

SENATE No.

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to amend the town charter of Sandwich.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	Plymouth and Barnstable
Jeffrey Davis Perry	5th Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02680 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO AMEND THE TOWN CHARTER OF SANDWICH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**ARTICLE I
INCORPORATION, FORM OF GOVERNMENT**

Section 1.1 INCORPORATION

The inhabitants of the Town of Sandwich, residing within its corporate boundaries as heretofore established, are hereby constituted and shall continue to be a body politic and corporate in perpetuity under the name of "The Town of Sandwich."

Section 1.2 FORM OF GOVERNMENT

The municipal form of government provided by this Charter shall consist of a Town Meeting open to all voters; a Board of Selectmen, elected by the people and accountable to the people; and a Town Manager, appointed by and accountable to the Board of Selectmen for proper administration of the affairs of the town.

**ARTICLE II
POWERS OF THE TOWN**

- a) The town shall have all the powers granted to towns by the Constitution and General Laws together

20 with all of the implied powers necessary to execute such granted powers.

21

22 b) The powers of the town under the Charter shall be construed and interpreted liberally in favor
23 of the town, and the specific mention of any particular power is not intended to limit in any way
24 the general powers.

25

26 c) The town may enter into agreements with any other agency of municipal government, agency of
27 the Commonwealth, other states, or the United States government to perform jointly, by
28 contract, or otherwise, any of its powers or functions and may participate in the financing
29 thereof.

30

**ARTICLE III
LEGISLATIVE BRANCH**

31

32

33 Section 3.1 OPEN TOWN MEETING

34

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

36

37 Section 3.2 PRESIDING OFFICER

38

39 All sessions of the Town Meeting shall be presided over by a Moderator, elected as provided in Section
40 4.4 of the Charter. The Moderator shall regulate the proceedings, decide questions of order, and make
41 public declarations of all votes. The Moderator shall have all of the powers and duties given to
42 Moderators under the Constitution and the General Laws, and such additional powers and duties as may
43 be authorized by the Charter, by By-law or by other Town Meeting vote.

44

45 Section 3.3 ANNUAL TOWN MEEETING

46

47 The Annual Town Meeting shall be held on such date or dates as may be fixed by the Board of Selectmen
48 as provided in paragraph (e) of Section 4.2.5 of the Charter.

49

50 Section 3.4 SPECIAL TOWN MEETINGS

51

52 Special Town Meetings shall be held at the call of the Board of Selectmen at such times as it may deem
53 appropriate and whenever a special meeting is requested by the voters in accordance with procedures
54 made available by the General Laws.

55

56 Section 3.5 QUORUM

57

58 The quorum for both the Annual Town Meeting and any Special Town Meeting shall be set by By-law.

59

60 Section 3.6 CLERK OF THE MEETING

61

62 The Town Clerk shall serve as the clerk to the Town Meeting. In the event that the Town Clerk is absent,
63 the Assistant Town Clerk will serve.

64

65 Section 3.7 WARRANT ARTICLES

66

67 a) Except for procedural matters all subjects to be acted on by Town Meeting shall be placed on
68 warrants issued by the Board of Selectmen.

69

70 b) The Board of Selectmen shall receive all petitions addressed to it which require the
71 submission
72 of particular subject matter to the Town Meeting in accordance with the General Laws. Ten
73 (10) signatures shall be required on a petition to have an article inserted in the warrant for an
74 Annual Town Meeting, and one hundred (100) signatures shall be required on a petition to
75 have an article inserted in a warrant for a Special Town Meeting.

76

77 c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show
78 comparative figures including actual figures for the preceding year, appropriations for the
79 current year, requests for the next fiscal year and amounts recommended by the Finance
80 Committee.

