

**TOWN OF PALMER
REVISED CHARTER AS APPROVED
BY TOWN REFERENDUM EFFECTIVE 7-1-11
AND REVISED EFFECTIVE 7-1-13**

ARTICLE 1 INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

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

SECTION 1-2: SHORT TITLE

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

SECTION 1-3: POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the Commonwealth, it is the intention and the purpose of the voters of Palmer 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. The ultimate power of the town resides with the voters through their ability to elect the Town Council. The Town Council shall have legislative powers of the town and will appoint a Town Manager to carry out the executive responsibilities due that position.

SECTION 1-4: DIVISION OF POWERS

A Town Council shall exercise all legislative powers of the town. The executive branch, headed by the Town Manager, shall administer all town fiscal, business and municipal affairs.

SECTION 1-5: CONSTRUCTION

The powers of the Town of Palmer 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 1-3.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth, Palmer 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 subdivision thereof, or with the United States government or any agency thereof.

ARTICLE 2 LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION, TERM OF OFFICE

- (a) Composition - There shall be a Town Council of seven (7) members, which shall exercise the legislative powers of the town. There shall be one councilor elected from each District who shall be known as a District Councilor. The remainder of these seven (7) members are to be known as Councilors-At-Large.
- (b) Term of Office - The term of office for Town Council members shall be three (3) years beginning on the first day of July following their election and continuing until their successors are qualified. The terms shall be staggered in accordance with the transitional language in Article 10, Section 10-6.
- (c) Eligibility - Voters of the Town of Palmer shall be eligible to hold the office of Town Council. Councilors at-large shall be nominated and elected by and from the voters at large and District councilors shall reside in, be nominated and elected by the voters of each district, one such district councilor to be elected from each of the districts into which the town is divided based on electoral precincts.

SECTION 2-2: COUNCIL OFFICERS

- (a) Election and Term - As soon as practicable after the councilors-elect have been qualified following each election, as provided in Section 8-1, the members of the Town Council shall elect from among its members a council president, vice-president and clerk who shall each serve a one (1) year term of office.
- (b) Council President - 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 subcommittees 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. 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.
- (d) Clerk of the Council - The members of the Town Council shall also elect from among its members a clerk of the council. The clerk of the council shall, with the consent of the Town Council, ensure that notice of its meetings is given to its members and to the public, that the

journal of its proceedings is kept and shall present the draft minutes to the Town Council at regularly scheduled meetings and perform such other duties as may be provided by ordinance or by other vote of the Town Council.

SECTION 2-3: PROHIBITIONS

- (a) Holding Other Town Office or Position - No member of the Town Council shall hold any other compensated Town office or town employment. No former member of the Town Council shall hold any compensated Town office or employment until one (1) 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 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 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 (1) 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 not give orders or directions to the officers and employees serving under the Town Manager.

SECTION 2-4: EXPENSES

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 town ordinance.

SECTION 2-6: EXERCISE OF POWERS; 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) Rules of Procedure - The Town Council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:
 - (1) Regular meetings of the Town Council shall be held at least once a month and at a time and place fixed by a vote of at least five (5) Councilors.
 - (2) Special meetings of the Town Council shall be held at the call of the council president, or on the call of any four (4) 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 the judge, such notice shall be delivered at least forty-eight (48) 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.

- (3) All meetings shall be preceded by a public comment period. Comments may be presented orally or in writing.
- (4) The quorum of the Council for the conduct of business shall be a minimum of four (4).
- (5) The agenda for the regular monthly Town Council meeting shall be posted and made available in accordance with the provisions of the Open Meeting Law.

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) Town Manager - The Town Council may require the Town Manager to provide specific information to it on any matter within the jurisdiction of the Town Council. The Town Council may require the Town Manager to appear before it, in person, to respond to written questions made available to the Town Manager at the time the request to attend is made to the Town Manager to provide specific information on the conduct of any aspect of the business of the town. The Town Manager may bring to such meeting any assistant, department head or other Town officer or employee the Town Manager 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 (5) days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific issues on which the Town Council seeks information and no person called to appear before the Town Council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

SECTION 2-8: OFFICERS APPOINTED BY TOWN COUNCIL

- (a) The Town Council shall appoint the recording secretary of the council, for a term of one (1) year, two (2) members of the board of library trustees, for a term of two (2) years, and the Town Manager.
- (b) Salaries/Compensation - The officers appointed 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 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.
- (d) Review of Town Manager — The Town Council shall conduct an annual review of the Town Manager. The Town Council shall review the performance of the Town Manager at least once a year.
- (e) The Town Council shall establish guidelines for the review of the Town Manager. The Town Council and the Town Manager shall jointly establish goals for the Town Manager.

