charter.
- (g) **Local Newspaper** – The words “local newspaper” shall mean a newspaper of general circulation within South Hadley, with either a weekly or daily circulation.
- (h) **Majority Vote** – The words “majority vote” when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting and providing a quorum is present, unless another provision is made by ordinance, by law, or by its own rules.
- (i) **Measure** – The word “measure” shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the town council or the school committee.
- (j) **Multiple Member Body** – The words “multiple member body” shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the town council or the school committee.
- (k) **Organization or Reorganization Plan** – The words “organization or reorganization plan” shall mean a plan submitted by the mayor to the town council which proposes a change in the organization of the administrative structure of the town government, or to change the way in which a municipal service, or services are delivered. Such plan may be complex and consist of many parts, or, it may be simple and brief.
- (l) **Quorum** – The word “quorum” shall mean a majority of all members of a multiple member body unless some other number is required by law or by ordinance.

(m) **Referendum Measure** – The words “referendum measure” shall mean a measure adopted by the town council or the school committee that is protested under the referendum procedures of this charter.

(n) **Town** – The word “town” shall mean the town of South Hadley.

(o) **Town Agency** – The words “town agency” shall mean any multiple member body, any department, division, or office of the town of South Hadley.

(p) **Town Bulletin Boards** – The words “town bulletin boards” shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the town council.

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

(r) **Voters** – The word “voters” shall mean registered voters of the town of South Hadley.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION, TERM OF OFFICE

(a) **Composition** – There shall be a town council of seven members which shall exercise the legislative powers of the town. Two of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. Five of these members, to be known as district councilors, shall be nominated and elected by and from the voters of each precinct, one such district councilor to be elected from each of the five precincts into which the town is divided, in accordance with section 7-4.

(b) **Term of Office** – The term of office for all town councilors shall be for two years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified. The two year term for all town councilors shall be coterminous with the two year term of office for the mayor.

(c) **Eligibility** – Any voter shall be eligible to hold the office of councilor-at-large. A district councilor shall at the time of election be a voter of the precinct from which elected, provided, however, if any district councilor shall during the term of office remove to another precinct in the town such office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11. If a councilor-at-large or a district councilor removes from the town during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

SECTION 2-2: COUNCIL PRESIDENT

(a) **Election and Term** – As soon as practicable after the councilors-elect have been qualified following each biennial election, as provided in section 8-8, the members of the town council shall elect from among its members a council president who shall serve during the current term of office.

(b) **Powers and Duties** – The council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order. The council president shall appoint all members of all committees of the town council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the town council.

(c) **Council Vice-President** – The members of the town council shall also elect from among its members a council vice-president who shall serve as acting president during the temporary absence or disability of the council president during the current term of office. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence or disability and no others.

SECTION 2-3: PROHIBITIONS

(a) Holding Other Town Office or Position – No member of the town council shall hold any other town office or town employment for which a salary or other emolument is payable from the town treasury. No former member of the town council shall hold any compensated appointed town office or appointed town employment until one year following the date on which such former member's service on the town council has terminated. This provision shall not prevent a town officer or other town council employee who has taken a leave of absence in order to serve as a member of the town council from returning to the same office or other position of town employment held as the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the town council.

(b) Interference with Administration – Except for the purpose of inquiries and investigations pursuant to section 2-7, the town council and its members shall deal with the officers and employees serving under the mayor, solely through the mayor, and neither the town council nor any member of the town council shall give orders or directions to any such officer or employee, either publicly or privately.

SECTION 2-4: COMPENSATION, EXPENSES

(a) Salary – The members of the town council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of town councilors shall be effective unless it shall have been adopted during the first eighteen months of the term for which town councilors are elected and it provides that such salary is to take effect upon the organization of the town government following the next municipal election.

(b) Expenses – Subject to appropriation and to prior authorization, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-5: GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the town by law.

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

(a) Exercise of Powers – Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) Quorum – The presence of four members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter the affirmative vote of four members shall be required to adopt any ordinance or appropriation order.

(c) Rules of Procedure – The town council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

- (i) Regular meetings of the town council shall be held at a time and place fixed by ordinance.
- (ii) Special meetings of the town council shall be held at the call of the council president, or, in the call of any three or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be delivered at least forty-eight weekday hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the town bulletin boards.
- (iii) All sessions of the town council and of every committee or sub-committee thereof, shall at all times be open to the public and to the media, unless another provision is made by law.
- (iv) A full, accurate, up-to-date account of the proceedings of the town council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. The minutes of any, so-called, executive session shall be made available forthwith upon the expiration of the basis on which such executive session was held.
- (v) All business which is to come before the town council shall first be assigned to a standing committee for study and a report with its recommendations to the full council.

SECTION 2-7: ACCESS TO INFORMATION

- (a) ***In General*** – The town council may make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.
- (b) ***Town Officers, Members of Town Agencies, Employees*** – The town council may require any town officer, member of a town agency or town employee to appear before it to give such information as the town council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the town council.
- (c) ***Mayor*** – The town council may require the mayor to provide specific information to it on any matter within the jurisdiction of the town council. The town council may require the mayor to appear before it, in person, to respond to written questions made available to the mayor at the time the request to attend is made to the mayor to provide specific information on the conduct of any aspect of the business of the town. The mayor may bring to such meeting any assistant, department head or other town officer or employee the mayor may deem necessary to assist in responding to the questions posed by the town council.
- (d) ***Notice*** – The town council shall give not less than five days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific

questions on which the town council seeks information and no person called to appear before the town council under this sections shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

SECTION 2-8: OFFICERS ELECTED BY TOWN COUNCIL

(a) Clerk of the Council – The town council shall elect a clerk of the council, who shall be the town clerk, to serve for a term of two years and until a successor is chosen and qualified. The clerk of the council, or his/her designee, shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the town council.

