

# Town of Sturbridge Charter



Town Hall  
308 Main Street  
Sturbridge, MA 01566

Approved: April 10, 2017

**CHARTER  
TOWN OF STURBRIDGE**

**ARTICLE 1     DEFINITIONS**

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

- (A) Charter - The word "charter" shall mean this charter and amendments to it through any of the methods provided under the amendments to the state constitution.
- (B) Town - The word "town" shall mean the Town of Sturbridge.
- (C) Majority Vote - The words "majority vote" shall mean a majority of those present and voting.
- (D) Voters - The word "voters" shall mean registered voters of the Town of Sturbridge.
- (E) Gender - The reference to the generic pronoun "he" throughout the charter refers to both the male and female gender.
- (F) Days - When the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. "Legal Holiday" includes those days specified in Massachusetts General Laws (M.G.L.) Chapter 4, Section 7 and any other day designated a holiday by the President and the Congress of the United States. If more than seven days, every day shall be counted.
- (G) Warrant – The "Warrant" is a document issued by the Board of Selectmen to call a Town Meeting. The Warrant states the time and place at which the Town Meeting is to convene, and, by separate articles, the subject matter to be acted upon, and further defined by Massachusetts General Laws, Chapter 39, Section 10.
- (H) Officer - All officers listed in Section 4-1(A) and any other person holding a position under Massachusetts General Laws (M.G.L.).

**ARTICLE 2     INCORPORATION, POWERS**

**Section 2-1     Incorporation.**

The inhabitants of the Town of Sturbridge, within the territorial limits as now or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Sturbridge."

**Section 2-2     Short Title.**

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

**Section 2-3     Powers.**

The form of government provided by this charter shall be known as the Sturbridge Selectmen-Open Town Meeting plan. Pursuant to the provisions of this charter and subject only to such limitations as may be imposed by the Constitution and the General Laws of the Commonwealth, the Town shall have all powers possible for a town to have under the Constitution and General Laws as fully and completely as though they were specifically enumerated in this charter.

Section 2-4 Construction.

The powers of the Town of Sturbridge under this charter shall be construed liberally in favor of the Town and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

Section 2-5 Intergovernmental Relations.

Subject to the applicable requirements of any provision of the Constitution or General Laws of the Commonwealth, the Town of Sturbridge may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE 3 LEGISLATIVE BRANCH

Section 3-1 Town Meeting.

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

Section 3-2 Presiding Officer.

The Moderator, as provided in Section 4-3 shall function as the presiding officer at all sessions of the town meeting. At the first town meeting session at which he presides following his election, the Moderator shall appoint a Deputy Moderator to serve as acting Moderator in the event of his temporary absence or disability. The appointment of a Deputy Moderator shall be subject to confirmation by the town meeting.

Subject to the provisions of the charter and such bylaws regarding committees as may be approved by the town meeting, he shall appoint the members of such committees of the town meeting, special or standing, as may from time to time be approved by the Town Meeting.

The Presiding Officer shall perform such other duties as may from time to time be assigned to the office of Moderator by bylaw or other vote of the town meeting.

Section 3-3 Time of Meeting.

The regular annual town meeting of the Town of Sturbridge for the transaction of business relating to the prudential affairs of the town shall be held on the first Monday of June or on such date as may from time to time be fixed in the bylaws of the town.

Section 3-4 Preparation of Warrant for Annual and Special Town Meetings.

The Selectmen shall prepare the warrant for the annual town meeting and for special town meetings.

Section 3-5 Town Meeting Warrant - Posting.

The Town Clerk shall cause to be posted the warrant for the annual town meeting and all special town meetings in the town hall, the post offices, and the town library on the dates required by law. The warrant shall also be posted on any web site established as the official web site for the Town of Sturbridge.

Section 3-6 Insertion of Warrant Article by Petition.

Insertion of articles in the warrant for town meetings by petition of the voters shall follow the procedures and stipulations of Chapter 39, Section 10 of the General Laws; namely, articles shall be inserted in the warrant for an annual town meeting by the Selectmen upon receipt in writing of a petition signed by ten (10) or more registered voters of the town. Petitions for insertion of articles in the warrant for special town meeting shall be signed by one hundred (100) or more registered voters.

