

**AN ACT ESTABLISHING A CHARTER FOR THE TOWN OF BREWSTER**

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**AN ACT ESTABLISHING A CHARTER FOR THE TOWN OF BREWSTER**

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

*SECTION 1. Notwithstanding any general or special law to the contrary, the following shall be the charter for the town of Brewster:*

**CHAPTER 1  
POWERS OF THE TOWN**

**SECTION 1 Incorporation**

1-1-1. The present town of Brewster, Massachusetts, within its corporate limits as now established, shall continue to be a body politic and corporate under the name, town of Brewster.

**SECTION 2 Scope of Town Powers**

1-2-1. The town shall possess and exercise all powers possible under the constitution and laws of the commonwealth of Massachusetts as fully and completely as though those powers were expressly enumerated in this chapter.

**SECTION 3 Form of Government**

1-3-1. This charter provides for a select board-open town meeting-town manager form of town government.

**SECTION 4 Construction of Charter**

1-4-1. The power of the town 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 measure the general powers of the town as stated in section 1-2-1.

**SECTION 5 Intergovernmental Relations**

1-5-1. The town may exercise, consistent with the law, 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 civil divisions, subdivisions or agencies of the commonwealth, other states or of the United States government.

**Chapter 2 TOWN MEETINGS AND ELECTIONS**

**SECTION 1 Legislative Power**

2-1-1 The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

**SECTION 2 Open Town Meeting**

2-2-1 Business sessions of the annual town meeting shall be held on the first Monday in May and may be continued on such additional days as may be decided by the town meeting. There shall also be a second business session of the annual town meeting held in the last 3 months of the calendar year on a date to be determined by the Select Board, which meeting shall be an "annual town meeting" for purposes of the General Laws; provided, however, that the Select Board may, at its discretion, cancel said fall annual town meeting no later than September 15 in any year, so long as no more than 5 petitioned articles have been submitted for inclusion on the warrant at said fall annual town meeting and notice of the board's action with regard to such meeting shall be posted on the town's website and principal bulletin board. The board's decision as to whether to hold a fall town meeting shall not prohibit the board from calling for a special town meeting, from time to time, at its discretion.

**SECTION 3 Warrant**

**2-3-1 Town Meeting Warrants**

- a) Except for procedural matters, all subjects to be acted on by town meeting shall be placed on warrants issued by the Select Board.
- b) The date of the closure of the warrant to petitioned articles shall be set by bylaw.

**2-3-2 Posting**

In addition to any notice required by the General Laws, the Select Board shall post the town meeting warrant in 5 locations in town and make available sufficient copies of the warrant for the town meeting for all registered voters. The Select Board shall post the warrant on the Town website and make the same available at town facilities and other common locations throughout the town at least two 2 weeks prior to the town meeting; provided, however, that failure to timely post the warrant on the website or to make such copies available no later than 1 week prior to the date of the town meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the town meeting.

**SECTION 4 Citizen Petitions**

2-4-1 Any 10 voters of the town may secure, by written petition to the Select Board, the inclusion of an article for the warrant of any duly scheduled annual town meeting, and at least 100 registered voters may secure the same for any duly scheduled special town meeting.

2-4-2 The Select Board may provide a pre-petition process whereby petitioners can seek review of proposed petitions prior to submission.

### **SECTION 5 Quorum**

2-5-1 The town meeting shall establish by town by-law a quorum requirement for the opening of its business, but a smaller number than the established quorum may adjourn immediately any meeting to a stated date, time and place; provided, however, that in the event of a state of emergency declared by the Governor to protect the public health or safety, the quorum may be reduced in the manner set forth in Section 7 of Chapter 92 of the Acts of 2020.

2-5-2 To open a continued session of town meeting, no fewer than ½ the quorum established pursuant to section 2-5-1 shall be present.

2-5-3 Once a town meeting has been called to order there shall be no minimum quorum required to conduct the business of the Town.