(b) Salaries/Compensation – The officers appointed or elected by the town council shall receive such salaries or other compensation as may from time to time be provided for such office, by ordinance.

(c) Removal/Suspension – Any person appointed or elected by the town council may be removed or suspended by the town council by the use of procedures substantially the same as those contained in the personnel ordinance for the removal of other town employees.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

(a) Emergency Ordinances – No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of six or more members of the town council.

Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

(b) Measures, In General – The town council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided that no member of the town council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the town council.

On the first occasion that the question of adopting any measure is put to the town council, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town council regular or special. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.

(c) Publication – Every proposed ordinance, appropriation order or loan authorization (except emergency ordinances as provided in section 2-9(a), shall be published once in full in a local newspaper, and in any additional manner, including posting on the town’s website, as may be provided by ordinance or vote of the town council, at least ten days before its final passage. After final passage, it shall be posted on the town bulletin board, the town website, and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length more than ten column inches or ordinary newspaper notice print, then in lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least ten days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS

The mayor shall submit to the town council the name of each person the mayor desires to appoint to any town office, as a department head, or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The town council shall refer each such name as is submitted to it to a standing committee of the town council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full town council not less than seven nor more than twenty-one days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the town council, to give such information relevant to such appointment as the committee, or the town council, may require.

Appointments made by the Mayor shall become effective on the thirtieth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless four members of the town council shall within the said thirty days vote to reject such appointment, or unless the town council has sooner voted to affirm the appointment. Rejection by the town council shall require a two-thirds vote of the full council (four members so voting). The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9(b) of this charter.

SECTION 2-11 FILLING OF VACANCIES

(a) Councilor-at-Large – If a vacancy shall occur in the office of councilor-at-large during the first eighteen months of the term for which councilors are elected the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the said election. The town clerk shall certify such candidate to the office of councilor-at-large to serve until the next biennial town election at which the balance of the then unexpired term will be filled by the voters.

If the vacancy occurs after the eighteenth month, but before the date of the biennial town election, such vacancy shall be filled by the voters at such election. If insufficient time remains between the date the vacancy occurs and the date of the town election for the circulation of nomination papers and the printing of names on the ballot candidates for the vacancy shall run as “write-ins” or by use of ‘stickers’. Candidates elected by the voters at the, so-called, mid-term election shall serve for the balance of the then unexpired term.

If a vacancy shall occur in the office of councilor-at-large during the first eighteen months, mid-term election of the term for which councilors are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the most recent town election who received the largest number of votes without being elected, provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the said election. The town clerk shall certify such candidate to the office of councilor-at-large to serve for the balance of then unexpired term.

If a vacancy shall occur in the office of councilor-at-large during the last six months of the term for which councilor-at-large are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of councilor-at-large and who is not then serving as a member of the town council. Such person shall forthwith be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

(b) District Councilor – If a vacancy shall occur in the office of district councilor it shall be filled in the same manner as provided in section 2-11(a) for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs, provided however, if there be no candidate on such list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided such candidate remains a resident of the district, is willing to serve as a district councilor and received votes in the district at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the said election. The town clerk shall certify such candidate to the office of district councilor to serve for the balance of the then unexpired term.

(c) Filling of Vacancies by Town Council – Whenever a vacancy shall occur in the office of councilor-at-large or in that of district councilor and there is no available candidate to fill such vacancy in the manner provided in section 2-11(a) or (b), the vacancy shall be filled by the remaining members of the town council. Persons elected to fill a vacancy by the town council shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as town councilors under this section shall not be entitled to have the words “candidate for re-election” printed against their names on the election ballot.

mayor, forthwith upon request, any information, materials or otherwise as the mayor may request and as the needs of the office of mayor and the interest of the town may require.

The mayor shall supervise, direct and be responsible for the efficient administration of all town activities and functions placed under the control of the mayor by law, by this charter, by ordinance or otherwise. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the town of South Hadley and for this purpose shall have authority consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the town, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise.

The mayor shall be, by virtue of the office, a member of every multiple member body of the town. The mayor shall have a right, as such ex officio member, to attend any meeting of any multiple member body of the town, at any time, including, so called, executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.

SECTION 3-3: APPOINTMENTS BY THE MAYOR

The mayor shall appoint, subject to the review of such appointments by the town council as provided in section 2-10, all town officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the town council. In making appointments the mayor shall seek guidance and suggestions from a broad cross section of the community and especially shall seek guidance and suggestions from any multiple member body serving as advisors to the mayor in connection with the particular agency in which the vacancy exists. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms. All persons categorized as department heads shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible.

All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and/or previous work experience to perform the duties of the office or position for which chosen.

SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

(a) Town Officers and Department Heads – The mayor may, in writing, remove or suspend any town officer, or the head of any town department appointed by the mayor by filing a written statement, with the town clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said town officer, or head of a department. The said town officer, or head of a department may make a written reply by filing such a reply statement, with the town clerk, within ten days following the date the statement of the mayor has been filed; but, such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a

town officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. The removal shall take effect on the thirtieth day following the date of filing in the office of the town clerk the notice of removal by the mayor.