Section 3-7 Call of Special Town Meeting by Petition.

A special town meeting shall be called by the Board of Selectmen within forty-five (45) days after receipt by them of a petition for that purpose signed by two hundred (200) or more registered voters of the town. Signatures on said petition shall be certified by the registrars of voters.

Section 3-8 Availability of Town Officials at Town Meetings.

Every town officer, the head of each department and the head of each division within the said department shall attend all sessions of the town meeting for the purpose of providing the town meeting with pertinent information. In the event any town officer, department head or division head is to be absent due to illness or other reasonable cause, he shall designate a deputy to attend in his place.

ARTICLE 4 ELECTED OFFICIALS

Section 4-1 General Provisions.

(A) Elective Offices - The offices to be filled by ballot of the whole town shall be:

A Board of Selectmen, a moderator, a school committee, a board of assessors, a board of health, and such members of regional authorities or districts as may be established by statute, inter-local agreement or otherwise.

(B) Eligibility - Any registered voter shall be eligible to hold any elective town office except that no full time employee of the town reporting to the Board of Selectmen, either directly or through the Town Administrator, may simultaneously hold the position of Selectman.

(C) Election - The regular elections for town office shall be held annually on the second Monday of April or such a date as may from time to time be fixed in the bylaws of the town.

ELECTED OFFICES

<u>Board</u>	<u>No. of Members</u>	<u>Term</u>
Board of Selectmen	5	3
Moderator	1	3
Town Clerk	1	3
Assessors	3	3
Constables	3	3
Library Trustees	9	3
School Committee (Elementary)	5	3
Board of Health	3	3

Zoning Board of Appeals	5 <sup>1</sup>	3
Tantasqua Regional School Committee	Variable	3
Recreation Committee	5	3

Section 4-2 Selectmen: Composition, Term of Office, Compensation, Powers and Duties, Etc.

- (A) Composition, Term of Office - There shall be a Board of Selectmen consisting of five (5) members elected by the voters for three year terms, so arranged that the term of office of at least one member, but not more than two members shall expire each year.
- (B) Compensation - The Selectmen shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties in General - The executive powers of the town shall be vested in the Board of Selectmen, and may be exercised by them jointly or through the town agencies and offices under their general supervision and control. The Board of Selectmen shall cause the laws and orders for the government of the town to be enforced, and shall cause a record of all their official acts to be kept, and for that purpose and to aid them in their official duties, they shall appoint a Town Administrator. The Board of Selectmen shall act as the Water and Sewer Commissioners and have the power and authority of Water and Sewer Commissioners as provided by Massachusetts General Laws.
- (D) Appointment - The Selectmen shall appoint a Town Administrator and members of the Board of Registrars.
- (E) Restrictions on members of the board - Selectmen shall not hold any other elected Town of Sturbridge office, or any office appointed by the Town Administrator under Section 6-1 of the charter which is subject to confirmation by the Board of Selectmen.

Section 4-3 Moderator: Term of office; Compensation; Powers and Duties.

- (A) Term of Office - At each town election at which the term of office expires or when a vacancy exists a moderator shall be chosen by the voters for a term of three years. He shall not hold any other Town office, elected or appointed.
- (B) Compensation - The moderator shall receive for his services such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The moderator shall have the powers and duties provided for that office by statute, by this charter, by bylaws and by other vote of the town meeting.
- (D) Appointments - The moderator shall appoint a nine member finance committee. The term shall be for three years so arranged that the term of office of three members shall expire each year. The finance committee shall review all town meeting warrants and advise the town meeting of their recommended action. The finance committee shall have all the powers available in the general laws, granted by town meeting or specified by this charter.

The moderator shall make appointments to other committees where so authorized by town meeting.

Section 4-4 Elementary School Committee: Composition; Term of Office; Compensation; Powers and Duties.