### **SECTION 6 Presiding Officer**

2-6-1. Moderator. A moderator, who shall be a registered voter of the town, shall be elected for a 3-year term. All sessions of the town meeting shall be presided over by a moderator, elected as provided in section 2-10-1. The moderator shall regulate the proceedings, decide questions of order and make public declarations of all votes. The moderator shall have all of the powers and duties given to moderators pursuant to the constitution and the General Laws, and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

2-6-2 Deputy Moderator. The moderator shall appoint a deputy moderator for a one-year term who shall, in the event the moderator is absent or has a conflict, serve as moderator.

2-6-3 Vacancy. If the office of moderator becomes vacant, the Select Board shall appoint an acting moderator, who shall not be an elected town officer, who shall serve as such until the next scheduled election of town officers.

### **SECTION 7 Rules**

2-7-1. Unless otherwise provided by bylaw, rules of procedure for the town meeting shall be in accord with Town Meeting Time, as it may be amended from time to time.

### **SECTION 8 Clerk of the Meeting**

2-8-1 The town clerk shall serve as the clerk to the town meeting. In the event that the town clerk is absent, the assistant town clerk shall so serve, regardless of whether such assistant is a resident or registered voter of the town.

**SECTION 9 Report**

2-9-1 A journal of the proceedings of the town meeting shall be kept as a permanent record in the town clerk's office and it shall be a public record.

**SECTION 10 Elections**

2-10-1 The Annual Election for the election of officers and such matters as are by law determined by ballot shall be held on the third Tuesday in May. Whenever the Annual Election for the election of officers and such matters as are by law determined by ballot falls fewer than two weeks after the scheduled beginning of the Spring Annual Town Meeting, then the Annual Election shall be held on the fourth Tuesday in May. Notwithstanding any other provision of this paragraph, however, the Select Board may, delay the date of the Annual Election if the Governor has declared a state of emergency to protect the public health or safety.

**SECTION 11 Recall**

## 2-11-1 Elected Officers May be Recalled

Any holder of an elected office in the Town of Brewster may be recalled therefrom by the registered voters of the Town as hereinafter provided, for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance, or violation of oath; provided, however, that the question of whether the reasons justify recall shall be determined by the voters.

## 2-11-2 Initiation of petition; submission; certification

Any 25 registered voters of the Town of Brewster may initiate a recall petition by filing with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, and specifying the lead petitioner. The Town Clerk shall thereupon make available to said lead petitioner copies of petition blanks demanding such recall, printed copies of which the Town Clerk shall keep available. Such blanks shall be issued by the Town Clerk under the Town seal, and be dated, be addressed to the Select Board, and shall contain the names of all the 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 the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within 20 days after notification by the Town Clerk to the lead petitioner that the recall petitions are available, and shall have been signed by at least 12% of the registered voters of the Town as of the last regular election, who shall add to their signatures the street and number, if any, of their residence. The Town Clerk shall within one working day of receipt submit the petition to the Registrars of Voters in the Town, and the Registrars shall within 5 working days certify thereon the number of signatures which are names of registered voters of the Town.

### 2-11-3 Delivery to officer; order of election

If the petition shall be found, and certified by the Town Clerk and Board of Registrars to be sufficient, the Town Clerk shall submit the same with the Town Clerk's certificate to the Select Board within three working days, and the Select Board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within 5 days thereafter, the Select Board order an election to be held on a date fixed by it not less than 65 and not more than 90 days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other Town election is to occur within 100 days after the date of certification, the Select Board shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if their term of office expires within 90 days of the certification. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

### 2-11-4 Conduct of Election

An officer sought to be removed may be a candidate to succeed themselves and unless they request otherwise in writing, the Town Clerk shall place their name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of same, shall all be in accordance with the provisions of law relating to elections.

### 2-11-5 Action upon completion of election

The incumbent shall continue to perform the duties of the office until the recall election. If then re-elected, they shall continue in office for the remainder of their unexpired term subject to recall as before, except as provided in this Charter. If not re-elected in the recall election, they shall be deemed removed upon the qualification of their successor, who shall hold office during the remainder of the unexpired term. If the successor fails to qualify within 10 days after receiving notification of their election, the incumbent shall thereupon be deemed removed and the office vacant.

### 2-11-6 Ballots to be used

A. Ballots used in a recall election shall submit the following propositions in the order indicated:

- (1) For the recall of (name and title of officer).
- (2) Against the recall of (name and title of officer).