81

82 Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

83

84 In addition to any notice required by the General Laws, the Board of Selectmen shall cause the Annual
85 Town Meeting warrant to be posted on the town bulletin board and otherwise distributed as provided
86 by paragraph (e) of Section 4.2.5 of the Charter. Additional copies shall be kept available for distribution
87 by the Town Clerk. In addition, the Board of Selectmen shall cause the Town Meeting warrant to be
88 posted on the Town's website for the convenience of the residents of the Town; provided, however,
89 that failure to post the warrant on the website or to post it one or more weeks prior to the date of the

90 Town Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the
91 Town Meeting.

92 **ARTICLE IV**
93 **ELECTED TOWN OFFICES**
94

95 Section 4.1 ELECTED TOWN OFFICES, IN GENERAL
96

97 The offices to be filled by the voters shall be: a Board of Selectmen, five (5) members; a School
98 Committee, seven (7) members; a Moderator; a Town Clerk;; a Board of Assessors, three (3) members; a
99 Board of Health, three (3) members; a Planning Board, seven (7) members; Trustees of the Sandwich
100 Library, nine (9) members; Trustees of the Weston Memorial Fund, three (3) members; Sandwich
101 Historic District, five (5) members; Housing Authority, 5 members, 4 elected 1 appointed by the
102 Governor; and such other regional authorities, districts, or committees as may be required by the
103 General Laws or inter-local agreement. All elected or appointed multiple member boards shall be
104 arranged so that as nearly an equal number of terms as possible shall expire each year. Notwithstanding
105 any other provision of the Charter, all elected officials and officers shall have the powers and duties as
106 prescribed by the General Laws.

107

108 Section 4.2 BOARD OF SELECTMEN
109

110 The Board of Selectmen shall be composed of five (5) members. Each member shall be elected from the
111 town at-large to a three (3) year term.

112

113 Section 4.2.1 QUALIFICATIONS
114

115 In addition to any other qualifications prescribed by law, each Selectman shall be a qualified voter of the
116 town, and shall reside within the town while in office.

117

118 Section 4.2.2 COMPENSATION
119

120 Selectmen shall receive such compensation as may be specified in the annual budget, provided,
121 however, that they shall be entitled to all necessary expenses incurred in the performance of their
122 official duties upon approval by the Board of Selectmen.

123

124 Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN
125

126 a) A chairman shall be elected by the Board of Selectmen at the first meeting following each regular
127 town election. The chairman shall preside at all meetings of the Board. The chairman shall
128 perform such other duties consistent with this Charter, or as may be imposed on him by the
129 Board.
130

131 b) A vice chairman shall be elected by the Board of Selectmen at the first meeting following each
132 regular town election. The vice chairman shall act as chairman during the disability or absence
133 of the chairman, and in this capacity shall have the rights and duties conferred upon the
134 chairman.
135

136 Section 4.2.4 VACANCIES
137

138 Vacancies in the office of Selectman shall be filled by special election if the vacancy occurs eight (8)
139 months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten
140 (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-
141 five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than
142 eight (8) months prior to the next annual election shall be filled at the next annual election.
143

144 Section 4.2.5 GENERAL POWERS AND DUTIES
145

146 a) Except as otherwise provided by the General Laws or this Charter, all executive powers of the
147 Town shall be vested in the Board of Selectmen. The Board of Selectmen shall provide for the
148 exercise thereof and for the performance of all duties and obligations imposed on the Town by
149 law.
150

151 b) At least a majority of the Board of Selectmen shall sign all official documents, and approve the
152 financial warrants.
153

154 c) The Board of Selectmen shall serve as the Board of Directors and policy making body of the
155 Town.
156 They shall appoint a Town Manager to carry out the day-to-day operations of the Town within
157 the policies set by the Board of Selectmen. The Board of Selectmen shall appoint members of
158 committees.
159

160 d) No member of the Board of Selectmen may serve in any other elected and/or appointed Town
161 office
162 or committee during his or her term as Selectman, excluding ex-officio positions, except that
163 Selectmen may serve on committees when authorized by State law or Town bylaw. Service as a

164 representative from the Town to another body other than the Town shall not be prohibited by
165 this provision.