---

<sup>1</sup> Two additional members appointed by the Town Administrator

- (A) Composition, Term of Office - There shall be a school committee consisting of five (5) members elected by voters for three year terms such that the term of office of at least one member, but not more than two members, shall expire each year.
- (B) Compensation - School committee members shall be compensated as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The school committee shall have all of the powers and duties school committees may have under the Constitution and General Laws of the Commonwealth, and it shall have such additional powers and duties as may be authorized by this charter or by bylaw, including the use of land and buildings.

Section 4-5 Tantasqua Regional School Committee: Composition; Term of Office; Compensation; Powers and Duties.

- (A) Composition, Term of Office - There shall be elected representatives to the regional school committee variable in number as provided in the Tantasqua and Union 61 Regional School Agreement for a term of three years so arranged that the term of office of at least one member shall expire each year. One member shall be elected annually by the elementary school committee from the elementary school committee.
- (B) Compensation - Regional school committee members shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The regional school committee shall have all the powers and duties school committees may have under the Constitution, the General Laws of the Commonwealth, the regional school agreement, and it shall have such additional powers and duties as may be authorized by this charter or by bylaw.

Section 4-6 Board of Assessors: Composition; Term of Office; Compensation, Powers and Duties.

- (A) Composition, Term of Office - There shall be a board of assessors consisting of three (3) members elected by the voters for three-year terms, such that the term of office of one member shall expire each year.
- (B) Compensation - The assessors shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The assessors shall annually make a fair cash valuation of all property, real and personal, subject to taxation within the town. They shall have such other powers and duties as are provided by law for assessors.

Section 4-7 Town Clerk: Composition; Term of Office; Powers and Duties.

- (A) Term of Office - There shall be a town clerk elected by the voters at large for the term of three years.
- (B) Powers and Duties - The town clerk shall have all of the powers and duties town clerks may have under the Constitution and General Laws of the Commonwealth. The town clerk may also exercise such additional powers and duties as may from time to time be assigned to that office by the charter, by bylaw or by other vote of the town meeting.

Section 4-8 Board of Health: Composition; Term of Office; Compensation; Powers and Duties.

- (A) Composition, Term of Office - there shall be a board of health consisting of three (3) members elected by the voters for terms of three years so arranged that the term of office of one member shall expire each year.
- (B) Compensation - The members of the board of health shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - the board of health may make reasonable health regulations and shall enforce the laws relating to public health, the provisions of the state sanitary code and all local health regulations.

Section 4-10 Zoning Board of Appeals: Composition; Term of Office; Powers and Duties.

- (A) Composition, Term of Office - there shall be a Zoning Board of Appeals consisting of seven (7) members. Five (5) members shall be elected by the voters for three year terms such that the term of office of at least one member, but not more than two members, shall expire each year. Two (2) members shall be appointed by the town administrator for three year terms so arranged that the terms of office will not expire in the same year.
- (B) Powers and Duties - The Zoning Board of Appeals shall have all powers which are conferred on Zoning Boards of Appeal by the general laws, and such additional powers and duties as may be provided in the zoning bylaws.

Section 4-11. Recreation Committee: Composition; Term of Office; Powers and Duties.

- (A) Composition, Term of Office - There shall be a recreation committee consisting of five members elected by the voters for three years, such that the term of office of at least one member, but not more than two members, shall expire each year.
- (B) Powers and Duties - The recreation committee shall plan, organize and implement programs in response to the recreational needs of the town.

Section 4-12 Other Elected Officers: Powers and Duties.

All other elected officers shall have all the powers and duties conferred upon their office by the general laws, Sturbridge Town Charter and the town bylaws.

Section 4-13 Recall Petition.

- (A) Any holder of an elective office, as defined in Section 4-1(A), may be recalled by the voters as herein provided.
- (B) Recall Petition – Any voter may file with the Town Clerk a signed and dated affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall deliver to said voter making the affidavit copies of petition blanks demanding such recall, and keep printed copies of the petition blanks available. The printed petition blanks shall be issued by the Town Clerk with his signature and official seal affixed. They shall be dated, shall be addressed to the Selectmen and shall contain the name or names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit and shall demand a recall election. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be entered in a record book

to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within thirty (30) days after the filing of the affidavit and shall have been signed by at least twenty (20) percent of the voters who shall add to their signatures the street and number of their residences.