B. Under the propositions shall appear the word "Candidates," the directions to the voters required by MGL c. 54, § 42, and beneath this the names of candidates nominated in accordance with the provisions of law relating to election. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared

elected. If a majority of the votes on the question is in the negative, the ballots for candidates shall not be counted.

2-11-7 Time limits on filing of petitions

No recall petition shall be filed against an officer within 90 days after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which their recall was submitted to the voters of the Town.

No person who has been recalled from an office or who has resigned from office following the filing of a recall petition shall be appointed to any Town office within two years after such recall or such resignation.

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**CHAPTER 3. THE SELECT BOARD**

**SECTION 1 Composition, Compensation and Vacancies**

3-1-1 There shall be a Select Board consisting of five members elected for three-year overlapping terms. The Board collectively shall serve as the executive branch of Town Government. For purposes of the Massachusetts general laws and regulations, any special laws applicable to the Town of Brewster, as well any local law or regulations, the "Select Board" referred to hereunder shall have all the powers, duties and responsibilities of a Board of Selectmen.

3-1-2 A chair, vice-chair and clerk shall be elected by the Select Board at the first meeting following each regular town election.

3-1-3 Three Select Board members shall constitute a quorum.

3-1-4 Each member of the Select Board may receive an annual stipend as set forth in the Brewster Bylaws, subject to appropriation by Town Meeting.

3-1-5 If a member of the Select Board dies, resigns, is convicted of a felony while serving, or ceases to be a registered voter, the resulting vacancy may be filled by special election in accordance with Massachusetts General Laws.

**SECTION 2 General Powers and Responsibilities**

3-2-1 The Select Board shall exercise the powers and duties prescribed by the Massachusetts General Laws, this Charter, and the Brewster General Bylaws. The Select Board may delegate powers and duties to the Town manager or to another Town Board. The Select Board shall enforce the laws and orders of the Town, including this Charter.

3-2-2 The Select Board shall be the primary policy-making, planning, and goal-setting agency of the Town; provided, however, that no individual member of the board, nor a majority of them, shall at any time, attempt to become involved in the day-to-day administration of the affairs of the town. It is the intention of this provision that the select board shall act only through the adoption of policy directives and guidelines which are to be implemented by officers and employees appointed by or under its authority.

3-2-3 The Select Board, following the development of the proposed budget by the Town manager, shall review the annual proposed operating and capital budgets submitted by the department heads, and shall make the main motion under the budget article at the Annual Town Meeting.

3-2-4 The Select Board shall protect the assets of the Town.



3-2-5 The Select Board shall approve all collective bargaining agreements of the Town negotiated by the Town manager, consistent with the provisions of G.L. c.150E as it may be amended from time to time.

3-2-6 The Select Board shall, no less than one time per year, meet jointly with the Finance Committee, the Brewster School Committee, the Regional School Committee, and the Cape Cod Technical School Committee, or their respective designees, for the purpose of sharing information.

3-2-7 The Select Board shall be the licensing authority of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of said licenses and to attach conditions and restrictions thereto as it deems to be in the public interest, and to enforce the law relating to all business for which it issues licenses; provided, however, that the Board may, at its discretion, delegate responsibility to the town manager or a board created for such purposes for issuance and enforcement of one or more licenses.

3-2-8 The Select Board shall ensure that the Brewster General Bylaws are kept current.

3-2-9 The Select Board shall be responsible to ensure that the Town manager complies with the Charter.

### **SECTION 3 Written Records and Communication to the Town**

3-3-1 Any goal, policy, plan, or official act adopted by the Select Board shall be in writing and included in its entirety in the minutes of the Meeting at which it was adopted. The Town manager shall ensure that a file containing a complete list of the Select Board's current policies and goals be posted on the Town's website for public reference. The Select Board shall designate to the Town manager the publishing of an Annual Town Report for each calendar year.

3-3-2 Before July 31 and after the Annual Town Election, the Select Board shall hold a Meeting for the purpose of stating the Board's goals for the next fiscal year(s), referred to as the Annual Goal Setting Meeting.