166

167 e) The Board of Selectmen shall set guidelines for the preparation of the annual budget and
168 present
169 the budget to the Town Meeting. The Board of Selectmen shall set the date and Warrant
170 Articles for the Town Meeting and any Special Town Meeting. The Board of Selectmen shall
171 make available sufficient copies of the warrant for the Town Meeting for all registered voters.
172 The Board of Selectmen shall either provide direct mailings to households, or publish notice of
173 the availability of said warrants at town facilities and other common locations throughout the
174 town at least two (2) weeks prior to the Town Meeting; provided, however, that failure to post
175 the warrant on the website or to post it one or more weeks prior to the date of the Town
176 Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the
177 Town Meeting

178

179 f) The Board of Selectmen shall be a licensing board for the Town and shall have the power to
180 issue
181 licenses as authorized by law, to make all necessary rules and regulations regarding the issuance
182 of such licenses, and to impose restrictions on any such license as it deems to be in the public
183 interest, and to enforce all laws, rules, regulations, and restrictions relating to all such
184 businesses for which it issues licenses.

185

186 g) The Board shall require bonds for all municipal officers and employees who receive or pay out
187 any
188 moneys of the town. The amount of such bonds shall be determined by the Board and the cost
189 thereof shall be borne by the town.

190

191 h) The Board of Selectmen shall be authorized to institute, prosecute, compromise or defend any
192 claim,
193 action, suit or other proceeding in the name of the Town and to settle any claim, action, suit or
194 other proceeding brought by or on behalf or against the Town. In the event that a settlement
195 requires the issuance of a permit or license or the transfer of property, and such matter is not
196 within the Board of Selectmen's jurisdiction, the Town board or officer with legal jurisdiction
197 over the matter shall retain sole authority to act on behalf of the Town.

198

199 i) The Board of Selectmen shall annually review a Long Range Plan to project the future needs of
200 the
201 Town and report on this at Town Meeting.

202

203 j) The Board of Selectmen shall serve as custodians of all Town property except as otherwise
204 provided
205 by the General Laws or by vote of the Town.

206

207 k) The Board of Selectmen shall exercise any other responsibilities as set forth in the General Laws.

208

209 Section 4.2.6 MEETINGS OF THE BOARD

210

211 a) The Board of Selectmen shall hold at least two regular meetings each month. The board shall
212 fix, by
213 resolution, the days, times and location of its regular meetings.

214

215 b) The Board of Selectmen may hold such special meetings as it deems necessary and appropriate,
216 which may be called for by three members of the Board. In no event shall a regular or special
217 meeting be held in any facility or at any locations which are not readily accessible to the public
218 or handicap accessible.

219

220 Section 4.2.7 RULES OF PROCEDURE

221

222 a) The Board of Selectmen shall by resolution, determine its own rules and order of business;
223 however, the rules shall provide that citizens of the town shall have a reasonable opportunity
224 to be heard at any meeting in regard to any matter under consideration.

225

226 b) Voting except on procedural motions, shall be by roll call if requested by a Selectman, and the
227 ayes
228 and nays shall be recorded in the minutes.

229

230 c) Three Selectmen shall constitute a quorum for the purposes of transaction of business.

231

232 d) No action of the Board of Selectmen shall be valid or binding unless adopted by the affirmative
233 vote

234 of three or more members of the Board.
235

236 Section 4.2.8 PROHIBITIONS
237

238 a) Except where authorized by law, no Selectman shall hold any other town office or town
239 employment
240 during his term as Selectman, nor any former Selectman shall hold any compensated appointed
241 town office or town employment until one year after the expiration of his term as Selectman.

242

243 b) The Selectmen shall not in any manner dictate the appointment or removal of any town
244 administrative officers or employees whom the Town Manager or any of his subordinates are
245 empowered to appoint. The Board of Selectmen may express its views and fully and freely
246 discuss with the Town Manager anything pertaining to appointments and
247 removal of such officers and employees.
248

249 c) Except for the purpose of inquiries and investigations, the Board of Selectmen and its members
250 shall
251 deal with town officers and employees who are subject to the direction and supervision of the
252 Town Manager, solely through the Town Manager, and neither the Board of Selectmen nor any
253 of its members shall give orders to any such officer or employee, either publicly or privately.

254

255 Section 4.3 SCHOOL COMMITTEE
256

257 The School Committee shall be composed of seven (7) members. Each member shall be elected from
258 the town at-large to a three (3) year term. The three (3) year terms of office for school committee shall
259 be staggered.