The town clerk shall within twenty-four (24) hours of receipt submit the petition to the Board of Registrars of voters in the town, and the registrars shall forthwith certify the number of signatures which are names of voters.

- (C) Selectmen's Action on Receiving Petition - If the petition shall be found and certified by the board of registrars to be sufficient they shall submit the same with their certificate to the Selectmen without delay, and the Selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five (5) days thereafter, order an election to be held on a date fixed by them not less than twenty-five (25) days nor more than thirty-five (35) days after the date of the board of registrars' certificate, provided however, that if any other town election is to occur within sixty (60) days after the date of the certificate, the Selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
- (D) Incumbent Holds Office Until Recall Election - The incumbent shall continue to perform the duties of his office until the recall election. If not recalled he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section. If recalled he shall be deemed removed from office, and the vacant office filled by appointment by the Board of Selectmen until the next election.
- (E) Proposition on Ballot - Ballots used in a recall election shall submit the following proposition in the order indicated:  
  
For the recall of (name of officer):  
Against the recall of (name of officer):  
Title of office:
- (F) Repeat of Recall Petition - No recall petition shall be filed against an officer within three (3) months after he takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least three (3) months after the election at which his recall was submitted to the voters.
- (G) Appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two (2) years after such recall or such resignation.

## ARTICLE 5 TOWN ADMINISTRATOR

### Section 5-1 Appointment; Qualifications; Term.

The Board of Selectmen shall appoint a Town Administrator for an indefinite term and fix his compensation within the amount appropriated by the town. The Town Administrator shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a person especially fitted by education, training and/or previous experience in management or administration to perform the duties of the office. The town may from time to time establish by bylaw such additional qualifications as seem necessary and appropriate.



Any vacancy in the office of the town administrator shall be filled in accordance with Section 4-2 by the Board of Selectmen. Meanwhile they shall appoint a suitable person as temporary Town Administrator to perform the duties of the office. Such temporary appointment may not exceed three (3) months but one additional renewal may be voted by the Board of Selectmen not to exceed a second three (3) months. Compensation for such person shall be set by the Board of Selectmen.

Section 5-2 Town Administrator - Appointive Procedure.

The Board of Selectmen shall appoint a five member Town Administrator search committee consisting of the following:

One member of the Board of Selectmen,  
One town department head,

Three registered voters of the town at large not employed by the town. The search committee shall advertise the available position, screen all applicants and present three candidates to the Board of Selectmen. The search committee shall follow the affirmative action guidelines as established by Federal Law. The Board of Selectmen shall interview the candidates presented by the search committee at a regular meeting of the board, and elect by majority vote, the Town Administrator.

In the event of any vacancy in the office of the Town Administrator, the Board of Selectmen will initiate the appointment procedure within a period of ten (10) working days.

Section 5-3 Powers and Duties.

The Town Administrator shall be the chief administrative officer of the town and be directly responsible to the Board of Selectmen for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

- (A) He shall supervise and direct the administration of all departments, agencies and offices for whose function he is responsible.
- (B) The Town Administrator shall appoint, subject to confirmation by the Board of Selectmen, all appointive town officers as described in section 6-1 utilizing procedures described in section 6-5.

The Town Administrator shall make notification of all unfilled positions within the town by posting a notice on the bulletin boards at the Town Hall and on cable television for a period of not less than five (5) days, and by notification in writing to the local new media.

- (C) He shall fix the compensation of all town officers and employees appointed by him within the limits established by existing appropriations and town bylaws.
- (D) He shall attend all regular meetings of the Board of Selectmen unless excused at his own request, except meetings at which his removal is being considered, and shall have a voice but no vote in all of its deliberations.
- (E) He shall keep full and complete records of his office and shall render as often as may be required by the Board of Selectmen, but not less once in each year, a full report of all operations during the period reported on, which report shall be made available to the public.