### **SECTION 4 Powers of Appointment**

3-4-1 The Select Board shall select, and enter into a contract with, a Town manager. If the Town manager position becomes vacant for any reason, the Select Board shall designate a qualified person to serve in an acting capacity.

3-4-2 The Select Board shall appoint, following consultation with the Town manager, the Fire Chief, Police Chief, and Town Counsel.

3-4-3 The Select Board shall appoint members of all boards, committees and commissions, except as otherwise provided in this charter. The Select Board may remove any member of any board it appoints, following the opportunity for a hearing; provided, however, that failure to reappoint following the expiration of an appointed term shall not constitute removal.

3-4-4 The Select Board may appoint ad hoc committees as it deems necessary.

3-4-5 The Select Board shall adopt a policy establishing a code of conduct applicable to all appointed and elected officials, which policy shall be amended from time to time at the board's discretion.

### **SECTION 5 Investigatory Powers**

3-5-1 The Select Board may investigate the alleged misconduct of the Town manager, any Town Board, or any member of a Town Board. The Select Board may direct the Town manager to investigate the affairs of the Town, the conduct of any Town Department or Town Employee, and any claim against the Town.

3-5-2 Any potentially criminal matter shall be referred to the appropriate law enforcement agency.

### **SECTION 6 Limitations and Public Ceremonies**

3-6-1 Unless specifically provided in State law, a member of the Select Board may not hold any other position in Town Government, whether appointed or elected, paid or unpaid, that is created by the Select Board or Town Meeting; provided, however, that serving in an ex officio capacity shall not be considered a separate position for purposes of this paragraph. Further, service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision.

3-6-2 The Select Board, and individual members thereof, shall deal with employees who are under the direction and supervision of the Town manager solely through the Town manager. Furthermore, neither the Select Board nor its individual members shall give direct orders to any such employee.

3-6-3 Except as otherwise specified in this Chapter, the Select Board shall be subject to the same rules as apply to all other Town Boards, including that members have no authority in their individual capacities except as delegated by majority vote of the Board.

3-6-4 The Select Board shall represent the Town for all ceremonial purposes.

**Chapter 4 TOWN ADMINISTRATION****SECTION 1 Town manager****4-1-1 Appointments and Qualifications**

The select board shall by majority vote of the entire board appoint a town manager. The method of selection shall be left to the discretion of the select board so long as the method of selection insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The town manager shall be chosen solely upon the basis of the individual's administrative training, education, experience and ability and need not, when appointed, be a resident of the town of Brewster; provided however, that the town manager shall establish such residence within 12 months following the effective date of appointment and provided further that the select board may, by no less than a two-thirds vote of the entire board, extend to a time certain the time for establishing residence or waive this requirement in its entirety. The town manager shall be bonded at town expense.

**4-1-2 Compensation**

The town manager shall receive compensation as may be fixed by the select board within the amount appropriated by Town Meeting and according to the town manager's expertise, education and training. Any contract between the select board and town manager shall be made pursuant to section 108N of chapter 41 of the General Laws.

**4-1-3 Term and Removal**

The town manager may be appointed for a definite term, but may be removed at the discretion of the select board by vote of the majority of the entire board. The action of the select board in suspending or removing the town manager shall be final. It is the intention of this charter to invest all authority and fix all responsibilities of such suspension or removal in the select board.

**4-1-4 Powers and Duties**

The town manager shall be responsible to the select board for the proper administration of all the affairs of the town consistent with the General Laws and this charter, and shall:

(A) appoint for a term of years or, at the town manager's discretion, for an unlimited period, all town employees, including civil service positions, not otherwise addressed herein, but excluding employees of the school department, provided, however, that the town manager shall:

- i. Act upon recommendations from the Police Chief and the Fire Chief respectively, for appointment of employees of the Police and Fire Departments:
- ii. Consult with appropriate department head or multiple-member body for appointment of employees of other departments or multiple-member bodies.

