

**Town of  
Reading  
Massachusetts**



**2015 Special Town Meeting  
Report on the Warrant  
January 5, 2015**

**SPECIAL TOWN MEETING  
JANUARY 5, 2015  
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## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I Thomas Freeman, on December 12, 2014 notified and warned the inhabitants of the Town of Reading, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

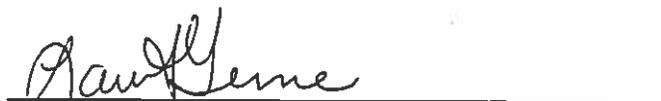
Precinct 1      J. Warren Killam School, 333 Charles Street  
Precinct 2      Reading Police Station, 15 Union Street  
Precinct 3      Reading Municipal Light Department, 230 Ash Street  
Precinct 4      Joshua Eaton School, 365 Summer Avenue  
Precinct 5      Walter S Parker Middle School, 45 Temple Street  
Precinct 6      Barrows School, 16 Edgemont Avenue  
Precinct 7      Birch Meadow School, 27 Arthur B Lord Drive  
Precinct 8      Wood End School, 85 Sunset Rock Lane  
  
Town Hall, 16 Lowell Street

The date of posting being not less than fourteen (14) days prior to January 5, 2015 the date set for Town Meeting in this Warrant.

I also caused a posting of this Warrant to be published on the Town of Reading website on December 12, 2014.

  
Thomas Freeman, Constable

A true copy Attest:

  
Laura Gemme, Town Clerk

# TOWN WARRANT



## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To any of the Constables of the Town of Reading, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Reading, qualified to vote in Town elections and Town affairs, to meet at the Reading Memorial High School Performing Arts Center, 62 Oakland Road, in said Reading, on Monday, January 5, 2015, at seven-thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

**ARTICLE 1** To hear and act on the reports of the Board of Selectmen, School Committee, Board of Assessors, Board of Library Trustees, Municipal Light Board, Finance Committee, Town Manager and any other Official, Board or Committee.

Board of Selectmen

**Background:** This article appears on the Warrant for all Town Meetings. There are no anticipated reports so this Article is expected to be tabled.

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**ARTICLE 2** To choose all other necessary Town Officers and Boards or Committees and determine what instructions shall be given Town Officers and Boards or Committees, and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, for the purpose of funding Town Officers and Boards or Committees to carry out the instructions given to them, or take any other action with respect thereto.

Board of Selectmen

**Background:** This Article appears on the Warrant of all Town Meetings. There are no known Instructional Motions at this time. The Town Moderator requires that all proposed Instructional Motions be submitted to the Town Clerk in advance so that Town Meeting Members may be "warned" as to the subject of an Instructional Motion in advance of the motion being made. Instructional Motions are normally held until the end of all other business at Town Meeting.

**Bylaw Committee Report:** No report.

**Finance Committee Report:** No report.

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**ARTICLE 3** To see if the Town will vote to amend the FY 2015-24 Capital Improvements Program as provided for in Section 7-7 of the Reading Home Rule Charter and as previously amended, or take any other action with respect thereto.

Board of Selectmen

**Background:** This Article is included in every Town Meeting Warrant. The Reading General Bylaw states (section 6.1.3) "... No funds may be appropriated for any capital item unless such item is included in the Capital Improvements Program, and is scheduled for funding in the Fiscal Year in which the appropriation is to be made." Bond ratings agencies also want to ensure that changes to a long-term CIP are adequately described.

The following changes are proposed to the FY 2015 – FY 2024 CIP:

### General Fund

**FY15: \$51,000**

\$15,000 Administrative Services/Technology – Centralized controller for phones to allow the DPW garage to be added to a larger town-wide phone project

\$15,000 Public Safety/Police – additional speed alert electronic sign

\$11,000 Library – microfilm reader

\$10,000 Administrative Services/Technology – Police station video surveillance system repairs and upgrade

**\*FY16: -\$151,400**

-\$32,400 DPW: Bobcat Loader 743 (defer to FY17)

-\$34,000 DPW: Car #2 2007 Ford Sedan (defer to FY17)

-\$35,000 Police: Vehicle Video Integration (defer to FY18)

-\$50,000 DPW: General Roadway Improvements

**FY17+**

Various changes made

**Finance Committee Report:** The Finance Committee recommends the proposed amendments to the FY 2015 – FY 2024 Capital Improvements Program by a vote of 8-0-0 at their meeting on December 8, 2014. Placing items in the Capital Improvement Program is a prerequisite but in itself does not authorize spending funds towards these items.