(b) Other Town Employees – Unless some other procedure is specified in a collective bargaining agreement or by the provisions of the civil service law, a department head may suspend or remove any assistant, subordinate or other employee of the agency for which such person is responsible in accordance with the procedures established for suspension and removal in the personnel ordinance. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department head has determined a suspension or removal is appropriate may seek review of such determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within ten days following receipt of notice of such determination. The review by the mayor shall follow the procedures established for suspension and removal in the personnel ordinance. The decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review as may be provided by law.

SECTION 3-5: TEMPORARY APPOINTMENTS TO TOWN OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a town office and the needs of the town require that such office be filled, the mayor may designate the head of another town agency or a town officer or a town employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate, in substantially the following form, with the town clerk, whenever a person is designated under this section:

I designate (*name of person*) to perform the duties of the office of (*designate office in which vacancy exists*) on a temporary basis until the office can be filled by (*here set out the regular procedure for filling the vacancy, or when the regular officer shall return*). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the town of South Hadley.

(signed)
Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary appointment and no others. No temporary appointment shall be for more than ninety days, provided, however, not more than one thirty day extension of a temporary appointment may be made when a permanent vacancy exists in the office.

SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

(a) *Communications to the Town Council* – Within twelve weeks following the start of each fiscal year the mayor shall submit to the town council, and make available for public distribution, a complete report on the financial and administrative activities of the town for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the town council for its consideration such measures as, in the judgment of the mayor, the needs of the town require. The mayor shall, from time to time throughout the year by written communications, keep the town council fully informed of the financial and administrative condition of the town and shall specifically indicate in any such reports any fiscal, financial or administrative problems of the town.

(b) *Special Meetings of the Town Council* – The mayor may at any time call a special meeting of the town council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the town council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the town bulletin board.

SECTION 3-7: APPROVAL OF MAYOR, EXCEPTION (VETO)

Every order, ordinance, resolution or vote adopted or passed by the town council relative to the affairs of the town, except memorial resolutions, the selection of town officers by the town council and any matters relating to the internal affairs of the town council, shall be presented to the mayor for approval. If the mayor approves of the measure the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with the specific reason or reasons for such disapproval attached thereto, in writing, to the town council. The town council shall enter the objections of the mayor on its records, and not sooner than ten days, nor after thirty days from the date of its return to the town council, shall again consider the same measure. If the town council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the town council within ten days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR

(a) *Acting Mayor* – Whenever, by reason of sickness, absence from the town or other cause, the mayor shall be unable to perform the duties of the office for a period of more than ten successive working days, the president of the town council shall be the acting mayor. In the event of the absence or disability of the president of the town council, the vice-president of the town council shall serve as acting mayor.

The mayor shall, by a letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or town employee to serve as acting mayor during the temporary absence of the mayor for periods of ten days or less and to serve only when the needs of the town require and only to the extent necessary under the then circumstances.

(b) Powers of Acting Mayor – The acting mayor shall have only those powers of the mayor as are indispensably essential to the conduct of the business of the town in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from town service unless the disability of the mayor shall extend beyond sixty days nor shall an acting mayor approve or disapprove or any measure adopted by the town council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the town council is serving as acting mayor, such councilor shall not vote as a member of the town council.

SECTION 3-9: DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize any subordinate officer or employee of the town to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke any such authorizations previously made, provided, however, that all acts performed under any such delegation of authority during such period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the power of appointment to town office or employment or to sign or return measures approved by the town council.

SECTION 3-10: VACANCY IN OFFICE OF MAYOR

(a) Special Election – If a vacancy in the office of mayor occurs during the first sixteen months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the town council shall forthwith, in the manner provided in section 7-1, order a special election to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then unexpired term. If a regular town election is to be held within one hundred and twenty days following the date the vacancy is created a special election need not be held and the position shall be filled by vote at such regular election.

(b) Council Election – If a vacancy in the office of mayor occurs after the sixteenth month of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the town council shall become the mayor. Upon the qualification of the president of the town council as the mayor, under this section, a vacancy shall exist on the town council which shall be filled in the manner provided in section 2-11. A council president serving as mayor under this sub-section shall not be subject to the restrictions contained in the third sentence of section 3-1(a), nor shall such person be entitled to have the words “candidate for re-election” printed against their name on the election ballot.

(c) Powers, Term of Office – The mayor elected under Section 3-9(a) or (b) shall have all the powers of the mayor. A person elected pursuant to subsection (a), above, shall serve for the balance of the term unexpired at the time of election to the office. A person chosen pursuant to subsection (b), above, shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

ARTICLE 4

SCHOOL DEPARTMENT

SECTION 4-1: SCHOOL COMMITTEE

(a) Composition - There shall be a school committee which shall consist of six members. Five of these members shall be nominated and elected by and from the voters of the town at large. The mayor shall serve, by virtue of office, as the sixth member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.

(b) Term of Office – The term of office for the six persons elected by the voters as school committee members shall be for two years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.

(c) Eligibility – A school committee member shall at the time of election be a voter. If a school committee member removes from the town during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 4-6.

SECTION 4-2: SCHOOL COMMITTEE CHAIR

(a) Election and Term – As soon as practicable after the school committee members-elect have been qualified following each biennial town election, as provided in section 8-10, the school committee shall organize by electing one of the persons elected to the office of school committee member to serve as school committee chair and one of the persons elected to the office of school committee member to serve as school committee vice chair.