260 Section 4.3.1 GENERAL POWERS AND DUTIES
261
262

263 The School Committee shall have all the powers and duties given to school committees by the General
264 Laws. The School Committee shall have the power to select, oversee, and to terminate the
265 Superintendent of Schools, establish educational goals and policies for the schools consistent with
266 requirements of the General Laws and standards established by the Commonwealth.

267

268 Section 4.3.2 BUDGET HEARING
269

270 The School Committee shall hold a public hearing on its proposed annual budget pursuant to General
271 Laws, Chapter 71, Section 38N, on or before the first day of March.

272
273 Section 4.3.3 VACANCIES
274

275 Vacancies in the School Committee shall be filled by special election if the vacancy occurs eight (8)
276 months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten
277 (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-
278 five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than
279 eight (8) months prior to the next annual election shall be filled at the next annual election.
280

281 Section 4.4 MODERATOR
282

283 A Moderator shall be elected by the voters for a term of three years. In the event of absence of the
284 Moderator, the Town Meeting may elect a temporary Moderator, for the purpose of presiding over the
285 Town Meeting.

286
287 Section 4.4.1 POWERS AND DUTIES
288

- 289 a) The Moderator shall have the powers and duties provided by the General Laws, by this
290 Charter,
291 by By-law or by any other Town Meeting vote.
292
- 293 b) The Moderator shall appoint members of the Finance Committee which shall consist of nine
294 (9) members. Should the Moderator fail to fill a vacancy on the Finance Committee within
295 forty-five (45) days of having been notified in writing by the Town Clerk of said vacancy, a
296 majority of the remaining members of the Finance Committee may nominate a person for each
297 such vacancy. Should the Moderator fail to take action on said nomination within 21 days, the
298 nominee shall become a member of the Finance Committee.
299

- 300 c) The Moderator shall appoint members to other committees as directed by Town Meeting.

301

302 Section 4.5 TOWN CLERK
303

304 A Town Clerk shall be elected by the voters at the annual town election, for a term of three years.

305

306

307 Section 4.7 BOARDS, COMMITTEES AND OFFICERS
308

309

310 a) Each Board or Committee will be organized and charged with the powers and duties
311 specified in
312 the General Laws and Special Acts of the Commonwealth, Town By-law or elsewhere in this
313 Charter. The Board of Selectmen may also, from time to time, establish boards or
314 committees to address specific needs or issues. Each board or committee shall, at its
315 annual organization meeting, elect a presiding officer and shall cause the Board of
316 Selectmen and the Town Clerk to be notified of its selection. Such boards and committees
317 shall make a written annual report of its activities to the Board of Selectmen.

318

319 b) Members of permanent committees shall be elected for a staggered term of three years
320 unless otherwise provided for by the General Laws or this Charter. Appointees to
321 temporary and special committees shall be appointed by the Board of Selectmen for the
322 duration of the charge of the board or committee. Boards, committees or officers
323 specifically provided for by the General Laws or this Charter may be continued or
324 terminated only by the Board of Selectmen.

325

326 **ARTICLE V**
327 **ADMINISTRATIVE SERVICES**
328

329 Section 5.1 TOWN MANAGER
330

331 Section 5.1.1 APPOINTMENT AND QUALIFICATIONS
332

333 The Board of Selectmen by majority vote of the entire Board shall appoint a Town Manager. The
334 method of selection shall be left to the discretion of the Board of Selectmen so long as the method of
335 selection insures orderly, nonpartisan action toward securing a competent and qualified person to fill
336 the position. The Town Manager shall be chosen solely upon the basis of his/her executive and
337 administrative training, education, experience and ability and need not, when appointed, be a resident
338 of the Town of Sandwich; however, the Town Manager shall establish such residence within six (6)
339 months following the effective date of appointment, provided that the Board of Selectmen may, by a
340 unanimous vote of all members of the Board of Selectmen then in office, extend to a time certain the
341 time for establishing residence or waive this requirement in its entirety. The Town Manager shall be
342 bonded at town expense.

343 Section 5.1.2 COMPENSATION
344
345

346 The Town Manager shall receive compensation as may be fixed by the Board of Selectmen according to
347 his/her expertise, education and training. Any contract between the Board of Selectmen and the Town
348 Manager shall be made pursuant to Section 108N of Chapter 41 of the General Laws.