SECTION 2-9: ORDINANCES TAX MEASURES, APPROPRIATION ORDERS AND LOAN AUTHORIZATIONS

- (a) Every ordinance, tax measure, appropriation order and loan authorization shall be introduced in writing. They shall all go through the following stages: 1st reading, public hearing, 2nd reading. After the first (1st) reading, the Town Council shall cause a synopsis of the proposed ordinance, tax measure, appropriation order or loan authorization to be published in a newspaper of general circulation in the form passed by the Town Council, together with notice of the time and place when and where the public hearing will be held for final passage, at least seven (7) days prior to the date of the public hearing. If the Town Council amends the ordinance, tax measure, appropriation order or loan authorization after the public hearing, then it shall cause a synopsis of the amended ordinance, tax measure, appropriation order or loan authorization to be published in a newspaper of general circulation in the new form passed by the Town Council, together with notice of the time and place when and where the public hearing will be held at least seven (7) days prior to the date of the new public hearing.
- (b) 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 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 five (5) or more members of the Town Council. Emergency ordinances shall stand repealed on the sixty-first (61st) 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.

- (c) The Town Council shall cause a synopsis of every ordinance, tax measure, and appropriation order or loan authorization to be published in a newspaper of general circulation as well as posted on the Town bulletin board. The ordinance, tax measure, appropriation order or loan authorization shall be effective twenty (20) days after the date of publication.

SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS

- (a) The Town Manager shall appoint the head of the Department of Public Works, the head of the Department of Municipal Finance and the Head of the Department of Public Safety as well as any member of a multiple member town body but not including any position for whom selection is provided by general election under Article 4. The Town Manager shall submit the name of each appointee to the Town Council, which shall consider the appointment at a Regular or Special Council Meeting. The individual brought forward for appointment should be at the meeting where confirmation is being voted on and all background information should be provided to the council prior to the meeting for review. Appointments made by the Town Manager shall become effective on the fourteenth (14th) day following the date notice of the appointment is provided to the Town Council unless the Council shall, within said period, vote to confirm said appointment or votes to reject it. Rejection by the Town Council shall require a two-thirds (2/3rd) vote of the full council. The question on rejection of any appointment made by the Town Manager shall not be subject to the procedure of charter objection provided in Section 8-5 of this Charter.
- (b) The Town Manager shall submit to the Town Council the name of any person the Town Manager desires to suspend or remove who has been appointed under this Section. The Town Council shall refer each such name as is submitted to a standing committee of the Town Council which shall investigate the circumstances for such suspension or removal and may make a report, with recommendations, to the full Town Council not more than thirty (30) 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 suspension or removal as the committee, or the Town Council, may require. Suspensions or removals made by the Town Manager shall become effective immediately upon presentation of the findings of the standing committee to Town Council unless Town Council shall have voted to reject such suspension or removal. Rejection by the Town Council shall require a two-thirds (2/3rd) vote of the full council. The question of suspension or removal or the rejection thereof, shall not be subject to the procedure of charter objection provided in Section 8-5 of this Charter.

SECTION 2-11: FILLING OF VACANCIES

Filling of Vacancies by Town Council

- (a) Whenever a vacancy shall occur in the office of Councilor-At-Large or District Councilor the remaining members of the Town Council shall appoint a registered voter to fill the vacancy until

the next municipal election by majority vote. The voter chosen to fill a vacancy in the seat of a district councilor shall reside in the district where the vacancy exists. Individuals serving on the Council as a result of appointment shall not be entitled to have the words "candidate for reelection" printed along side their names on the election ballot. All vacancies shall be filled within sixty (60) days.