(b) Powers and Duties – The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.

SECTION 4-3: PROHIBITIONS

No member of the school committee shall hold any other town office or town employment for which a salary or other emolument is payable from the town treasury. No former member of the school committee shall hold any compensated appointed town office or town employment until one year following the date on which such member's services on the school committee has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as a member of the school committee from returning to the same office or other position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the school committee.

SECTION 4-4: COMPENSATION, EXPENSES

(a) **Salary** – The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted during the first eighteen months of the term for which town councilors are elected and it provides that such salary is to take effect upon the organization of the town government following the next municipal election.

(b) **Expenses** – Subject to appropriation and to prior authorization, the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of said superintendent, to establish and appoint assistant or associate superintendents as provided in section fifty-nine of chapter seventy-one of the General Laws;

2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;

3) To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town council.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 4-6: FILLING OF VACANCIES

(a) **Runner-Up to Succeed to Office** – If a vacancy shall occur in the office of school committee member the vacancy shall be filled in descending order of votes received by the candidate for the office of school committee member at the preceding town election who received the largest number of votes without being elected, provided such person remains

eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of school committee member at the said election. The town clerk shall certify such candidate to the office of school committee member to serve for the balance of the then unexpired term, provided, however, if the vacancy occurs during the first eighteen months of the term for which school committee members are elected the person so chosen shall serve only until the next biennial election at which election the remainder of the term shall be filled by the voters.

If a vacancy shall occur in the office of school committee member during the last six months of the term for which councilors-at-large are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of school committee member and who is not then serving as a member of the school committee. Such person shall forthwith be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

(b) *Filling of Vacancies By School Committee* – Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill such vacancy in the manner provided in section 4-6(a), the vacancy shall be filled by the remaining members of the school committee. Persons elected to fill a vacancy by the school committee shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as school committee members under this section shall not be entitled to have the words “candidate for re-election” printed against their names on the election ballot.

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 only through an organization, or reorganization, plan filed by the mayor. No organization plan may originate with the town council.

The mayor may, subject only to express prohibitions in a general law, or this charter, propose to reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary, 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.

The mayor may from time to time prepare and submit to the town council plans of organization or reorganization that establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Every organization or reorganization plan submitted by the mayor pursuant to this provision shall contain a proposed ordinance which sets out, in detail, such amendments, insertions, revisions, repeals or otherwise of existing ordinances as may be necessary to accomplish the desired reorganization. Such reorganization plan and proposed ordinance shall be accompanied by a message of the mayor which explains the benefits expected to ensue.

Whenever the mayor proposes such a plan the town council 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 public hearing will be held, not less than seven nor more than fourteen days following said publication.

An organization or reorganization plan shall become effective at the expiration of sixty days following the date the proposal is submitted to the town council unless the town council shall, by a majority vote, within such period vote to disapprove the plan. The town council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5-2: MERIT PRINCIPLE

All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. The town council may, in any ordinance establishing a salary for an office or position of employment, establish minimum qualifications a candidate must possess in order to qualify for appointment to the said office or position of employment.

SECTION 5-3: BOARD OF PUBLIC WORKS

(1) Director of Public Works – The board of public works shall be under the direct control and supervision of a director of public works who shall be appointed by and who shall be

responsible to the mayor. The director of public works shall serve for an indefinite term. The director of public works shall be a person especially fitted by education, training and previous, experience and training to perform the duties of the office. The director of public works shall be responsible for the supervision and coordination of all activities of the board of public works in accordance with state statutes, town ordinances, administrative code and rules and regulations.

SECTION 5-4: DEPARTMENT OF HUMAN RESOURCES

(1) Human Resources Officer – The department of human resources shall be headed by a human resources officer who shall be appointed by and who shall be responsible to the mayor. The human resources officer shall serve for an indefinite term. The human resources officer shall be a person especially fitted by education, experience and training to perform the duties of the office. The human resources officer shall be responsible for the supervision and coordination of all activities of the department of human resources in accordance with state statutes, town ordinances, and rules and regulations.

**SECTION 5-5: BOARD OF LICENSE COMMISSIONERS
DEPARTMENT OF MUNICIPAL LICENSES AND
INSPECTIONS**

(1) Board of License Commissioners – There shall be a board of license commissioners which shall have the power to issue licenses for inn holders or common victuallers, the powers of a licensing board appointed under section four of chapter one hundred and thirty-eight of the General Laws, be the licensing authority for the purposes of chapter one hundred and thirty-eight and chapter one hundred and forty of the General Laws and which shall have all of the other powers with respect to licenses which prior to the adoption of the home rule charter were exercised by the board of selectmen. The board of licensing commissioners may grant licenses relating to alcoholic beverages under chapter one hundred and thirty-eight of the General Laws and those licenses under chapter one hundred and forty of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of a licensing authority under said chapters.

The town clerk, the inspector of buildings, the director of public health, and the tax collector (or persons performing similar duties under any other title) shall serve by virtue of their offices and without additional compensation as members of the board of license commissioners. The mayor shall appoint, for a term of two years, the fifth member who shall serve as chair of the board of license commissioners.

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 twenty-one days before the meeting at which the school committee is scheduled 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 draft proposed budget are available for examination by the public, and the date, time and place, not less than seven nor more than fourteen days following such publication, when a public hearing will be held by the school committee on the proposed budget. The school committee shall not take its final vote on its proposed budget until all persons who desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.