**Bylaw Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen at their meeting on December 9, 2014 voted 4-0-0 to support this Article.

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**ARTICLE 4** To see if the Town will vote to amend the Town's Operating Budget for the Fiscal Year commencing July 1, 2014, as adopted under Article 14 of the Annual Town Meeting of April 28, 2014 and amended by Article 8 of the Special Town Meeting of September 29, 2014 and by Article 5 of the Subsequent Town Meeting of November 10, 2014; and to see if the Town will vote to raise and appropriate, borrow or transfer from available funds, or otherwise provide a sum or sums of money to be added to the amounts appropriated under said Article, as amended, for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

**Background:**

**General Fund – Wages and Expenses**

<b><u>Account Line</u></b>	<b><u>Description</u></b>	<b><u>Decrease</u></b>	<b><u>Increase</u></b>
C99 – Capital	Administrative Services/Technology – Centralized controller for phones to allow the DPW garage to be added to a larger town-wide phone project \$15,000 Public Safety/Police – additional speed alert electronic sign \$15,000 Library – microfilm reader \$11,000 Administrative Services/Technology – Police station video surveillance system repairs and upgrade \$10,000		\$51,000
G91 - Administrative Services wages	Net allocation from Operations for Pay & Class funding in other departments	\$49,725	
G92 – Administrative Services Expenses	Legal expenses (old litigation work, Zoning & Charter projects)		\$100,000
H91 - Community Services wages	Net allocation for Pay & Class funding		\$30,550
I91 – Finance wages	Net allocation for Pay & Class funding		\$6,900
J91 – Public Safety wages	Net allocation for Pay & Class funding		\$3,600
K91 – Public works wages	Net allocation for Pay & Class funding		\$2,275
L91 – Public Library wages	Net allocation for Pay & Class funding		\$6,400
	<b>Subtotals</b>	<b>\$49,725</b>	<b>\$200,725</b>
	<b>Net Operating Expenses</b>		<b>\$151,000</b>
	<b>From Free Cash</b>		<b>\$151,000</b>

**Finance Committee Report:** The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on December 8, 2014.

**Bylaw Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen at their meeting on December 9, 2014 voted 4-0-0 to support this Article.

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**ARTICLE 5** To see if the Town will vote to amend the General Bylaws by amending section 8.9.1 thereof by striking the words "nor to the rights and privileges of an owner or lessee of land as set forth in MGL Chapter 131 relative to hunting and sporting" as shown below:

**8.9.1 FIREARMS**

No person shall fire or discharge any fireworks, firearms, cannon or explosives of any kind on or within the limits of any street, highway, park or other public property except with the written permission of the Board of Selectmen or its designee, or on any private property except with the written consent of the owner or legal occupant thereof and the written permission of the Board of Selectmen or its designee; provided, however, that this bylaw shall not apply to the lawful defense of life or property, nor to any law enforcement officer acting in the discharge of his duties, nor to the use of such weapon at any military exercises or any established rifle range, ~~nor to the rights and privileges of an owner or lessee of land as set forth in MGL Chapter 131 relative to hunting and sporting.~~

or take any other action with respect thereto.

By Petition

**Background:** In mid-July 2014, two residents at a home near Timberneck Swamp contacted the Town Manager and Board of Selectmen and expressed a desire to prohibit hunting on a private piece of land in the middle of the nearby swamp. Public Safety and Conservation officials met to discuss and then met with the residents in early August. The same residents had previously reported 'shots fired', but no evidence has ever been found. Neighbors were interviewed and some mentioned that echoes from the nearby rifle range could sometimes be heard in the area.

In November this Article was added to the Warrant at the last minute, which did not allow for a desired public process for all residents affected (see map on next page – 33 different parcels in several locations around town) by this Bylaw change that live in various sections of town. The Selectmen expressed an interest in moving that discussion to the Annual Town Meeting in April 2015. Subsequently, over 100 residents, many in the area of Timberneck Swamp, signed a petition to bring this Article to January 2015 Special Town Meeting. On December 9, 2014 the Selectmen closed the Warrant for the Special Town Meeting, including this petitioned Article as is required. They notified all affected residents of this petitioned Bylaw change in advance, and held an information session on that same night.