Filling of Vacancies in Other Elected Offices

- (b) Whenever a vacancy shall occur in the office of Planning Board, the remaining members of the Planning Board shall notify the Town Council of the vacancy, and the Town Council shall then call for a joint meeting between the Town Council and Planning Board, where the Town Council and the remaining members of the Planning Board shall by majority vote fill the vacancy until the next regularly scheduled municipal election. Individuals serving on the Planning Board as a result of election by the Town Council and Planning Board shall not be entitled to have the words "candidate for re-election" printed along side their names on the election ballot. All vacancies shall be filled within sixty (60) days.
- (c) Whenever a vacancy shall occur in the office of School Committee, the remaining members of the School Committee shall notify the Town Council of the vacancy, and the Town Council shall then call for a joint meeting between the Town Council and School Committee, where the Town Council and the remaining members of the School Committee shall by majority vote fill the vacancy until the next regularly scheduled municipal election. Individuals serving on the School Committee as a result of election by the Town Council and School Committee shall not be entitled to have the words "candidate for re-election" printed along side their names on the election ballot. All vacancies shall be filled within sixty (60) days.

ARTICLE 3 EXECUTIVE BRANCH

SECTION 3-1: TOWN MANAGER: QUALIFICATIONS; COMPENSATION

- (a) Town Manager Qualifications - The chief executive officer of the town shall be a Town Manager and shall be appointed by the Town Council. The Town Manager shall be required to hold a minimum of a bachelor's degree in Public Administration or a related field and five (5) years relevant experience or a master's degree in Public Administration or a related field and three (3) years relevant experience in performing the duties as set forth in section 3-3.
- (b) The Town Manager shall not engage in any other business or occupation during his or her term except for part-time consultative or teaching duties, directly relating to the profession of municipal management and with the specific consent of the Council.
- (c) Compensation - The Town Council shall, by ordinance, establish an annual salary for the Town Manager.

- (d) Expenses - Subject to appropriation, the Town Manager shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.
- (e) Prohibitions - The Town Manager shall hold no other town office or town employment for which a salary or other emolument is payable from the town treasury.

SECTION 3-2: EXECUTIVE POWERS; ORGANIZATION

The executive powers of the town shall be vested solely in the Town Manager and may be exercised by the Town Manager either personally or through the several town agencies under the general supervision and control of the office of the Town Manager.

SECTION 3-3: POWERS AND DUTIES OF THE MANAGER

The Town Manager shall be the chief administrative officer of the town and shall be responsible to the Town Council for the proper operation of town affairs for which the Town Manager is given responsibility under this Charter. The powers, duties, and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct, and be responsible for the efficient administration of all officers appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility, authority or control by this Charter, by ordinance, or by vote of the Town Council.
- (b) To administer either directly or, through a person or persons supervised by the Town Manager, in accordance with this Charter, all provisions of general or special laws applicable to the town, all ordinances, and all regulations established by the Town Council.
- (c) To coordinate all activities of town departments or agencies, with exceptions noted in section 6-4(a).
- (d) To attend all regular and special meetings of the Town Council, unless excused, and to answer all questions addressed to the Town Manager, which are related to matters under the general supervision of the Town Manager.
- (e) To keep the Town Council fully informed as to the needs of the town, and to recommend to the council for adoption such measures requiring action by them as the Town Manager deems necessary or expedient.
- (f) To ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the Town Council as may be required.
- (g) To be responsible for the rental, use, maintenance, and repair of all Town facilities, except those under the jurisdiction of the School Committee and the Palmer Public Library.

- (h) To be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and libraries and approve the award of all contracts, except contracts for educational materials or library materials.
- (i) To develop and maintain a full and complete inventory of all town-owned real and personal property.
- (j) To administer personnel policies, practices, or rules and regulations, any compensation plans and any related matters for all town employees and to administer all collective bargaining agreements, except for school department and Palmer Public Library agreements entered into by the town.
- (k) To fix the compensation of all town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan.
- (l) To be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department and the Palmer Public Library. The Town Manager may employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the Town Council.
- (m) To prepare and submit an annual operating budget, capital improvement program, and a long term financial forecast as provided in Article 7 of this Charter.
- (n) To keep the Town Council fully informed as to the financial condition of the town and to make recommendations to the Town Council as the Town Manager determines necessary or expedient.
- (o) To investigate or inquire into the affairs of any town department, agency, or office under the authority of the Town Manager.
- (p) To delegate, authorize, or direct any subordinate or employee of the town to exercise any power, duty, or responsibility which the Office of Town Manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be considered to be the acts of the Town Manager.
- (q) To perform such other duties as necessary or as may be assigned by this Charter, by ordinance, or by vote of the Town Council.

SECTION 3-4: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

The Town Manager shall cause the Charter, the laws, the ordinances and other orders for the government of the Town to be enforced, and shall cause a record of all official acts of the executive branch of the town government to be kept.