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- (B) supervise, discipline, suspend or remove all appointed department heads and employees and organize and structure all town departments accordingly;
- (C) administer and enforce the General Laws or special acts of the commonwealth or town by-laws and all regulations established by the select board;
- (D) coordinate activities of all town departments;
- (E) attend all sessions of the town meeting and answer all questions addressed to the town manager which are related to the warrant articles and to matters under the general supervision of the town administrator;
- (F) keep the select board fully informed as to the needs of the town and recommend to the select board for adoption such measures requiring action by the board or by the town as the town manager deems necessary or expedient;
- (G) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the select board as may be required;
- (H) be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities;
- (I) serve as the chief procurement officer for purposes of G.L. c.30B and be responsible for the purchase of all supplies, materials, and equipment, approve the award and execute all such contracts; provided, however that any contract over \$1,000,000, or such higher amount as shall be approved by the select board from time to time, shall require approval by the select board;
- (J) develop and maintain a formal and complete inventory of all town-owned real and personal property and equipment;
- (K) propose personnel policies for approval by the Select Board and administer all personnel policies, practices, rules and regulations, any compensation plan and any related matters for all municipal employees and administer all collective bargaining agreements entered into by the town;
- (L) 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 and collective bargaining agreements;
- (M) be responsible for the negotiation of all contracts with town employees regarding wages and other terms and conditions of employment, except employees of the school department. The town manager may, subject to the approval of the select board, employ special counsel to assist in the performance of these duties. Collective bargaining agreements shall be subject to the approval of the select board in accord with the provisions of G.L. c.150E;

- (N) be responsible for the preparation and development of the financial forecast, annual operating and capital budgets and 5-year capital improvement plan, consistent with policy guidance provided by the select board, and prepare and submit to the select board and finance committee such budget and plan, and be responsible for the administration of such budget and plan after their adoption;
- (O) keep the select board and the finance committee fully informed as to the financial condition of the town and make recommendations to the select board;
- (P) prepare and submit to the select board at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;
- (Q) investigate or inquire into the affairs of any town department or office;
- (R) have full authority to act on behalf of the town during emergencies, including direction of town personnel, declaring states of emergency, opening the emergency operations center and shelters and the emergency expenditure of funds, and to delegate any and all such responsibility by appointing an emergency management director who is a town employee duly trained in public safety, and a deputy emergency management director to assist the emergency management director and to assume the duties of the emergency management director in their absence;
- (S) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty, or responsibility that the office of town manager may exercise, provided, that all acts performed under such delegation shall be deemed the acts of the town manager; and
- (T) perform such other duties as necessary or as may be assigned by this charter, town by-law, town meeting vote, or vote of the select board.

#### 4-1-5 Acting Town manager

The town manager shall appoint as acting town manager a town employee who shall perform the duties of the town manager in the town manager's absence. In the event of long-term disability or absence exceeding two weeks, or the resignation, termination or vacancy in the office of town manager, the select board shall appoint an acting town manager for the duration of any such disability or until appointment of a permanent town manager. No member of the select board shall serve as acting town manager.

## **SECTION 2 Town Counsel**

4-2-1 The board shall appoint a competent and duly qualified and licensed attorney practicing in the commonwealth to be the counsel for the town. Town counsel shall receive such compensation for services as may be fixed by the select board and shall hold office at the pleasure of the board. The town counsel shall be the legal adviser of all of the offices and departments of the town and shall represent the town in all litigation and legal proceedings; provided however, that the select board may retain special counsel at any time the board deems

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appropriate and necessary. The town counsel shall review and concur or dissent upon all documents, contracts and legal instruments in which the town may have an interest. The town counsel shall perform other duties prescribed by this charter, town by-law or as directed by the select board. No employee, committee or board, elected or appointed, other than the select board, shall contact or otherwise interact with the town or labor counsel in a manner inconsistent with the policy relative to access to counsel established by the select board. This provision shall not limit the school committee from retaining its own legal counsel.