- (F) He shall keep the Board of Selectmen fully advised as to the needs of the town and shall recommend to the Board of Selectmen for adoption such measures requiring action by them or by the town meeting as he may deem necessary or expedient.
- (G) He shall have full jurisdiction over the rental and use of all town property except school property and property under the control of the conservation commission. He shall be responsible for the maintenance and repair of all town buildings and facilities placed under his control by this charter, by bylaw, by vote of the town or otherwise.
- (H) He shall present to the Board of Selectmen the annual budget of the town and shall also be responsible for the development and annual updating of the capital improvement program.
- (I) He shall keep a full and complete inventory of all property of the town, both real and personal.
- (J) Copies of all proposed contracts, including personnel, shall be provided to the Finance Committee by the Board of Selectmen within 10 days of approval for record purposes.
- (K) He shall be responsible as Chief Procurement Officer of the town for purchasing all supplies, material and equipment for all departments under his jurisdiction.
- (L) He shall see that all of the provisions of the general laws, of the charter, of votes of the town meeting and votes of the Board of Selectmen which require enforcement by him or officers subject to his direction and supervision are faithfully carried out.
- (M) He shall prepare and revise, as necessary, a plan establishing personnel requirements. It shall include job descriptions, together with wage and salary schedules, for all departments established by this charter, administrative code or town bylaw, except school department employees, and it shall become effective within 30 days of submission to the Board of Selectmen unless, rejected by them.
- (N) He may at any time inquire into the conduct of office of any officer or employee or department, board or commission under his jurisdiction.
- (O) He shall attend all sessions of the town meetings and answer all questions directed to him by the voters of the town which relate to his office.
- (P) He shall perform any other duties required by the bylaws, administrative code, the voters of the town meeting, or the votes of the Board of Selectmen.

#### Section 5-4 Acting Town Administrator.

By letter filed with the town clerk, the Town Administrator shall designate a qualified town administrative employee or officer to exercise the powers and perform the duties of Town Administrator during his temporary absence. During his absence the Board of Selectmen may not revoke such designation until at least ten (10) working days have elapsed whereupon it may appoint another qualified town administrative employee or officer to serve until the Town Administrator shall return.

In the event the Board of Selectmen deem the Town Administrator as unable to perform his assigned duties, the Board of Selectmen shall appoint a department head to serve as acting Town Administrator.

Section 5-5 Removal and Suspension.

The Board of Selectmen may, by majority vote of the full board, terminate and remove or suspend the Town Administrator from his office in accordance with the following procedure.

Before the Town Administrator may be removed, if he so demands, he shall be given a written statement of the reasons alleged for his removal and shall have a right to be heard publicly thereon at a meeting of the Board of Selectmen prior to a final vote on his removal, but pending and during such hearing the Board of Selectmen may suspend him from his office. The action of the Board of Selectmen in suspending or removing the Town Administrator from office 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 Board of Selectmen. The Town Administrator shall continue to receive his salary until the effective date of a final vote of removal. The town may, by bylaw, establish a procedure for removal or suspension of a Town Administrator in such detail as it may deem necessary or desirable.

ARTICLE 6 APPOINTED OFFICIALS, BOARDS, COMMISSIONS & EMPLOYEES

Section 6-1 Appointments

Section 6-1

- (A) Appointments to all boards, commissions, and committees consisting of more than one member and where terms are greater than one year shall be made in a manner that all terms of all incumbents do not expire in the same year. Wherever possible, an equal number of members of each board, commission, and committee shall come to the end of their terms of office in each year.
- (B) The Town Clerk shall maintain, electronically, a list of all of the offices, boards and committees of the Town of Sturbridge, including the name of the office, board or committee, purpose or objective, number of membership, term of appointment, and the appointing authority. The Town Clerk shall update the list of offices, boards and committees as they are formed or dissolved, post a copy on the official website of the Town of Sturbridge, and cause it to be included in the annual town report.
- (C) Annual appointments to all boards, commissions and committees shall be made by July 1 of each year. Whenever a board, commission, or committee member resigns or otherwise is no longer on the board, commission or committee, the responsible appointing authority shall appoint a new member within 45 days.
- (E) The Town Administrator shall have the power to appoint such other individual town officers and members of boards and committees as are authorized by the Massachusetts General Laws, this Charter, or Town Bylaws, for which the method of appointment is not otherwise provided.