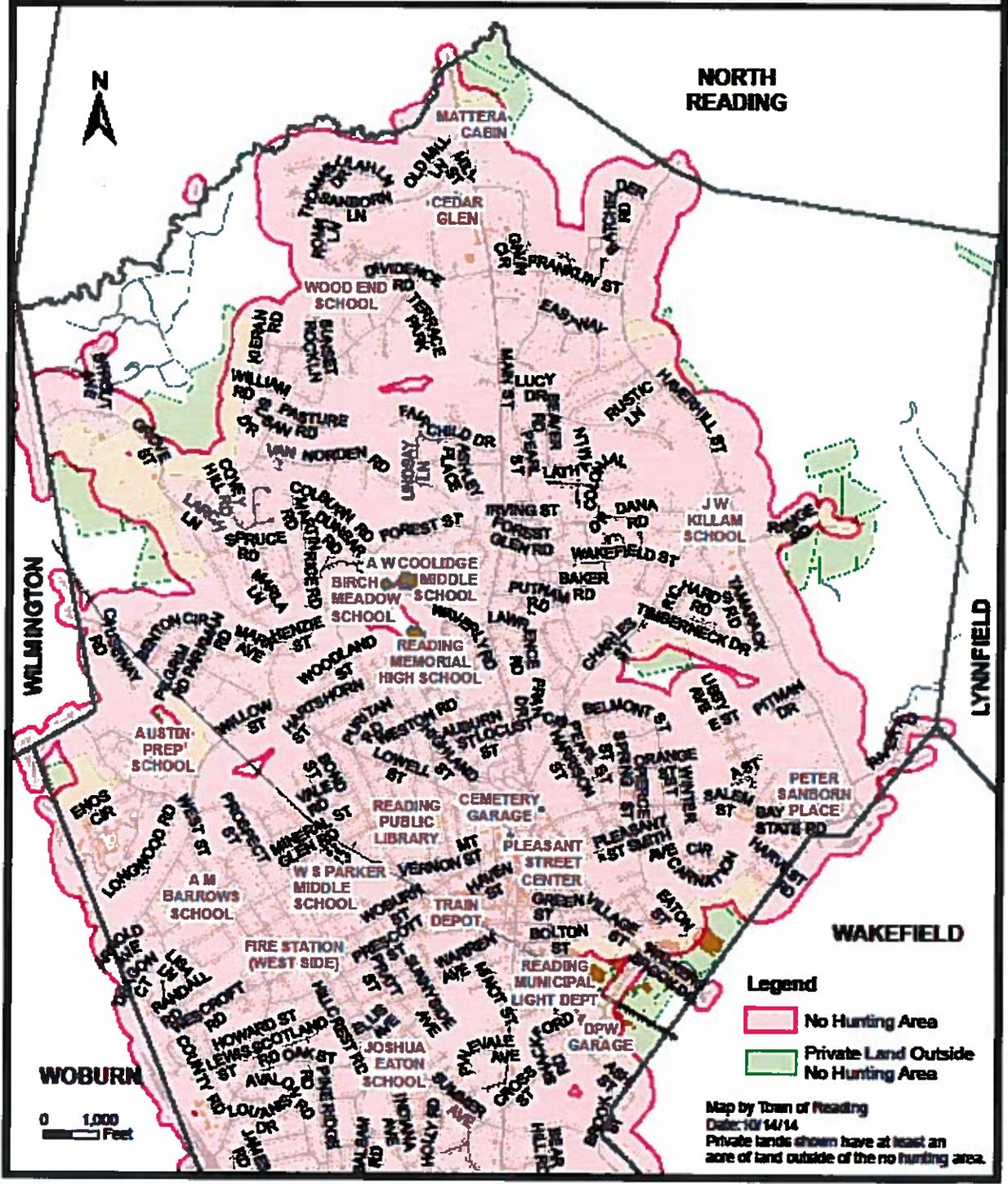
**Bylaw Committee Report:** No report.

**Finance Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen at their meeting on December 9, 2014 voted 0-4-0 to support this Article. The Board's vote reflects the original petitioners' stated views that this proposed remedy will not solve the original issue brought to the Board.

# HUNTING AREAS ON PRIVATE LANDS

more than 500' from dwelling & 150' from road



- Legend**
- No Hunting Area
  - Private Land Outside No Hunting Area

Map by Town of Reading  
 Date: 10/14/14  
 Private lands shown have at least an acre of land outside of the no hunting area.