SECTION 3-5: APPOINTMENTS BY THE TOWN MANAGER

- (a) The Town Manager shall appoint, subject to review by the Town Council as provided in Section 2-10 (a), all department heads, members of multiple-member bodies and town agents, but not including any position for which selection is provided by general election under Article 4. All appointments made by the Town Manager shall be made on the basis of merit and fitness demonstrated by 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 previous work experience to perform the duties of the office or position for which chosen.
- (b) The Town Manager may remove or suspend for cause, subject to review by the Town Council as provided in Section 2-10 (b), any person appointed under this Section. The decision of the Town Manager 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 Town Manager.
- (c) All appointments of multi-member boards shall be staggered and the appointments shall not exceed three (3) years in length.

SECTION 3-6: REMOVAL OR SUSPENSION BY THE TOWN MANAGER

- (a) The Town Manager shall appoint, upon recommendation of the appropriate department head, all assistants, subordinates, and employees of the department for which such person is responsible. All appointments and promotions under this Section shall be made on the basis of merit and fitness, 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 previous work experience to perform the duties of the office or position for which chosen.
- (b) The Town Manager, after consultation with the appropriate department head, as applicable, may remove or suspend with cause any appointment made under this Section. The decision of the Town Manager 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 Town Manager.

SECTION 3-7: COMMUNICATIONS; SPECIAL MEETINGS

- (a) Communications to the Town Council - The Town Manager shall submit to the Town Council and make available for public distribution the annual report as referenced in Section 9-8. The Town Manager 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 Town Manager, the needs of the Town require. The Town Manager 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 Town Manager 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 Town Manager shall be the sole judge, be delivered at least forty-eight (48) 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 3-8: TEMPORARY ABSENCE OF THE TOWN MANAGER

- (a) Acting Town Manager - Whenever, by reason of sickness, absence from the town or other cause, the Town Manager shall be unable to perform the duties of the office for a period of more than ten (10) successive working days, the Town Council shall appoint an acting Town Manager.
- (b) During the temporary absence of the Town Manager for periods of ten (10) days or less, the Town Manager 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 Town Manager and to serve only when the needs of the Town require and only to the extent necessary under the circumstances.
- (c) Powers of Acting Town Manager - The acting Town Manager shall have only those powers of the Town Manager as are 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 Town Manager shall have no authority to make any permanent appointment or removal from town service unless the disability of the Town Manager shall extend beyond sixty (60) days. During any period in which any member of the Town Council is serving as acting Town Manager, such councilor shall not vote as a member of the Town Council.

SECTION 3-9: DELEGATION OF AUTHORITY BY TOWN MANAGER

The Town Manager may authorize any subordinate officer or employee of the Town to exercise any power or perform any function or any duty that is assigned by this Charter. The Town Manager 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 Town Manager. Nothing in this section shall be construed to authorize a Town Manager to delegate the power of appointment.

ARTICLE 4 ELECTED TOWN BOARDS AND OFFICERS

SECTION 4-1: GENERAL PROVISIONS

Members of town boards to be elected by the qualified voters of the town shall be, in addition to the Town Council, five (5) members of the School Committee and five (5) members of the Planning Board.

The terms of office shall be three (3) years beginning on the first day of July following their election and continuing until their successors are qualified. Terms of office shall be arranged so that as nearly an equal number of terms as possible shall expire at each regular municipal election. The School Committee and the Planning Board members terms shall be staggered in accordance with the transition language in Article 10, Section 10-6

SECTION 4-2: SCHOOL COMMITTEE

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. No member of the school committee shall hold compensated school employment.

SECTION 4-3: PLANNING BOARD

The Planning Board shall have all powers which are conferred on Planning Board 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.

ARTICLE 5 PALMER PUBLIC LIBRARY

The Town shall support the library service provided by the Palmer Public Library pursuant to the request of the Governing Board (whether referred to as Trustees, Board of Directors of other name) of the Palmer Public Library and as appropriated by the Town Council. The Governing Board of the library shall include the Town Manager. The Town Manager shall be a full member of the Library's Governing Board. The Governing Board of the Palmer Public Library shall have all powers that are conferred on it by the General Laws of Massachusetts (including the hiring and supervision of the library director, who shall report to the Board and shall hire and supervise all other library staff), and such additional powers and duties as may be provided by the Charter, by ordinance, or by the Constitution of the Palmer Public Library Association and not inconsistent with said grant of powers by General Laws.