Section 6-2 Appointments by the Town Administrator

The Town Administrator shall make appointments to the following offices, boards, and commissions for the specified term, subject to the confirmation by a majority vote of the Board of Selectmen at a regularly scheduled meeting and administration of the oath of office by the Town Clerk.

<u>Office(s)</u>	<u>Term(s) of Office</u>
Town Counsel	1 Year
Finance Director	3 Years
Town Accountant	3 Years
Principal Assessor	3 Years
Director, Department of Public Works	3 Years
Members of the Department of Public Works	3 Years
Tree Warden	3 Years
Chief of Police	3 Years
Members of the Police Department	3 Years
Fire Chief	3 Years
Members of Fire Department	3 Years
Hazardous Waste Coordinator	3 Years
Building Inspector/Zoning Enforcement Officer	3 Years
Other Inspectors (excluding Board of Health appointees)	3 Years
Emergency Management Coordinator	3 Years
Director of Veteran's Affairs & Soldiers Burial	3 Years
Animal Control Officer	3 Years
Town Planner	3 Years
Council on Aging Director	3 Years

<u>Boards and Commissions</u>	<u>Number of Members</u>	<u>Term(s) of Office</u>
Planning Board	7	5 Years
Design Review	5	3 Years
Zoning Board of Appeals	2	3 Years
Conservation Commission	5	3 Years
Safety Committee	5	3 Years
Historical Commission	5	3 Years
Cultural Council	7	3 Years
Council on Aging	9	3 Years
Street Light Committee	3	3 Years
Housing Partnership Committee	5	3 Years
Cable Advisory Committee	5	3 Years

Partial Appointments

Sturbridge Tourist Association	6 of 7	3 Years
Personnel Classification Committee	4 of 5	3 Years
Community Preservation Committee	3 of 9	3 Years
Zoning Board of Appeals	2 of 7	3 Years

Section 6-3 Power to Rescind Appointments.

The Town Administrator shall, subject to confirmation by vote of the Board of Selectmen, have the power to rescind for cause, including excessive and unexcused absenteeism, any

appointment made by him to any board, commission, committee, or individual officer under authority of this charter, provided that the appointee shall first have been served with a written notice of the Town Administrator's intention, specifying the reasons for the proposed removal, and informing the appointee of his right to be heard, if requested in writing, at a public meeting of the Board of Selectmen.

Section 6-4 Merit Principle.

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

Section 6-5 Appointments by the Town Administrator - Procedure.

1. Procedure for Appointment of Department Heads

Fire Chief  
Director of Department of Public Works  
Police Chief

Upon vacancy, the town administrator shall appoint a five (5) member search committee, consisting of the following: (1) Town Administrator, (2) Two voters not currently employed by the town appointed by the Town Administrator, (3) Two members qualified to assist in the search process and appointed by the Town Administrator. The search committee shall screen all applicants, interview the top applicants at a legally advertised public meeting, and the Town Administrator shall select the best applicant for appointment, subject to confirmation by the Board of Selectmen.

2. Procedure for the Appointment of Town Employees.

The Town Administrator shall advertise all available positions, screen all applicants, and select the best qualified applicant for appointment subject to confirmation by the Board of Selectmen.

ARTICLE 7 ADMINISTRATIVE ORGANIZATION.

Section 7-1 Department of Public Works.

There shall be a department of public works appointed by the Town Administrator in accordance with Section 6-1. The director of the department of public works so appointed shall be a person especially fitted by education, training, and/or previous experience to perform the duties of the office.

The director of the department of public works shall be responsible for the supervision and coordination of all public works operations of the town which are placed under his control by this charter, by bylaw, by vote of the town, or otherwise.