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**ARTICLE 6** To see if the Town will vote to amend the General Bylaws by adding section 3.3.6 as follows:

**3.3.6 Permanent Building Committee**

There shall be a Permanent Building Committee ("PBC") consisting of five (5) Permanent Members and, except as otherwise provided herein, up to two (2) Associate Members for each project that the PBC undertakes. Permanent and Associate Members of the PBC shall be appointed by an Appointment Committee consisting of the Chair of the Board of Selectmen, the Chair of the School Committee and the Town Moderator.

Permanent Members shall be volunteers having practical experience and skills in professions that concentrate on the design, construction, management and financing of commercial / institutional buildings such as architects; civil engineers; structural engineers; mechanical, electrical and plumbing (MEP) engineers, building contractors, project managers, property managers, attorneys and building tradespersons. The terms shall be so arranged that as nearly an equal number of terms as possible shall expire each year.

Associate Members may be appointed for each individual project that the PBC undertakes. Associate Members shall have the same participation and voting rights as Permanent Members on matters affecting the particular project for which they were appointed. Associate Members shall be registered voters of the Town, selected by the Board or Committee that proposes a particular building or renovation project (the "Sponsoring Agency").and shall serve only for the time during which the PBC is exercising its functions with respect to such project. In the event that a particular project is subject to participant requirements of a state funding authority, the Board of Selectmen may appoint additional Associate Members to the PBC for that particular project; provided, however, that, in no event, shall the aggregate number of Permanent and Associate Members for a particular project exceed nine (9). Quorum requirements for the PBC shall be the majority of the Permanent and Associate Members for a particular project.

The PBC shall be responsible for the oversight and management of all major municipal and school building design studies and construction projects having expected aggregate costs exceeding two million dollars (\$2,000,000). The PBC's jurisdiction shall not extend to projects of the Reading Municipal Light Department. The PBC shall present all such projects to the Finance Committee for consideration of funding options and shall sponsor and present all such projects to Town Meeting for its consideration and approval of funding.

The PBC shall work with the School Committee, the Board of Selectmen and any other Sponsoring Agency. The Sponsoring Agency shall notify the PBC of its intention to undertake any such projects within seven (7) calendar days of a positive vote or general affirmation to do so.

The PBC shall work with the Director of Facilities to compile an inventory of the physical condition and anticipated repairs and renovations of all existing municipal buildings and will summarize its findings in an annual report to Town Meeting.

or take any other action with respect thereto.

Bylaw Committee

**Background:** At the Special Town Meeting in February 2014. An instructional motion by the then Chair of the Finance Committee was suggested and then approved. The motion instructed the Bylaw Committee to draft a new general bylaw that would establish a permanent building committee (PBC), to have jurisdiction over all Town, School and Library building projects.

The Bylaw Committee researched permanent building committees in other towns and then composed a draft bylaw that was deemed suitable for Reading and held several meetings to refine several drafts of this bylaw to accomplish this purpose. State requirements for participation in the Massachusetts School Building Authority (MSBA) grant program were also researched. Of particular interest was the dollar threshold amount that would trigger the PBC's oversight of projects. The amount listed was chosen to avoid involvement in routine maintenance projects for existing buildings that have heretofore been adequately managed by the Facilities department. The Bylaw Committee invited review and comment from the Town, School and Library officials as this bylaw has evolved and their feedback has been duly considered in this version.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of 3-0-1 at their meeting on December 8, 2014. The vote to abstain reflected a desire to offer an amendment on the floor of Town Meeting.

**Finance Committee Report:** The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on December 8, 2014.

**\*Board of Selectmen Report:** The Board of Selectmen at their meeting on December 9, 2014 voted 4-0-0 to support this Article.

#### **Overview for Articles 7 and 8 – Reading Home Rule Charter**

The next two Articles reflect the work of the Charter Review Committee (CRC), a group formed by the Town Moderator as a body of Town Meeting. The CRC consists of all Town Meeting members that expressed interest in helping to conduct a thorough review of the Reading Home Rule Charter. The CRC has met for over one year, held many public meetings and two well-advertised Public Hearings. They received and considered input from a wide range of the community, including residents, volunteers and staff. Some of the CRC members were part of the original effort to create the Charter, others were on the last Charter revision about a decade ago, and some were new to this process.