ARTICLE 6 ADMINISTRATIVE ORGANIZATION

SECTION 6-1: Department of Public Works

There shall be established a Department of Public Works under the direction of the Town Manager. The Town Manager shall appoint a Director of Public Works who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director is required to hold a bachelor's degree in Civil Engineering and five (5) years of relevant experience or a master's degree in Civil Engineering and three (3) years of relevant experience. The Director shall be responsible for the supervision and coordination of all public works operations of the Town that are placed under control of the Director by this Charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the department of public works: highway, engineering, recreation

(maintenance of fields and parks), public buildings, parks, cemetery, wastewater treatment and tree warden.

SECTION 6-2: Department of Municipal Finance

There shall be established a Department of Municipal Finance under the direction of the Town Manager. The Town Manager shall appoint a Director of Municipal Finance who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director is required to hold a minimum of a bachelor's degree in Accounting or Municipal Finance and five (5) years relevant experience or a master's degree in Accounting or Municipal Finance or be a Certified Public Accountant and three (3) years relevant experience. The Director shall be responsible for the supervision and coordination of all municipal finance operations of the Town that are placed under control of the director by this Charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the department municipal finance: Town Accountant, Collector/Treasurer, and Assessors. The Director may hold one of these positions.

SECTION 6-3: Department of Public Safety

There shall be established a Department of Public Safety under the direction of the Town Manager. The Town Manager shall appoint the Chief of Police as the Director of Public Safety. In addition to being the Chief of Police, the Director is required to hold a minimum of a bachelor's degree in Criminal Justice and five (5) years relevant experience or a master's degree in Criminal Justice and three (3) years relevant experience. The Director shall be responsible for the supervision and coordination of all public safety operations of the Town that are placed under control of the Director by this Charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the Department of Public Safety: Police Department, Civil Defense Authority/Emergency Management, Animal Control Officer, Constables, and other departments as may be subsequently determined by ordinance.

SECTION 6-4: Department of Public Service

- (a) There shall be a Department of Public Service under the direction of the Town Manager. The Town Manager shall be responsible for the supervision and coordination of public service operations of the Town. The Department of Public Service will be responsible for all departments of the Town with the following exceptions: Departments included in Sections 6-1, 6-2, 6-3, the School Department, and the Palmer Public Library; and officers elected by the voters or appointed by the Town Council.
- (b) There shall be established a Recreation Division under the direction of the Town Manager. The Town Manager shall appoint a Director of Recreation who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Town Manager may also appoint a citizen advisory board to aid the recreation director in planning.

- (c) There shall be established an economic Development Division under the direction of the Town Manager. The Town Manager shall appoint a Director of Economic Development who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Town Manager may also appoint a seven (7) member advisory board to aid the Economic Development Director in planning.
- (d) The Town Manager shall appoint a Town Clerk who shall be a person especially suited by education, training, and relevant experience to perform the duties of the office. The Town Clerk shall have all the powers which are conferred on the Town Clerk by general laws and such additional powers and duties as may be provided by this charter, by ordinance, by the Town Manager, or otherwise and not inconsistent with said grant of powers conferred by general laws.

SECTION 6-5: REORGANIZATION PLANS OF THE TOWN MANAGER

The Town Manager, subject to the approval of the Town Council, may reorganize, create, consolidate or abolish committees, commissions, offices, departments, and agencies under the supervision of the Town Manager.

ARTICLE 7 FINANCE AND FISCAL PROCEDURES

SECTION 7-1: BUDGET

The Town Manager shall set policy and procedures for the preparation of the town's budget. The Town Manager will determine the schedule for budget preparation within the parameters set by the Massachusetts General Laws. All departments of the town shall follow the schedule and budget preparation procedures set by the Town Manager.

The Town Manager shall prepare and submit the budget to the Town Council. The Town Council shall have one or more public hearings on the proposed budget. Copies shall be made available for public review prior to the public hearing.

The budget process shall include a minimum of

Step 1. The President of the Town Council shall call a joint meeting of the Town Council and the School Committee prior to the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

Step 2. The Town Manager and the Town Council shall meet to discuss the Town Council's priorities for the upcoming fiscal year and discuss the budget format. The Town Manager will provide the Town Council and the School Committee a copy of the draft budget by March 1st.

Step 3. The Town Manager will set a meeting with the Superintendent of Schools to discuss the upcoming fiscal year budget.