(b) Submission to Mayor – The proposed budget, adopted by the school committee, shall be submitted to the mayor at least twenty-one days before the date the mayor is required to submit a proposed town budget to the town council, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total town operating budget the mayor is required to submit to the town council under this article.

The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

Not later than ninety days before the start of the town's fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide for the publication in a local newspaper of a notice and 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 for the town are available for examination by the public.

SECTION 6-4: BUDGET MESSAGE

The budget message of the mayor 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 fiscal 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 mayor deems desirable, or as may be required by the provisions of a town ordinance.

SECTION 6-5: THE BUDGET

The proposed operating budget shall provide a complete financial plan for all town funds and town 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 mayor deems desirable or as a town ordinance may require. In the presentation of the budget, the mayor shall utilize modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the fiscal 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:

- (1) 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;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure;
- (3) The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 6-10; and
- (4) 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.

SECTION 6-6: ACTION ON THE BUDGET

(a) Public Hearing – Forthwith upon its receipt of the proposed operating budget the town council 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 by the mayor.

(b) Review – The town council 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 town council may require the mayor, 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 Council – The town council shall adopt the budget, with or without amendments, within ninety days following the day it receives the proposed budget. In amending the budget, the town council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, and it may, by a two-thirds vote of the town council (not less than five members so voting) add programs or increase amounts, provided that

the total amount to be appropriated is within the limits established pursuant to section twenty-three of chapter fifty-nine of the General Laws. If the town council fails to take any action with respect to any item in the proposed budget within ninety days following the date of its receipt of the proposed budget, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

SECTION 6-7: SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

Whenever the mayor shall submit to the town council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the town council shall not act upon such request until it has (1) given notice by publication in a local newspaper of the request, and (2) held a public hearing concerning such request. The publication of the notice and the public hearing shall be generally in conformity with the provisions of section 6-6 concerning the proposed annual operating budget.

SECTION 6-8: ALLOTMENTS

On or before August first of each year, or within ten days after the approval by the town council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the town officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the chief financial officer, with a copy to the town clerk, in such form as the chief financial officer may prescribe, an allotment schedule of all appropriations included in said budget, indicating the amounts to be expended by the department or agency for all personnel categories during each of the fiscal quarters of said fiscal year, or such shorter time periods as the mayor or chief financial officer, may prescribe.

Whenever said chief financial officer determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to such effect to the department head, the mayor, the town solicitor, and to the town clerk who shall forthwith transmit the same to the town council. Upon such a determination and notice thereof, said chief financial officer shall provide such officers additional reports on at least a monthly basis indicating the status of such accounts.

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for such period is enforced or not waived, thereafter the department shall terminate all personnel and other expenses for the remainder of such period until the expenditures are equal to the available funds. All actions, notices, and decisions provided for in this section shall be transmitted to the town council and the town clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid for such department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses which expenditure in excess of the

allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department head has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the town shall have no obligation to pay such personnel cost or expense arising after such allotment or appropriation has been exhausted.

SECTION 6-9: PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS

No official of the Town of South Hadley, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of section thirty-one of chapter forty-four of the General Laws shall be strictly enforced.

Any official who violates the provisions of this section shall be personally liable to the town for any amounts so expended to the extent the town does not recover such amounts from the person to whom such sums were paid.

SECTION 6-10: CAPITAL IMPROVEMENT PROGRAM

The mayor shall submit a capital improvement program to the town council at least one hundred twenty days before the start of each fiscal year. The capital outlay program shall be based on material prepared by the capital planning committee established by ordinance. It shall include:

- a clear and concise general summary of its contents;
- 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;
- cost, estimates, methods of financing and recommended time schedules for each improvement; and,
- 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 mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 6-11: INDEPENDENT AUDIT

The town council shall annually provide for an outside audit of the books and accounts of the town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The mayor shall annually provide to the town council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the town council.

The award of a contract to audit shall be made by the town council, on the recommendation of its budget/management committee on or before September fifteenth of each year. The budget/management committee shall coordinate the work of the individual or firm selected with the municipal officers. The report of the audit shall be filed in final form with the town council and the budget/management committee not later than March first in the year following its award.

ARTICLE 7

ELECTIONS; ELECTION RELATED MATTERS

SECTION 7-1: TOWN ELECTIONS

The regular town election shall be held on the first Tuesday following the first Monday in November in each odd numbered year. A preliminary election shall be held not less than four nor more than six weeks prior to the general election on a Tuesday chosen by the town clerk, with the approval of the town council, so as not to conflict with any civil or religious holiday.

SECTION 7-2: PRELIMINARY ELECTION

(a) Signature Requirements – The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than one hundred such signatures, provided, however, that not more than twenty-five signatures from any one district shall be counted in the minimum number of required signatures; for the office of councilor-at-large or school committee member, not less than one hundred such signatures, provided, however, that not more than twenty-five signatures from any one district shall be counted in the minimum number of required signatures; for the office of district councilor not less than fifty such signatures, all of which shall be from the district from which the nomination is sought.

(b) Ballot Position – The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the town clerk which shall be open to the public.

(c) Determination of Candidates – The two persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general town election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary – If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the town clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the town clerk shall be deemed to have been nominated to such office, and their names shall be voted upon for such

office at the succeeding general election, and the town clerk shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular district or districts of the town, no preliminary election shall be held in such district or districts.