Here is a list of the CRC members, along with a list of their Precincts:

Alan Foulds (Town Moderator, non-voting member and Chair of the CRC);  
William Brown (8); John Carpenter (7); Richard Coco (4); Stephen Crook (2);  
Glen Hartzler (4); Janice Jones (5); Philip Pacino (5); Philip Rushworth (5);  
Margaret Russell (3); John Segalla (7); Jeffrey Struble (7); Paul Sylvester (3); and  
Carolyn Whiting (7).

The process to change the Charter is a bit complex, and has two distinct parts:

- Sections of the Charter that may be acted on by Town Meeting, and if approved (as amended) then sent to the local voters for approval; and
- Sections of the Charter that may be acted on by Town Meeting, and if approved (as

amended) then must be sent to the state legislature with a request for a Special Act.

These two distinct parts of the process are why we have two different Articles in front of Town Meeting.

Article 7 contains the complete language that is proposed by the CRC to be the new Reading Home Rule Charter. This gives Town Meeting members a look at the entire proposed Charter all in one place.

Article 8 repeats certain portions of this proposed language.

The motion under Article 7 will address only the portions of the Charter that may be approved by the voters.

The motion under Article 8 will address the portions of the Charter that must be sent to the legislature.

The proposed Charter language will be examined from start to finish in order of Charter Article, in much the same way the budget and recent zoning changes were. When the Town Meeting debate is finally concluded and the language as amended is ready for the vote, first the motion under Article 7 will be made, and if approved then the motion for Article 8 will be made.

Note that in the proposed Charter language in Article 7, the following note appears in order to alert Town Meeting members which portions of the Charter must be sent to the legislature as part of a Special Act: *Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

A Reading Home Rule Charter Translation Guide has been provided to Town Meeting members as a separate handout. This Guide has two parts:

- An overview section that explains the types of changes proposed, and the reasons for them - ranging from language clarification to real substantial change; and
- A best-efforts bold and cross-out version showing the old and proposed new language.

Anyone that has used MS Word's track-changes and had several different people involved in editing documents will appreciate the fact that these bold and cross-outs are all done manually instead. As a result there will very likely be some discrepancies in punctuation, formatting, spelling and some small wording differences in this bold and cross-out section when compared to the language in Articles 7 and 8 in this Warrant Report. The handout is not a legal document, it is simply meant to assist Town Meeting members in understanding the differences between the current Charter and the one proposed by the CRC. In a world of fancy GPS, consider this handout to be a well-worn and trusty paper map. Imperfect in some ways, but it will reliably get you to your destination, even when the modern technology fails.

**ARTICLE 7** To see if the Town will vote to amend the Reading Home Rule Charter as shown herein, subject to approval by the voters at a local election:

## **Preamble**

We, the people of The Town of Reading, in order to re-establish our individual sovereignty with respect to the conduct of our local government and to take the fullest advantages inherent in the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts, do hereby adopt the following Home Rule Charter for the Town of Reading.

## ARTICLE 1 EXISTENCE, AUTHORITY AND DEFINITIONS

### 1.1 Incorporation

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

### 1.2 Division of Powers

Authority for the management of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Board of Selectmen and administered by a Town Manager. A representative Town Meeting shall exercise all legislative powers of the Town.

### 1.3 Powers of the Town - Intent of the Voters

It is the intent and the purpose of the voters of the Town of Reading, through the adoption of the Charter, to secure for the Town all of the powers possible to secure under the Constitution and statutes of the Commonwealth of Massachusetts, as fully and as completely as though each such power were specifically and individually enumerated herein.

### 1.4 Interpretation of Powers

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power is not intended to limit in any way the general powers of the Town as set forth in Section 1.3.

### 1.5 Intergovernmental Relations

The Town, acting by and through its Board of Selectmen, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

### 1.6 Definitions

Unless another meaning is clearly apparent from the manner in which the term is used, the following terms used in the Charter shall have the following meanings:

**Board or Committee** – The term "board or committee" shall mean any board, committee, commission, authority or council of the Town, however created, elected, appointed or otherwise constituted.

**Charter** – The term "Charter" shall mean the Town of Reading Home Rule Charter.

**Ex officio** - The term "*ex officio*" shall refer to a member of any board or committee who serves by virtue of his office or position. A person serving as an *ex officio* member on more than one board or committee shall not be required to take an additional oath of office to serve in such capacity.

**Library** – The term "Library" shall mean the Reading Public Library and any branch or branches thereof that may be established.