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**CHAPTER 5 TOWN BOARDS/COMMISSIONS/COMMITTEES**

**SECTION 1 Elected Town Officers.**

5-1-1 The registered voters of the Town of Brewster shall, in accordance with any applicable laws, bylaws, voters of the Town or interlocal agreement, elect the following:

- (A) Moderator for a 3 year term;
- (B) Select Board of 5 members, each for a 3 year term;
- (C) Brewster School Committee of five members, each for a 3 year term;
- (D) Representatives to the Nauset School District Committee, as the Regional School Agreement shall provide, and as it may be amended from time to time;
- (E) Board of Health of five members, each for a 3 year term;
- (F) Planning Board of seven members for four year terms;
- (G) Recreation Commission of 5 members for 3 year terms;
- (H) Historic District Committee of 5 members, with 4 elected members and 1 member appointed by the Select Board, each for a 3 year term;
- (I) Housing Authority of five members, with members to be elected or appointed in accordance with requirements of state law; and
- (J) Constable for a 3 year term, provided, however, that the authority of the elected constable in the town of Brewster shall be limited to the posting of the warrant for the town meeting, provided, further, that the person holding such position shall conform to any reasonable regulations proposed by the chief of police and approved by the Select Board.

**SECTION 2 Appointed Boards and Committees**

5-2-1 General Authority

(A) Additional boards and committees may be created by adoption of bylaws, votes of town meeting, or votes of the Select Board. A list of any such boards and committees, specifying the number of members, terms of office, if any, and listing their respective charges, shall be maintained in the office of the Town Clerk.

(B) Notwithstanding any other provision of this charter or general laws to the contrary, any person so appointed may be removed by the appointing authority, following notice and the opportunity for a hearing.

5-2-2 Committee Charge

Each board or committee set forth in Sections 5-1 and any created under Section 5-2-1 shall be organized and charged with, as applicable, the powers and duties specified in the General Laws and special acts of the commonwealth, town by-laws, town meeting vote, vote of the Select Board, or otherwise as provided elsewhere in this charter.

#### 5-2-3 Committee Organization and Report

Each board or committee shall, at its first meeting following the annual town election, elect a chair, vice chair and clerk, and shall cause the select board and the town clerk to be notified of its selection. All boards and committees created under Chapter 5 of this Charter, or pursuant to a bylaw, shall make a written annual report of their activities to the select board.

#### 5-2-4 Resignation from Committee

(A) No resignation of any elected town officer under Section 5-1, and of any appointed committee created by this charter or by bylaw under Section 5-2 or 5-3, shall be deemed effective unless and until such resignation is filed with the town clerk or at such later time certain as may be specified in such resignation.

(B) In the event an appointed board or committee member misses 3 consecutive meetings without the permission of the chair, the chair shall notify the appointing authority, which may, after the provision of notice to the member and an opportunity for a hearing, deem such position to be vacant.

### **SECTION 3 Moderator Appointments**

#### 5-3-1 Power to appoint

The moderator shall have the power to appoint members of those boards and commissions authorized under this chapter, bylaw, or vote of town meeting. Appointments made by the moderator shall in each instance be for a fixed term and such appointments shall not be subject to review or confirmation by any other person or group.

#### 5-3-2. Finance Committee.

(A) Establishment; membership. There shall be a Finance Committee appointed by the Town Moderator consisting of nine residents of the Town who shall serve without pay and who shall hold no other Town office or employment, each of whom shall serve a three year term beginning on July 1 and terminating on June 30 of the third year following appointment. Any member of the Finance Committee may be removed at the Moderator's discretion after written notice and the opportunity for a hearing. Vacancies on the Committee shall be filled by the Moderator for the remainder of the original term.

(B) Duties. The finance committee shall consider all the articles in any town meeting warrant, and report to town meeting its recommendations by posting the same on the Town website, and in any other manner it deems appropriate. Following the drawing up of the warrant for a town meeting, the Select Board shall forthwith forward the same to the members of the finance



committee. The finance committee shall annually prepare for the annual town meeting a comprehensive summary of the current condition of the Town's finances.

(C) Investigative Authority. To carry out these duties, the finance committee shall have authority to investigate the books, accounts and management of any department of the town.

(D) Annual Financial Summary. The finance committee shall prepare a comprehensive summary of the current condition of the town's finances to be presented by the finance committee to the voters at the annual town meeting.