349

350 Section 5.1.3 TERM AND REMOVAL
351

352 The Town Manager may be appointed for a definite term but may be removed at the discretion of the
353 Board of Selectmen, by vote of the majority of the entire Board. The action of the Board of Selectmen in
354 suspending or removing the Town Manager shall be final. It is the intention of this Charter to invest all
355 authority and fix all responsibilities of such suspension or removal in the Board of Selectmen.

356 Section 5.1.4 POWERS AND DUTIES
357
358

359 The Town Manager shall be responsible to the Board of Selectmen for the proper administration of all
360 the affairs of the town consistent with the General Laws and this Charter, and shall:

361

362 a) appoint, discipline, suspend, or remove Town employees, including Civil Service positions, except
363 that the approval of the Board of Selectmen shall be required for appointment of Department
364 Heads and the Assistant Town Manager;
365

366 b) supervise and direct all appointed Department Heads;

367

368 c) administer and enforce all provisions of General Laws or Special Acts of the Commonwealth, or
369 Town By-laws, and all regulations established by the Board of Selectmen;

370

371 d) coordinate activities of all town departments;

372

373 e) attend all sessions of the Town Meeting and answer all questions addressed to the Town

374 Manager which are related to the warrant articles and to matters under the general supervision
375 of the Town Manager;

376

377 f) keep the Board of Selectmen fully informed as to the needs of the town, and recommend to the

378 Selectmen for adoption such measures requiring action by them or by the town as the Town
379 Manager deems necessary or expedient;

380

381 g) ensure that complete and full records of the financial and administrative activity of the town
382 are
383 maintained and render reports to the Board Selectmen as may be required;

384

385 h) be responsible for the rental, use, maintenance, repair and the development of a
386 comprehensive
387 maintenance program for all town facilities;

388

389 i) serve as the chief procurement officer and be responsible for the purchase of all supplies,
390 materials,
391 and equipment, and approve the award of all contracts. Any contract over \$500,000 will require
392 approval by the Board of Selectmen;

393

394 j) develop and maintain a formal and complete inventory of all town owned real and personal
395 property
396 and equipment;

397

398 k) administer personnel policies, practices, rules and regulations, any compensation plan and any
399 related matters for all municipal employees and to administer all collective bargaining
400 agreements

401 entered into by the town;

402

403 l) fix the compensation of all town employees and officers appointed by the Town Manager;
404 within the limits established by appropriation and any applicable compensation plan and
405 collective bargaining agreements;

406

407 m) be responsible for the negotiation of all contracts with town employees regarding wages, and
408 other
409 terms and conditions of employment, except employees of the School Department. The Town
410 Manager may, subject to the approval of the Board of Selectmen, employ special counsel to

411 assist in the performance of these duties. Collective bargaining agreements shall be subject to
412 the approval of the Board of Selectmen, and to Chapter 150E of the General Laws;

413

414 n) prepare and submit an annual operating budget and capital improvement program as provided
415 in
416 paragraph (b) of Section 7.1 of this Charter and be responsible for its administration after its
417 adoption. The Town Manager may transfer funds between individual line items within a
418 department account at any time during the fiscal year, and further, may transfer during the last
419 two (2) months of any fiscal year or during the fifteen (15) days of the new fiscal year to apply to
420 the previous fiscal year, any amount appropriated for the use of any department other than a
421 municipal light department or the school department to the appropriation for any other
422 department, but the amount transferred from one department to another may not exceed
423 three per cent (3%) of the annual budget of the department from which the transfer is made,
424 with the approval of the Selectmen and Finance Committee;

425

426 o) keep the Board of Selectmen and the Finance Committee fully informed as to the financial
427 condition
428 of the town and make recommendations to the Board of Selectmen;

429

430 p) prepare and submit to the Board of Selectmen at the end of the fiscal year a comprehensive
431 report on the finances and the activities and operations of all departments, boards and
432 committees of the town;
433

434 q) investigate or inquire into the affairs of any town department or office;

435

436 r) delegate, authorize or direct any subordinate or employee in the town to exercise any power,
437 duty, or
438 responsibility which the office of Town Manager is authorized to exercise, provided, that all acts
439 performed under such delegation shall be deemed the acts of the Town Manager; and

440

441 s) perform such other duties as necessary or as may be assigned by this Charter, Town By-law,
442 Town
443 Meeting vote, or vote of the Board of Selectmen.