SECTION 7-3: BALLOT POSITION

The order in which names of candidates appear on the ballot for each office at the general election shall be determined by a drawing, by lot, conducted by the town clerk which shall be open to the public.

SECTION 7-4: PRECINCTS

The territory of the town shall be divided into five precincts so established as to consist of as nearly an equal a number of inhabitants as is possible in compact and contiguous territories, bounded in so far as possible by the center line of known streets or ways or by other well-defined limits. Each such precinct shall be composed of voting precincts otherwise established in accordance with general laws. The town council shall from time to time, but at least once in each ten years, review such precincts to insure their uniformity in number of inhabitants.

SECTION 7-5: APPLICATION OF STATE GENERAL LAWS

Except as expressly provided in this charter and authorized by law, all town elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

SECTION 7-6: PETITIONS TO COUNCIL OR SCHOOL COMMITTEE

The town council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred voters, or more, and which seeks the passage of a measure. The hearing shall be held by the town council or the school committee, or, in either case, by a committee or sub-committee thereof, and the action by the town council or the school committee shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee as may be appropriate. Hearings on two or more petitions filed under this section may be held on the same date and at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice, by publication in a local newspaper not less than seven nor more than fourteen days prior to the date set for the public hearing shall be at public expense.

SECTION 7-7: CITIZEN INITIATIVE MEASURES

(a) Commencement – Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the town council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least ten voters of the town. The petition shall be

accompanied by an affidavit signed by five voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to Town Solicitor – The clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of each such proposed petition deliver a copy of the petition to the town solicitor. The town solicitor shall, within fifteen days following receipt of a copy of the petition, in writing, advise the town council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the town council or the school committee. If the opinion of the town solicitor is that the measure is not in proper form the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town solicitor shall also be mailed to the person designated as clerk of the petitioners committee.

(c) Submission to Town Clerk – If the opinion of the town solicitor is that the petition is in a proper form the town clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town solicitor, together with the names and addresses of the first ten voters who signed the originating petition. Within forty-five days following the date the blank forms are issued by the town clerk the petitions shall be returned and filed with the town clerk signed by at least ten percent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

Within ten days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent town election. The town clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council or the secretary of the school committee according to how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.

(d) Action on Petitions – Within thirty days following the date a petition has been returned to the clerk of the council or the secretary of the school committee by the town clerk and after publication in accordance with the provisions of section 2-9(c), the town council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the town council or the school committee fails to act with respect to any initiative measure which is presented to it within thirty days following the date it is returned to it by the town clerk, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee

shall promptly give notice, by certified mail, of that fact to the person designated as clerk of the petitioners committee.

(e) *Supplementary Petitions* – Within forty-five days following the date an initiative petition has been rejected a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee by the petitioners committee designated under section 7-7(a). The supplemental initiative petition shall be signed by a number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent town election. If the number of signatures to such supplemental petition is found to be sufficient by the town clerk, the town council shall call a special election to be held on a date fixed by it not less than forty-five nor more than ninety days following the date of the certificate of the town clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other town election is to be held within one hundred and twenty days following the date of the said certificate, the town council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

(f) *Publication* – The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the town clerk.

(g) *Form of Question* – The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by voters in an initiative petition take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners committee, and approved by the town solicitor)

- YES
- NO

(h) *Time of Taking Effect* – If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent of the total number of voters have voted to adopt the measure proposed under the initiative or to rescind the measure protested by the referendum.

SECTION 7-8: *CITIZEN REFERENDUM PROCEDURES*

(a) *Petition, Effect on Final Vote* – If, within thirty days following the date on which the town council or the school committee has voted finally to approve of any measure a petition signed by a number of voters equal to ten percent of the total number of voters as of the date of the most recent general town election and addressed to the town council or to the school committee as may be, protesting against the measure or any part thereof is filed with the

secretary of the school committee or clerk of the council the effective date of such measure shall be temporarily suspended. The school committee or the town council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded the town council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular town election, but pending such submission and determination the effect of such measure shall continue to be suspended.

(b) *Certain Initiative Provisions to Apply* – The petition described in this section shall be termed a referendum petition and insofar as applicable Section 7-7 (a) describing the manner in which a petition is prepared and filed, 7-7 (b) providing for referral to the town solicitor for a legal opinion, 7-7 (e) providing for publication of the text of the measure and 7-7 (f) providing for the form of ballot question shall apply to such referendum petitions, except that the words “measure or part thereof protested against” shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it may occur in said sections.

SECTION 7-9: INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures:

(1) proceedings relating to the internal organization or operation of the town council or of the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the town budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the town’s debt or debt service, (6) an appropriation of funds to implement a collective bargaining agreement, (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, (8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures, and (9) any proceedings providing for the submission or referral to the voters at an election.

SECTION 7-10: SUBMISSION OF OTHER MATTERS TO VOTERS

The town council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 7-11: CONFLICTING PROVISIONS

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

SECTION 7-12: RECALL ELECTIONS

(a) *Application* – Any person holding the office of mayor, town councilor or school committee member may be recalled from such office by the voters in accordance with the procedures made available in this section.

(b) *Recall Petition* – Two hundred fifty or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of

the grounds for recall. The signatures on such affidavit shall contain the names of at least fifty voters in each of the precincts into which the town is divided for the purpose of elections.

If the affidavit is found to be valid the town clerk shall thereupon deliver to the first ten persons named on said affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the town council; they shall contain the names and residence addresses of the ten persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor; and they shall be dated and signed by the town clerk.