Step 4. By March 1st, the Town Manager will submit a proposed operating budget for all town agencies to the Town Council, which shall include the preliminary school budget as adopted by the School Committee, for the ensuing fiscal year with accompanying budget message and support documentation. The budget message submitted by the Town Manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal priorities of the town for the ensuing fiscal year, describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reason for such changes. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the Town Manager deems desirable. The preliminary budget as adopted by the School Committee shall be submitted to the Town Manager at least thirty (30) days prior to the submission of the proposed budget to the Town Council.

Step 5. The budget shall be an agenda item for the first regular Town Council meeting in March.

Step 6. The Town Council shall adopt the budget with or without amendments before the close of the fiscal year. The Town Council shall vote separately on the budget of each major department, the Library and School.

SECTION 7-2: CAPITAL IMPROVEMENTS PLAN

The Town Manager shall, in conjunction with any committee established for such purpose, submit a capital improvement program to the Town Council at least one hundred twenty (120) days before the start of each fiscal year. It shall include:

- (a) A clear and concise general summary of its contents;
- (b) A list of all capital improvements proposed to be undertaken during the next five (5) years, with supporting information as to the need for each capital improvement;
- (c) Cost estimates, methods of financing, and recommended time schedules for each improvement;
- (d) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

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

SECTION 7-3: ANNUAL AUDIT

The Town Council shall provide for an annual audit of the books and accounts of the Town to be made by a certified public accountant, or firm of accountants, who have no personal interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

ARTICLE 8 ELECTIONS AND ELECTION-RELATED MATTERS

SECTION 8-1: TOWN ELECTIONS: GENERAL

The general town election shall be held on the second Tuesday in June each year.

SECTION 8-2: NON-PARTISAN ELECTIONS

All elections for Town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

SECTION 8-3: BALLOT POSITION, REGULAR TOWN ELECTION

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 drawing shall be open to the public.

SECTION 8-4: CITIZEN INITIATIVE PROCEDURES

The registered voters of the Town may at any time initiate a petition over their personal signatures for the enactment of any lawful ordinance, within the authority of the Town Council, excepting those measures provided in Section 8-7. Said petition shall be issued by the Town Clerk to include the complete text of the proposed ordinance, shall be signed by not less than five percent (5%) of the registered voters of the Town. Within ten (10) days of filing, the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than five percent (5%) of the registered voters of the Town. Any such proposed ordinance shall be examined by the Town Attorney and the Town Attorney shall correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy, clearness and precision of wording, but the Town Attorney shall not materially change its meaning and effect. Within thirty (30) days from the date of the filing of said initiative petition with the Town Clerk, the Town Council shall submit the question to Council vote. If such measure is not enacted, Town Council shall provide for the submission of the initiative question for a determination to the voters in ballot form at an election to be held within sixty (60) days or at the next general election, whichever comes first. Said ordinance shall take effect immediately, provided a majority of those voting thereon shall have voted in the affirmative. The form of ballot for a proposed ordinance, resolution or vote shall be substantially as follows: "Shall the proposed ordinance (resolution or vote), a copy of which is printed herein or attached hereto, be adopted?" The voters shall indicate "yes" or "no" on their ballots.

SECTION 8-5: CITIZEN REFERENDUM PROCEDURES

The registered voters of the Town may, within ninety (90) days of enactment, petition over their personal signatures protesting against Town Council any adoption of an ordinance, resolution, or vote within the authority of the Town Council, excepting those measures provided in Section 8-7. Said referendum petition shall be issued by the Town Clerk to include the complete text of the ordinance and shall be signed by not less than five percent (5%) of the registered voters of the Town. Within ten (10) days of filing, the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than five percent (5%) of the registered voters and upon certification the measure or any part thereof and its effective date shall be immediately suspended. 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 referendum question for a determination by the voters in ballot form at an election to be held within sixty (60) days or at the next general election, whichever comes first, but pending such submission and determination the effect of such measure shall continue to be suspended. If majority of the votes cast on the question is in the affirmative, the measure shall be rescinded. The form of ballot for the suspension of a Town Council ordinance, resolution or vote shall be substantially as follows: "Shall the ordinance (resolution or vote) voted by Town Council on (date), a copy of which is printed herein or attached hereto, remain in force?" The voters shall indicate "yes" or "no" on their ballots.