444

445 Section 5.1.5 ACTING TOWN MANAGER

446

447 The Assistant Town Manager shall perform the duties of the Town Manager in his/her absence. In the
448 event of long-term disability, resignation, termination, or vacancy of both the Town Manager and the
449 Assistant Town Manager at the same time, the Board of Selectmen shall appoint an Acting Town
450 Manager for the duration of any such disability, or until appointment of a permanent Town Manager or
451 Assistant Town Manager. No member of the Board of Selectmen shall serve as Acting Town Manager.

452

453 Section 5.2 TOWN COUNSEL

454

455 The Board of Selectmen shall appoint a competent and duly qualified and licensed attorney practicing in
456 the Commonwealth, who shall be the counsel for the town. He/she shall receive for his/her services
457 such compensation as may be fixed by the Board of Selectmen and shall hold his/her office at the
458 pleasure of the Board. The Town Counsel shall be the legal adviser of all of the offices and departments
459 of the town, and he/she shall represent the town in all litigation and legal proceedings; provided, that
460 the Board of Selectmen may retain special counsel at any time they deem appropriate and necessary.
461 He/she shall review and concur or dissent upon all documents, contracts, and legal instruments in which
462 the town may have an interest. The Town Counsel shall perform other duties prescribed by this Charter,
463 Town By-law, or as directed by the Board of Selectmen. No employee, committee or board, elected or
464 appointed, other than the Board of Selectmen, shall contact or otherwise interact with the Town or
465 Labor Counsel in a manner inconsistent with the policy relative to access to counsel established by the
466 Town Manager.

467

468

469

470

471

ARTICLE VI
COMPLIANCE WITH LAW - PUBLIC RECORDS, OPEN MEETINGS, AND CONFLICT OF INTEREST

472 All boards, committees, and commissions shall comply with Sections 23A, 23B, and 23C of Chapter 39 of
473 the General Laws, popularly known as the "Open Meeting Law", in the conduct of any town business.

474

475 All officers or employees of any agency, office, department, board, commission, bureau, division or
476 authority of the Town shall comply with the provisions of Chapter 66, Section 10 and Chapter 4, Section
477 7, clause twenty six (26) of the General Laws, popularly known as the "Public Records Law."

478

479 All employees of the Town, as that term is defined in Chapter 269A, Section 1, shall comply with the
480 requirements of Chapter 268A, Section 1, et. seq., commonly known as the "Conflict of Interest Law."

481

482
483
484

**ARTICLE VII
FINANCIAL PROVISIONS AND ADMINISTRATION**

485 Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE
486

487 a) Annually, prior to the first day of November, the Town Manager shall establish and
488 issue a budget schedule which shall set forth the calendar dates for developing the annual budget
489 for the next fiscal year.

490 b) On or before the first day of February, the Town Manager and School Committee shall
491
492 each submit to the Board of Selectmen and Finance Committee a proposed line item budget and
493 accompanying message.

494
495 c) The Budget shall provide a complete financial plan of all town funds and activities, including
496 details
497 on debt and debt service, anticipated income, and proposed expenditures. The Budget shall
498 include proposals for capital improvements for the next five (5) years. The budget message shall
499 begin with a clear general summary of its content, and explain in both fiscal terms and work
500 program objectives, proposed expenditures for each department, capital expenditures, and the
501 projected tax rate.
502

503 d) The Board of Selectmen shall review the proposed Town Budget and refer it, including the
504 School Department Budget and recommendations, to the Finance Committee, on or before the
505 first day of March.

506

507 Section 7.2 FINANCE COMMITTEE

508

509 a) There shall be a permanent committee known as the Finance Committee, composed of nine (9)
510 registered voters of the town appointed by the Moderator. They shall serve for three (3) year
511 terms. Terms shall be staggered. Members shall serve without compensation and no member
512 shall be an employee of the Town nor hold an elected or appointed town position during their
513 term of office, excluding ex-officio positions.