The recall petitions shall be returned to the office of the board of registrars of voters within thirty days following the date they are issued, signed by not less than twenty percent of the total number of voters of the town as of the date of the most recent town election.

The sheets constituting a petition need not all be filed at the same time. For the purposes of this section such a petition shall be deemed filed whenever the persons responsible for its filing notify the board of registrars of voters, in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed.

The board of registrars of voters shall within ten days following the date the petition forms are filed certify the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters as of the date of the most recent town election.

(c) Recall Election – If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall forthwith submit the same, with their certificate, to the town council. Upon receipt of the certified petition forms the town council shall forthwith give written notice to the person whose recall is sought of the validity of such petitions. If the person whose recall is sought does not resign the office within five days following delivery of the said notice, or by leaving at the last known place of residence, the town council shall, after consultation with the town clerk and the board of registrars of voters, order a special election to be held on a date not more than ninety days after the date of its notice to the person whose recall is sought.

(d) Ballot Question – Ballots used at the recall election shall state the proposition in substantially the following form:

Shall (insert name of officer) be recalled from the office of [fill in name of office]?

- YES
- NO

(e) Officeholder – The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as

stated above is in the affirmative, the officer shall be deemed to be recalled and the office shall be deemed to be vacant upon the certification of the election results. If a majority of the votes cast on the said question is in the negative the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (f), below.

(f) *Restriction on Recall Petition* – No recall petition shall be filed against any officer until at least six months following the commencement of a term of office, nor, in the case of a mayor subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than six months of the term of office remains at the time of the certification of the petition forms.

(g) *Filling of Vacancy* – If the office of mayor is declared vacant as the result of a recall election the town council shall forthwith call a special election to be held on a date fixed by it not less than sixty nor more than ninety days following the date of the recall election. The person elected at such special election shall serve for the balance of the unexpired term remaining at the time of election. A vacancy in the office of town councilor or school committee member shall be filled in the manner provided in section 2-11 or 4-6.

No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by such recall.

ARTICLE 8

GENERAL PROVISIONS

SECTION 8-1: CHARTER CHANGES

(a) ***In General*** – This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

(b) ***Periodic Review*** – The town council shall provide, in every year ending in a five, for a review of the charter by a special or standing committee of the council and four additional persons to be appointed by the council president. The said committee shall file a report within the said year recommending any changes in the charter which it may deem to be necessary or desirable.

SECTION 8-2: SEVERABILITY

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

SECTION 8-3: SPECIFIC PROVISION TO PREVAIL

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

SECTION 8-4: RULES AND REGULATIONS

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any town agency shall become effective until five days following the date it is so filed.

SECTION 8-5: REVIEW OF ORDINANCES

The town council shall provide, in each year ending in a five or in a zero, for a review of all ordinances of the town for the purpose of determining if any amendments or revisions may be necessary or desirable. Such review shall be conducted under the supervision of the town solicitor, or, if the town council so directs, by special counsel appointed for that purpose. A report, with recommendations, shall be submitted within the said year.

SECTION 8-6: RULES OF CONSTRUCTION

(a) ***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; and words importing the masculine gender shall include the feminine gender.

(b) ***Computation of Time*** – In computing time under the charter, if less than seven days ‘days’ shall not include Saturdays, Sundays or legal holidays. If seven days, or more, every day

shall be counted. If the last day falls on a Saturday, Sunday or legal holiday the time shall expire at five o'clock in the afternoon on the next business day.

(c) References to General Laws – All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections, or to the corresponding chapters and sections of any rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 8-7: CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the town council, or appointed to an office of the town shall receive a certificate of such election or appointment from the town clerk.

Except as otherwise provided by law, before performing any act under an appointment or election all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

SECTION 8-8: OATH OF OFFICE OF MAYOR, COUNCILORS, AND SCHOOL COMMITTEE MEMBERS

The councilors-elect, and school committee members-elect shall, on the first secular day in January of each even-numbered year, meet and be sworn to the faithful discharge of their duties. The mayor, or mayor-elect shall preside at such joint session. In years following the election of the mayor the oath shall first be administered to that officer by the town clerk, or by a judge of a court of record, or by a justice of the peace. The oath may be administered to the members of the town council and the school committee by the mayor, after the mayor has been duly sworn, or by any of the above named officials. A certificate that said oath or oaths have been taken shall be entered in the journal of the town council.

In case of the absence of the mayor-elect, or any member-elect of the town council or school committee on said day the oath of office may at any time thereafter be administered to such person who for any reason shall not have taken the oath on the day named. All such oaths subsequently taken shall be entered in the journal of the town council.

After the oath has been administered to the councilors present, they shall organize by the election of a president and a vice-president, as provided in section 2-2. The president shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any justice of the peace.

After the oath has been administered to the school committee members present, they shall organize by the election of a chair and a vice-chair, as provided in section 4-2. The chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any justice of the peace.

SECTION 8-9: 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 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 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 town 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 the appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen (15) days. Suspension may be conterminous 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 town 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 therefore shall be delivered in hand or by certified mail to the last known address of the person sought to be removed.
- (b) Within five (5) days after delivery of such notice the town 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 (1) and ten (10) 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 (6) and fifteen (15) 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 town 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 to a person who has been appointed for a fixed terms when that term of office expires and such person is not reappointed for another term of office.