SECTION 8-6: OPEN MEETINGS OF THE VOTERS

Upon petition of a minimum of one hundred (100) voters stating one or more specific issues or concerns or upon the call of the Town Council, the Town Council shall hold open meetings of the voters of the town setting forth the purpose or purposes thereof. The President of the Town Council or other designee of the Town Council shall preside and regulate the proceedings of such meetings. The presiding officer shall allow the opportunity to speak to those in attendance wishing to address the council. The President of the Council shall cause the attendance of town officials and employees necessary to respond to the issues and concerns raised by petitioners.

SECTION 8-7: INELIGIBLE MEASURES

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

- (a) Proceedings relating to the internal organization or operation of the Town Council.
- (b) An emergency measure adopted in conformity with the Charter.
- (c) The Town annual operational budgets.
- (d) Appropriations of funds of less than one (1%) percent of the prior year's budget.
- (e) Any appropriation for the payment of the town's debt or debt service.
- (f) An appropriation of funds to implement a collective bargaining agreement.
- (g) Proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action.

- (h) Proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures.
- (i) Memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.
- (j) Any proceedings providing for the voluntary submission of other matters to the voters at an election, as provided for in Section 8-9.
- (k) Any refinancing of an existing loan authorization for the purpose of achieving a lower rate of repayment.

SECTION 8-8: 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 8-9: VOLUNTARY SUBMISSION OF OTHER MATTERS TO VOTERS

- (a) The Town Council may of its own motion 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.
- (b) The Town Council may of its own motion submit to the voters at any regular town election nonbinding ballot questions, propositions or opinion polls.

SECTION 8-10: LIMITS TO RE-ENACT OR ABOLISH

The Council shall not re-enact ordinances, orders, or resolutions rejected by voters at referendum elections for a period of at least two (2) years. The Council shall not modify or abolish ordinances adopted by voters at initiative elections for a period of at least two (2) years.

SECTION 8-11: RECALL ELECTIONS

- (a) Any elected municipal official, elected by voters at large, may be recalled and removed from office by the registered voters of the Town of Palmer, as hereinafter provided. Ten (10) or more registered voters may begin the proceedings by filing an affidavit containing the name of the officer sought to be recalled. The signatures on such affidavit shall contain the names of at least two in each of the districts into which the town is divided for the purpose of elections.
- (b) Any elected municipal official, elected by district, may be recalled and removed from office by the registered voters of the Town of Palmer in that district, as hereinafter provided. Ten (10) or more registered voters may begin the proceedings by filing an affidavit containing the name of

the officer sought to be recalled. The signatures of such affidavit shall contain the names only of voters in the district from which the officer was elected.

- (c) If an affidavit is found to be valid the Town Clerk shall thereupon deliver to the first ten (10) 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 typewriting, they shall be addressed to the Town Council; they shall contain the names and residence addresses of the ten (10) persons to whom they are issued and they shall be dated and signed by the Town Clerk. All copies of the petition shall be uniform in size and style and shall contain a statement of the reason or reasons for recall. Each petition shall be limited to the recall of a single individual.
- (d) Petitioners shall have forty-five (45) days from the date of issuance of appropriate petition blanks to cause the petition to be signed by 10 percent (10 %) of the registered voters of the Town, or of the district, if a district officer is the subject of recall.
- (e) Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than 10 percent (10%) of the registered voters of the Town. Should less than ten percent (10%) of the registered voters of the Town sign the petition, the petition shall have no further force or effect, and no new petition action for recall of the same person can be initiated until one hundred eighty (180) days from the end of the previous filing period.
- (f) Otherwise, upon receipt of certification, the Town Council shall within ninety (90) days submit to the voters the question of recall, provided however, if a regularly scheduled municipal election is to occur within one hundred and ten (110) days, such recall can be delayed until such municipal election. Should the officer subject to recall be elected from a district, an election will be held only in that district.
- (g) The form of the question to be submitted shall, as nearly as possible be: "Shall (name of official (a) and official's title) be recalled?"
- (h) The voters shall indicate "yes" or "no" on their ballots. The elected official shall be recalled when a majority of those voting thereon have voted in the affirmative. Any elected official against who recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.
- (i) Vacancies in elective office as a result of a recall election shall be filled in the manner as provided in Section 2 - 11.

ARTICLE 9 GENERAL PROVISIONS

SECTION 9-1: CHARTER CHANGES

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.