**Local News Medium** – The term "local news medium" shall mean a newspaper or other means or channel of information communication to which the general public has access within the Town.

**Majority Vote** - As applied to the Town Meeting, Committees thereof and precinct meetings, the term "majority vote" shall mean the affirmative vote of a majority of those present and voting provided that a quorum of the body is present. As applied to all other boards or committees, the term shall mean the affirmative vote of a majority of the number of members specified in the Charter, Town Bylaw or other enabling vote or action creating such board or committee.

**Precinct** – The term "precinct" shall mean the areas into which the Town is divided for the purpose of electing Town Meeting Members.

**Town** - The term "Town" shall mean the Town of Reading.

**Town Agency** - The term "Town Agency" shall mean any board or committee, department or office of the Town, however created, elected, appointed or otherwise constituted.

**Town Meeting** - The term "Town Meeting" shall mean the representative Town Meeting of the Town, established by Article 2.

**Town Officer** - The term "Town Officer" shall mean an elected or appointed official of the Town who, in the performance of his duties of office, exercises some portion of the sovereign power of the Town, whether great or small; provided, however, that the term shall not include a Town Meeting Member; and provided further that a person may be a Town Officer whether or not he receives any compensation for his services.

**Voters** - The term "Voters" shall mean the registered voters of the Town.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## ARTICLE 2 REPRESENTATIVE TOWN MEETING

### 2.1 **Composition**

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

The legislative body of the Town shall be a representative Town Meeting consisting of one hundred ninety-two (192) members from eight (8) precincts who shall be elected by the voters in each precinct.

Each precinct shall be equally represented in Town Meetings by members elected so that the term of office of one-third of the members shall expire each year.

### 2.2 **Revision of Precincts**

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

When required by law or every ten (10) years, the Board of Selectmen shall review and, if necessary, re-divide the territory of the Town into eight (8) plainly designated precincts. The precincts shall be divided into as nearly an equal number of inhabitants as possible. The territory of each precinct shall be contiguous and as compact as possible. The territory of each precinct shall be defined, where reasonably possible, by the centerline of known streets or other well-defined limits.

Within ten (10) days of completing its review, the Board of Selectmen shall file a report with the Town Clerk and the Board of Registrars of Voters, showing any revisions to the precincts that are being made pursuant to this section. If revisions are being made, the report shall include a map showing the boundaries of each precinct and a list of its inhabitants' names and addresses. The Board of Selectmen shall also post the map and list in the Town Hall and in at least one public place in each precinct.

Any such precinct revision shall be effective on the date it is filed with the Town Clerk. The Town Clerk shall forthwith notify the Secretary of State of the revision in writing.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 2.3 **Town Meeting Membership**

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

At the first Town wide election after any precincts are revised, the voters of each precinct shall elect twenty-four (24) Town Meeting Members to represent the precinct. Terms of office shall be determined by the number of votes received. The eight (8) candidates receiving the highest number of votes shall serve for three (3) years, the eight (8) receiving the next highest number of votes shall serve for two (2) years, and the eight (8) candidates receiving the next highest number of votes shall serve for one (1) year from the day of election. Upon the certification of such election, the term of office of all previously elected Town Meeting members shall cease.

At each Annual Election thereafter, the voters in each precinct shall elect eight (8) Town Meeting Members to represent the precinct for a term of three (3) years, and shall also elect Town Meeting Members to fill any vacant unexpired terms. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of his election in writing.

In the event of a tie vote, resulting in a failure to elect the full number of Town Meeting Members in any precinct, the vacancy created thereby shall be filled until the next Annual Town Election by a vote of the remaining Town Meeting Members of the precinct, provided, however, that the balance of any unexpired term shall be filled at the next Annual Town Election. In the event of such a vacancy, the Town Clerk shall give written notice of the tie vote and the vacancy created thereby, to the remaining Town Meeting Members of that precinct and shall publish such notice in the local news medium. Such notice shall provide at least seven (7) day's advance notification of the time and place for a precinct meeting for the purpose of filling the vacancy.