ARTICLE 9

TRANSITIONAL PROVISIONS

SECTION 9-1: CONTINUATION OF EXISTING LAWS

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

In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All town agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another town agency.

The following town officers, agencies, boards, commissions and committees shall continue to be elected positions in the Town of South Hadley for the terms indicated:

- Moderator (2 years)
- Town Clerk/Treasurer (2 years)
- Town Collector (2 years)
- Board of Health (2 years)
- Municipal Light Board (2 years)
- Trustees for Free Public Library (2 years)
- Board of Assessors (2 years)
- Planning Board (2 years)
- Housing Authority (2 years)

SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

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

SECTION 9-4: CONTINUATION OF PERSONNEL

Any person holding a town office, or a position in the administrative service of the town, or any person holding regular employment under the town of South Hadley, (and whether termed 'full' or 'part-time') shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent regular service of the town of South Hadley shall forfeit their pay grade, or time in service of the town. All such persons shall be retained in a capacity as similar to the capacity in

which they were serving at the time this charter is adopted as is practicable and any reduction in the personnel needs of the town shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

SECTION 9-5: EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or execute by or to the town before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

SECTION 9-6: TIME OF TAKING EFFECT

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

1. All town officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter, but, being cognizant that on the first business day in January of the year following the year the charter has been so ratified, that the executive authority will thereafter be vested in a mayor and the legislative powers shall be vested in a town council.

2. On the first business day of January in the year following the year in which the charter is adopted, the terms of office of the members of the board of selectmen, the town moderator and of the representative town meeting members shall all be terminated, and their offices abolished. The mayor, town council and school committee shall organize as provided in section 8-8. Each other elected and appointed town officer and employee shall continue to serve in the same office or position until some other provision is made in accordance with the provisions of section 5-1, unless some other provision is specifically made hereinafter for any particular office or position.

3. As the terms of office of the incumbent members of the South Hadley Housing Authority expire, or as vacancies may otherwise occur in any of such offices, successors shall be chosen in the manner provided for city governments in section five of chapter one hundred twenty-one B of the General Laws.

4. Until such time as another salary is established for the office of the mayor, in accordance with the procedure provided in section 3-1(c), the initial salary for the mayor of South Hadley shall be established at \$70,000.00 per annum. The initial salary for the members of the town council shall be established as \$2,500.00 for each councilor and \$2,500.00 for each member of the school committee. The mayor shall receive no additional compensation for service as a member of the school committee.

5. The office of the town administrator is hereby abolished effective on the first business day of January in the year following the year in which this charter is adopted. The incumbent of the office of town administrator shall continue to serve in that office until the said first business

day of January and shall be continued in the service of the municipality beyond said termination date, in some other position, until the expiration of any contract for services in effect when this charter is adopted.

6. As soon as practical after the first mayor and council have been elected and taken the oath of offices the mayor shall call together for an initial meeting the members of the board of license commissioners established in section 5-7(3) of this charter. The board of selectmen and its staff shall keep the board of license commissioners so established fully apprised of its activities in the year-end renewing of licenses in order to acquaint the members of the said board to these procedures. The board of license commissioners shall assume full authority under chapter one hundred thirty-eight and chapter one hundred forty of the General Laws on the first business day in January.

7. Not later than thirty days following the date of the ratification of this charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of South Hadley a copy of the vote ratifying this charter and the following petition for the enactment of a special law applicable to South Hadley in the following form:

AN ACT EXCEPTING SOUTH HADLEY FROM CERTAIN PROVISIONS OF THE CIVIL SERVICE LAW

Be it enacted, etc.

For the purpose of classifying positions under the civil service law and rules, South Hadley, notwithstanding the provisions of a home rule charter establishing its form of government, shall continue to be governed by the provisions of section fifty-two of chapter thirty-one of the General Laws and not by the provisions of section fifty-one of said chapter thirty-one.

Nothing in this act shall be construed to affect the civil service status of any person currently covered by such law and rules.

This act shall take effect upon its passage.

The above draft is provided for guidance and general scope and may be altered by the General Court to conform to its normal practice.

8. Forthwith following the election held in the year in which this charter is adopted the mayor-elect shall appoint seven persons to be a committee to review the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. At least two of the persons appointed to the committee shall have been members of the South Hadley Charter Commission. The committee shall submit a report, with recommendations, within one year following its creation and may submit interim reports with recommendations at any time. The review shall be conducted under the supervision of the town attorney, or by special counsel appointed for that express purpose.

9. Notwithstanding any provision of this charter which might appear to the contrary it is recognized that it will not be possible for the first person elected as mayor to begin at once to exercise all powers, duties and responsibilities which are assigned to the office of the mayor. It is recognized that it is in the best interest of the town of South Hadley that such assumption of the powers, duties and responsibilities be on a gradual basis as the mayor, town council and other municipal officials are able to adopt ordinances and other regulations as are necessary to implement all of the provisions of the charter.

10. The mayor and town council shall have authority to adopt measures which clarify, confirm or extend any of the transitional provisions contained in this section in order that the transition of the government from the 'old' form to the 'new' form may be made in the most expeditious and least contentious manner possible.

11. Until such time as some other form of organization is provided in an organization or reorganization plan as provided in article 5 of this charter, the organization in effect at the time this charter is adopted is hereby continued, provided only that persons previously appointed by the board of selectmen or other executive officers shall hereafter be appointed by the mayor and persons previously appointed by the town moderator shall hereafter be appointed by the council president.