#### **SECTION 4 Alternate Members of Certain Multiple-Member bodies**

##### **5-4-1 Alternate Members of Certain Elected Boards**

The select board, following consultation with a board elected under Section 5-1-1(C), (E), (F), (G) or (H), may appoint not more than 2 alternate members to serve for terms of 1 or 2 years. The chair of each board to which alternate members have been appointed may designate an alternate member to sit on the board in the case of absence, inability to act or conflict of interest, on the part of any member of the board, or in the event of a vacancy. Any vacancies arising in said alternate position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

##### **5-4-2 Alternate Members of Appointed Boards**

The appointing authority may, appoint to board appointed under sections 5-2 or 5-4 of this charter, not more than 2 alternate members to serve for terms of 1 or 2 years. The chair of each board to which alternate members have been appointed may designate an alternate member to sit on the board in the case of absence, inability to act or conflict of interest, on the part of any member of the board, or in the event of a vacancy. Any vacancies arising in said position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

#### **SECTION 5 CAPE COD TECHNICAL SCHOOL COMMITTEE AND OTHER REGIONAL ENTITIES**

5-5-1 Members of the Cape Cod Technical School Committee shall be appointed or elected in accord with the Regional School District Agreement as it may be amended from time to time.

5-5-2 Election or appointment to other regional entities as may be formed from time to time shall be in accord with an applicable intermunicipal agreement for such purposes.

**Chapter 6 FINANCIAL PROVISIONS****SECTION 1 Budget Schedule**

6-1-1 Annually, before December 1, the town manager shall establish and issue a budget schedule that shall set forth the calendar dates for developing the annual budget for the next fiscal year.

6-1-2 On or before December 15, the town manager shall present a financial forecast to the select board. Thereafter, the select board shall set guidelines for the preparation of the annual budget.

6-1-3 On or before February 1, the town manager shall submit to the select board a proposed line item budget and accompanying message.

**SECTION 2 Proposed Budget**

6-2-1 The budget shall provide a complete financial plan of all town funds and activities, including details on debt and debt service, anticipated income, and proposed expenditures.

6-2-2 The budget message shall begin with a clear general summary of its content and explain in both fiscal terms and program objectives, proposed expenditures for each department, and the projected tax rate.

**SECTION 3 Budget Adoption**

6-3-1 Town meeting shall adopt the annual operating budget, with or without amendments, before the beginning of the fiscal year, except in the event that the governor has declared a state of emergency to protect the public health or safety and the town meeting cannot complete its business as a result thereof.

**SECTION 4 Capital Planning****6-4-1 Capital Improvement Plan**

The Town Manager shall prepare a 5-year capital improvement plan, identifying proposed capital outlays or acquisitions in excess of \$10,000, or such other sum as shall be determined by the Select Board from time to time, for any one project, whether it be spent in one year or over several years. The Town Manager, in the Manager's sole discretion, may appoint a committee to assist the Manager with preparation of the plan.

**6-4-2. Contents of plan.**

(A) The plan shall include all Town activities and departments. Proposed capital expenditures for regional entities shall be consistent with the regional or intermunicipal agreement establishing such entities.

(B) The plan shall include a list, by department, of all proposed capital improvements to be undertaken during the next 5 fiscal years and shall include cost estimates, methods of financing and time schedules. This information shall be revised and extended on an annual basis.

6-4-3. Submission to Select Board.

(A) The capital improvement plan shall be submitted to the Select Board by February 1 of each year.

(B) The Select Board shall, after providing 7 days-notice in the manner required by the Open Meeting Law, G.L. c.30A, §20 and its implementing regulations, hold a public hearing on said plan. Said board shall make the plan available for public inspection.

6-4-4. Submission to Town Meeting.

The Select Board shall prepare and submit to every Annual Town Meeting a summary of the capital expenditure plan, identifying all proposed capital expenditures for the next five years estimated to cost \$100,000 or more, or such other amount as the Select Board shall decide from time to time, and including the year in which it is anticipated to be expended, the amount and its anticipated source of funding.