[Special Legislation adopted as Chapter 57 of the Acts of 2002 on March 14, 2002]  
[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## **2.4 Town Meeting Sessions**

All representative Town Meeting sessions shall be limited to the Town Meeting Members elected pursuant to Section 2.3, together with the duly elected Moderator. The Town Clerk shall notify the Town Meeting Members of the time and place at which representative Town Meeting sessions are to be held, the notices to be sent at least seven (7) days (see Sec.8.5) before the meeting. The Town Meeting Members shall be the judges of the election and qualification of their members. A majority of the Town Meeting Members shall constitute a quorum for doing business. However, a smaller number may organize temporarily and may adjourn from time to time, but no Town Meeting shall adjourn over the date of an election of Town Meeting Members. All Town Meeting sessions shall be public.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## **2.5 Nomination Procedures**

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

Nomination of candidates for Town Meeting Member shall be made by nomination papers bearing no political designation and signed by not fewer than ten (10) voters from the candidate's precinct. Nomination papers shall be obtained in person and

signed by the candidate in the presence of the Town Clerk or designee. Completed nomination papers shall be filed with the Town Clerk at least thirty-five days (35) days before the election.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## 2.6 Vacancies

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

A Town Meeting Member may resign by filing a written notice with the Town Clerk. A Town Meeting Member who terminates residency in the Town shall cease to be a Town Meeting Member. A Town Meeting Member who moves his residence from the precinct from which he was elected to another precinct shall serve only until the next Annual Town Election.

If any person elected as a Town Meeting Member fails to attend one-half or more of the total Town Meeting sessions within one year preceding the most recent Annual Town Election, his seat may be declared vacant by a majority vote of the Town Meeting.

The Board of Selectmen shall place an Article on the Annual Town Meeting Warrant to remove any such Town Meeting Member from office. At least seven (7) days prior to the Annual Town Meeting, the Town Clerk shall notify any such Town Meeting Member that he may be removed from office, provided, however, that such notice shall be deemed adequate if mailed postage prepaid to the Town Meeting Member's last known address.

Any vacancy in a Town Meeting position may be filled until the next Annual Town Election by a vote of the remaining Town Meeting Members of the precinct, provided, however, that the balance of any unexpired term shall be filled at the next Annual Town Election. In the event of a vacancy, the Town Clerk shall give written notice thereof to the remaining Town Meeting Members of the precinct and shall publish such notice in a local news medium. Such notice shall provide at least seven (7) day's advance notification of the time and place for a precinct meeting for the purpose of temporarily filling the vacancy.

[Amended by Chapter 57 of the Acts of 2002]

## 2.7 Precinct Meetings

The Town Meeting Members of each precinct shall meet at least annually and shall elect a Chair and a Clerk. A majority of the Town Meeting Members of the precinct serving at the time of the precinct meeting shall constitute a quorum thereof. A majority vote cast at a precinct meeting shall be sufficient to fill vacancies, elect a Chair or Clerk, or conduct other business. The Chair or Clerk shall certify any vote taken at a precinct meeting to the Town Clerk.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## 2.8 Compensation

Town Meeting Members shall serve without compensation.

**2.9 Presiding Officer**

A Moderator, chosen in accordance with the provisions of Section 3.6, shall preside at all sessions of the Town Meeting. The Moderator shall regulate the proceedings of all Town Meeting sessions, decide all questions of order and make public declaration of all votes. He may also administer the oath of office to any Town Officer and to Town Meeting Members. In the absence of the Moderator, the Town Meeting shall elect a Moderator *pro tempore*.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

**2.10 Clerk of the Town Meeting**

The Town Clerk shall serve as the Clerk of the Town Meeting. In the event of his unavoidable absence, the Town Clerk may designate a substitute; otherwise, the Moderator shall appoint a Clerk *pro tempore*. The Clerk shall give notice of all Town Meetings to Town Meeting Members and to the public and keep the journal of Town Meeting proceedings.

**2.11 Participation by Non-Town Meeting Members**

Subject to conditions that may be determined from time to time by Town Meeting Members, any person who is not a Town Meeting Member may be allowed to speak at any Town Meeting but shall not vote.

At the request of the Moderator or Town Meeting, any Town Officer or Department Head or his designee shall be present at any session of Town Meeting for the purpose of responding to questions of Town Meeting Members.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

**2.12 Establishment of Standing Committees**

The Town Meeting may establish boards or committees to which may be referred Warrant Articles for study, review and report in advance of the sessions of the Town Meeting. All meetings of such boards or committees shall be conducted in accordance with the provisions of the Open Meeting Law, Massachusetts General Laws Chapter 30A, Sections 20 through 22, inclusive.

In establishing such boards or committees, the Town Meeting shall provide for the appointment of members either by an appointment committee established for that purpose or by an existing board or committee.