The department of public works shall be responsible for the following town functions: engineering, highways, water system, sewerage system, maintenance of town properties including cemeteries and recreation areas and other related functions assigned by the Town Administrator or director of public works.

Section 7-2 Principal Assessor

There shall be a full-time Principal Assessor appointed by the Town Administrator subject to confirmation by a majority vote of the Board of Selectmen. The Principal Assessor shall be appointed for a term of three years and shall be a person especially fitted by education, training,

and/or previous experience to perform the duties of the office. The responsibility of the Principal Assessor will include the daily operation of the assessors' department.

## ARTICLE 8 GENERAL PROVISIONS.

### Section 8-1 Relation of Charter to Town Bylaws, Rules, Regulations, Orders and Special Laws.

Where provisions of this charter conflict with provision of town bylaws, rules, regulations, orders and special laws, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special laws not superseded by this charter shall remain in force.

### Section 8-2 Severability.

If any provisions of this charter are held invalid, the other provisions of the charter shall not be affected thereby. If the application of the 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 Provisions Shall 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 8-4 Publication of Charter and Bylaws.

The Board of Selectmen shall, within one year of the adoption of this charter and subsequent revisions thereafter, cause to be prepared copies of said Charter and Town Bylaws to be available to the public in a suitable format in the office of the Town Clerk and posted on the web site established as the official web site for the Town of Sturbridge.

### Section 8-5 Charter Revision.

Amendments to this charter relating in any way to the composition of the town meeting or the composition or mode of election or terms of office of the Board of Selectmen may be proposed only by a charter commission elected under the General Laws of the Commonwealth.

Amendments to this charter relating to other matters may be proposed at a duly called town meeting. Proposed amendments approved by a two-thirds majority town meeting vote shall be acted upon by ballot of the whole town at a regular election of town officers held in accordance with the General Laws. The effective date of revisions will be the date the town clerk certifies that the proposed amendment was approved by a majority of valid ballots cast.

The Board of Selectmen shall every five years, form a committee to study the working of town government. The committee shall recommend procedures to revise the charter, if that is deemed advisable.

### Section 8-6 Resignations.

Any person holding an appointive or elective office may resign the office by filing a letter of resignation with the town clerk. The effective date of resignation shall be upon receipt by the town clerk unless a time certain is specified therein when it shall take effect. The town clerk shall notify the Town Administrator, and/or Board of Selectmen within 24 hours of receipt of a letter of resignation by forwarding a copy of the letter with date received. The town clerk shall resign the office by submitting a letter so stating to the Board of Selectmen.

Section 8-7 Numbering of Charter Provisions

The numbering of sections, subsections, paragraphs and subparagraphs in this Charter is deemed non-substantive and ministerial in nature, and the Town Clerk, after consultation with Town Counsel, may make appropriate revisions to the same solely for the purpose of ensuring consistent and appropriate sequencing of such numbering; provided, however, that the Town Clerk shall keep a record of all such revisions which record shall include the date and substance of all such revisions. Note: This section, though approved by AG, still needs to be voted on by ballot.

ARTICLE 9 TRANSITIONAL PROVISIONS.

Section 9-1 Continuation of Existing Laws.

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

Section 9-2 Continuation of Government.

- (A) All town officers and all members of all boards, commissions, and committees who have heretofore been elected and who will henceforth be appointed under the provisions of this charter, shall serve for the balance of the term for which they were elected but their successors shall be appointed.
- (B) All committee, commissions, boards, departments, offices and other agencies of the town shall continue to perform their duties until reappointed, or until successors to their respective positions are duly appointed or elected or their duties have been transferred in accordance with the provisions of the charter.

Section 9-3 Continuation of Administrative Personnel.

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform the duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency. Nothing contained in the charter shall be construed as to grant to the incumbent of any office at the time the charter is adopted any right or privilege to be retained in the employment of the town.

Section 9-4 Transfer of Records and Property.

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

Section 9-5 Effective Date.

This charter shall take effect upon its adoption by the voters of Sturbridge.