514

515 b) The Finance Committee shall conduct a detailed line item review of the Town and School
516 budgets
517 and submit a written budget report to the Annual Town Meeting and a written report to the
518 Annual Town Meeting and any Special Town Meeting with its advisory recommendations on all
519 financial warrant articles, and the projected tax impact consistent with its recommendations.

520

521 c) The Finance Committee can require that the Town Manager, School Committee,
522 any town department, office, board, commission or committee furnish appropriate additional
523 financial information, as needed.

524

525 d) The Finance Committee shall elect a Chairman and such other officers from among its members
526 and form subcommittees as the Finance Committee deems necessary to accomplish its duties.

527

528 Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

529

530 a) The Finance Committee shall within sixty (60) days following the submission of the draft budget
531 by the Town Manager, review the proposed budget, and shall return it to the Board of Selectmen
532 with their recommendations.

533

534 b) The Board of Selectmen shall conduct at least one public hearing on the proposed budget,
535 including the school budget, prior to the Town Meeting, and include the recommendations of the
536 Finance Committee.

537

538 c) The Board of Selectmen shall post in the Town Hall and publish in a daily newspaper of general
539 circulation and on the Town website, a summary of the proposed budget and notice stating:

540

541 1) the times and places where copies of the message and budget are available for
542 inspection by the public, and

543

544 2) the date, time and place where the Board of Selectmen shall conduct the public hearing
545 on the budget.

546

547 Section 7.4 BUDGET ADOPTION

548

549 Town Meeting shall adopt the annual operating budget, with or without amendments prior to the
550 beginning of the fiscal year.

551

552 Section 7.5 ANNUAL AUDIT

553

554 At the close of each fiscal year, and at such times as it may be deemed necessary, the Board of
555 Selectmen shall cause an independent audit to be made of all accounts of the Town by a certified public

556 accountant. The certified public accountant so selected shall have no personal interest, directly or
557 indirectly in the financial affairs of the Town or any of its offices. Upon completion of the audit, the
558 results in a summary form shall be placed on file in the Town Clerk's office and on the Town website as a
559 public record and in the Sandwich Public Library for public information.

560

561 Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

562

563 Any and all emergency appropriations, reductions, and transfers will be made in accordance with the
564 General Laws and the Town By-laws.

565

**ARTICLE VIII
RECALL**

566

567

568 Section 8.1 RECALL

569

570 Any holder of an elected office in the Town of Sandwich may be recalled there from by the qualified
571 voters of the Town as provided in Chapter 408 of the Acts of 1987 for reasons which include but are not
572 limited to the following: embezzlement; influence peddling; refusal to abide by or not comply with the
573 Conflict of Interest Law, Open Meeting Law, Public Records Law, rules and regulations thereto, and the
574 By-laws of the Town of Sandwich which pertains to same; destruction or alteration of public records;
575 nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts
576 of omission or commission which betray the public trust.

577

578 Section 8.2 RECALL PETITION

579

580 A recall petition shall be initiated by request of ten (10) qualified voters. The recall petition shall be
581 signed by twenty-five percent (25%) of the qualified voters and returned within twenty (20) days in
582 accordance with Chapter 408 of the Acts of 1987.

583

**ARTICLE IX
CHARTER**

584

585

586 Section 9.1 SEVERABILITY

587

588 If any section, or part of a section of this Charter, shall be held invalid by a court of competent
589 jurisdiction, such holding shall not affect the remainder of this Charter.

590

591 Section 9.2 CHARTER REVIEW COMMITTEE
592

593 At least every five (5) years the Selectmen shall appoint a Charter Review Committee to be composed of
594 seven (7) members for a period not longer than six (6) months, who shall submit their recommendations
595 to the Board of Selectmen and shall file proceedings of their deliberations.

596

597 Section 9.3 AMENDMENT TO CHARTER
598

599 This Charter may be amended or revised by special act of the General Court, upon the recommendation
600 of Town Meeting and/or pursuant to Chapter 43B of the General Laws.