**SECTION 5 Annual Audit**

6-5-1 At the close of each fiscal year, and at such times as it may be deemed necessary, an independent audit shall be undertaken of all accounts of the town by a certified public accountant. The audit committee created by bylaw, if any, or in the absence thereof, the select board, shall solicit a firm or firms for such purposes. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the town or any of its offices. Upon completion of the audit, the results shall reviewed by the audit committee, if any, and by the select board and the finance committee. The results, in a summary form, shall be placed on file in the town clerk's office and on the town website as a public record and in the Brewster public library for public information.

**CHAPTER 7 BY-LAWS AND CHARTER – ADOPTION, AMENDMENT AND PERIODIC REVIEW**

**SECTION 1. By-laws**

7-1-1 Town Meeting approval. Town by-laws may be proposed by warrant article consistent with the General Laws and this Charter.

7-1-2. Quantum of vote. Adoption and amendment of general and zoning by-laws shall be approved in accord with applicable general laws.

7-1-3. Periodic Review. The select board shall ensure that the town by-laws are reviewed and prepared for any necessary revision at least every 10 years.

7-1-4. Codification and Publication. The town clerk shall codify and republish the town by-laws from time to time as may be reasonable and such by-laws shall also be posted on the Town website.

7-1-5. Continuation of Laws. All special acts, town by-laws, town meeting resolutions, rules and regulations of the town in force at the time this charter takes effect, not inconsistent with this charter, shall continue in force.

**SECTION 2 Charter**

7-2. Proposal of Amendments.

7-2-1. Major Amendments. Amendments to this charter relating in any way to the composition, mode of election or appointment or terms of office of the legislative body, select board or the town manager may be proposed only by a charter commission elected under the General Laws, or proposed pursuant to special legislation as otherwise authorized by the Massachusetts constitution.

7-2-2. Minor Amendments. Amendments to the charter relating to other matters may be proposed by a two-thirds vote at a duly called town meeting under the General Laws, and then approval at the polls by the voters of the town, or proposed pursuant to special legislation as otherwise authorized by the Massachusetts constitution.

7-2-3 Periodic Review. The select board shall appoint a committee of no fewer than 5 nor more than 9 members to review the charter not less than once every 10 years, such that review of the Charter begins 5 years after the by-law review provided for under Section 7-1-3 to review the Town Charter and provide recommendations, if any, to a subsequent town meeting with respect to such review.

## SPECIAL LEGISLATION FOR TOWN OF BREWSTER

Dated 11.13.2020

**SECTION 2. CONTINUATION OF EXISTING LAWS** All by-laws, resolutions, rules, regulations and votes of the town meeting in force at the time the charter established by section 1 of this act takes effect, not inconsistent with the provisions of the charter, shall continue in full force until amended or repealed. Where provisions of the charter established by section 1 of this act conflict with provisions of town bylaws, rules, regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by the charter established under section 1 of this act shall remain in force.

**SECTION 3. CONTINUATION OF GOVERNMENT.** Upon the effective date of section 1 of this act, all town offices, boards, commissions or agencies shall continue to perform their duties until reappointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.

**SECTION 4. CONTINUATION OF PERSONNEL.** Upon the effective date of section 1 of this act, a person holding a town office or a position in the administrative service of the town or a person holding full-time employment under the town shall retain that person's office, position or position of employment and shall continue to perform the duties of that person's office, position or position of employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, that a person in the permanent full-time service of the town shall not forfeit their pay grade or time in the service of the town as a result of the adoption of this charter; provided further, that this section shall not provide a person holding an administrative office or position or a person serving in the employment of the town on the effective date of this charter with any greater rights or privileges with regard to that person's continued service or employment with the town than that person had before the effective date of this charter. Nothing in this paragraph shall impair the rights of any person under an individual employment contract or collective bargaining agreement.

**SECTION 5. TRANSFER OF RECORDS AND PROPERTY.** All records, property and equipment whatsoever of a town office, board, commission, committee or agency or part thereof, the powers and duties of which, upon the effective date of section 1 of this act, are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.

**SECTION 6. EFFECT ON OBLIGATIONS, TAXES, ETC.** All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the effective date of section 1 of this act, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this act.

SECTION 7. TRANSITION

*This will be prepared at a later date in order to address any transitional language that might be needed.*

SECTION 8. TIME OF TAKING EFFECT. This act shall take effect upon its passage.

DRAFT