SECTION 9-2: 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 the Charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

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

SECTION 9-4: RULES AND REGULATIONS

A copy of all rules and regulations adopted by any town agency shall be placed on file in the Office of the Town Manager 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 (5) days following the date it is so filed.

SECTION 9-5: PERIODIC REVIEW OF CHARTER AND ORDINANCES

- (a) Ordinances: Not later than the first day of July, at five (5) year intervals, in each year ending in a five or in a zero, the Town Manager and Town Council shall provide for a review to be made of the ordinances of the town for the purpose of preparing a proposed revision or recodification of the same, without substantive change. Such review shall be made by a special committee to consist of nine (9) members appointed by the Town Council. Two (2) of the persons appointed shall be members of the Town Council, a third person appointed shall be the Town Manager, and the remaining members shall be voters of the town. The special committee shall file its report with the Clerk of the Council, not later than the first (1st) day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth (15th) day of June in said year and if not so scheduled by the Clerk of the Council the matter shall come before the council for action at its next meeting held following the said fifteenth (15th) day of June and no other business shall be in order until such report has been acted upon, by roll call vote. The review of town ordinances shall be under the supervision of the town Attorney. A revision, recodification or republication of the ordinances shall be made at five-year intervals. Copies of the revision, recodification, or republication shall be made available to the public at a cost not to exceed the actual cost of such

reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

- (b) Charter: Not later than the first (1st) day of July, at ten-year intervals, in each year ending in a nine, the Town Manager and Town Council shall provide for a review to be made of the Town Charter. Such review shall be made by a special committee to consist of nine (9) members appointed by the Town Council. Two (2) of the persons appointed by the Town Council shall be members of the Town Council, a third person appointed shall be the Town Manager, and the remaining members shall be voters of the town. The special committee shall file its report with the Clerk of the Council, not later than the first 1st day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth (15th) day of June in said year and if not so scheduled by the Clerk of the Council the matter shall come before the council for action at its next meeting held following the said fifteenth (15th) day of June and no other business shall be in order until such report has been acted upon, by roll call vote. If a Charter Commission has been elected within two (2) years of the mandated review dates as outlined in Section 9-5b, the Town Council has the option of substituting the elected Commission for the appointed committee.

SECTION 9-6: LIMITATION ON OFFICE HOLDING

No person shall simultaneously hold more than one full-time compensated position. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position.

SECTION 9-7: ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the Town Manager to see that the provisions of the Charter are faithfully followed and complied with by all town agencies and town employees. Whenever it appears to the Town Manager that any town agency or town employee is failing to follow any provision of this Charter the Town Manager shall, in writing, cause notice to be given to such agency or employee directing compliance with the Charter. If it shall appear to the Town Council that the Town Manager personally is not following the provisions of the Charter it shall, by resolution, direct the attention of the Town Manager to those areas in which they believe there is a failure to comply with Charter provisions. The procedures made available in chapter two hundred and thirty-one A of the General Laws may be used to determine the rights, duties, status, or other legal relations arising under this Charter, including any question of construction or validity which may be involved in such determination.

SECTION 9-8: ANNUAL REPORT OF THE TOWN

An Annual Report, which contains a general summary of the activities of all town agencies, shall be published within ninety (90) days following the close of each fiscal year. The Annual Report shall contain reports by the Town Manager, the Town Council, the school committee and such other town agencies as

may be required by ordinance to provide such reports. The Annual Report will be made available at the Town Clerk's Office, at the Palmer Public Library, and at the polls during the November election.

SECTION 9-9: NOTICE OF VACANCIES

Whenever a vacancy occurs, or is about to occur, in any town office or town employment, except for positions covered by the civil service law or collective bargaining agreements, the appointing authority shall immediately cause public notice of such vacancy, or impending vacancy, to be posted on the town bulletin board for a period of not less than fourteen (14) days. Any person who desires to be considered for appointment to said office or employment may file with the appointing authority a statement in clear and specific terms setting forth such person's qualifications for the position. No permanent appointment to fill a vacancy in an office or employment shall be effective until at least fourteen (14) days have elapsed following such posting, and until all persons who have filed considered.

ARTICLE 10 DEFINITIONS

SECTION 10-1: 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 or cities and towns of which Palmer 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 Palmer, 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, 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 the Town Council or the School Committee might adopt.
- (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 Town Manager 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 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 Palmer.
- (o) Town Agency - The words "town agency" shall mean any multiple member body, any department, division, or office of the Town of Palmer.
- (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 an 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 Palmer