[Amended November 19, 2001 - Article 12]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

**2.12.1 Finance Committee**

There shall be a Finance Committee consisting of nine (9) voters of the Town, appointed for three-year staggered terms so arranged that three (3) terms expire on June 30 each year. No Finance Committee Member shall serve for more than three (3) consecutive terms; provided, however, that an appointment to the Finance Committee to fill an unexpired term that has less than two (2) years remaining shall not be counted towards the three (3) consecutive terms.

No Finance Committee Member shall be an elected or appointed Town Officer or an employee of the Town. A Finance Committee Member may be an elected Town Meeting Member but shall serve on no other standing committee.

Finance Committee members shall be appointed by majority vote of an Appointment Committee chaired by the Moderator and consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Finance Committee. The Appointment Committee shall fill any vacancy on the Finance Committee.

The Finance Committee shall have all the powers and duties granted to Finance Committees by the laws of the Commonwealth of Massachusetts, Town Bylaw, any Town Meeting vote and other applicable laws. In addition to these powers, the Finance Committee shall have the power to

investigate the books, accounts, records and management of any office, board or committee in Town, and may use agents in carrying out such investigations. The Finance Committee shall submit a written report to the Town Meeting setting forth its findings, approvals or disapprovals on all Articles in the Warrant that involve the expenditure of funds. The Finance Committee shall take reasonable action to submit its report at least seven (7) days (see Sec.8.5) before Town Meeting; provided, however, that such report shall not preclude further action or reconsideration by the Finance Committee.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **2.12.2 Bylaw Committee**

There shall be a Bylaw Committee consisting of five (5) voters of the Town, appointed for three (3) year staggered terms expiring on June 30.

Bylaw Committee members shall be appointed by majority vote of an Appointment Committee chaired by the Moderator and consisting of the Moderator, the Chair of the Board of Selectmen, and the Chair of the Bylaw Committee. The Appointment Committee shall fill any vacancy on the Bylaw Committee.

The Bylaw Committee may propose and shall consider Town Meeting Warrant articles offering changes in the Charter, General Bylaws, petitions for special acts, or local acceptance of State Statutes that are subject to Town Meeting acceptance; and may consider Zoning Bylaw changes and shall submit a written report to the Town Meeting setting forth its findings on all such Articles in the Warrant. The Bylaw Committee shall take reasonable action to submit its report to the Town Meeting at least seven (7) days (see Sec.8.5) before Town Meeting; provided, however, that such report shall not preclude further action or reconsideration by the Bylaw Committee.

Within one (1) year of any adopted change to the Charter, the Bylaw Committee shall propose any revisions to the General Bylaws that it deems to be necessary as a result of such change.

The Bylaw Committee shall review the General Bylaws at least every ten (10) years and submit a written report to the Town Meeting setting forth any recommended changes.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **2.12.3 Rules Committee**

There shall be a Rules Committee, chaired by the Moderator who shall be a non-voting member, and consisting of the Precinct Chairs. The Rules Committee may, from time to time, review all aspects of the operation of Town Meeting and submit a written report to the Town Meeting setting forth its findings, recommendations and proposals for rules governing the conduct of Town Meeting.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## **2.13 Warrant Articles**

Except for procedural matters, all subjects to be acted upon by the Town Meeting shall be placed on a Warrant therefor issued by the Board of Selectmen. The Board of Selectmen shall place on such Warrants all subjects submitted by:

- (a) Any two (2) or more members of the Board of Selectmen;
- (b) Any board or committee;
- (c) Any ten (10) or more voters for the Annual, Subsequent or Special Town Meeting as defined in Section 2.14; or
- (d) Any other person or entity as may be authorized by Town Bylaw or otherwise.

All subjects timely submitted to the Board of Selectmen pursuant to this section shall be placed on a Warrant for the next scheduled Annual, Subsequent or Special Town Meeting.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

All Articles submitted pursuant to Section 2.13(a) shall include the names of all of the Selectmen sponsoring such article. Sponsorship of Articles submitted pursuant to Section 2.13(b) shall be designated as: "The Board of Selectmen as a courtesy to (insert name of Board or Committee requesting the Article)."

Promptly upon receipt by the Board of Selectmen of any subject for a Town Meeting Warrant Article, a copy of the Article shall be made available for inspection in the Office of the Town Clerk.

#### **2.14 Meetings**

The Town Meeting shall meet at least twice in each calendar year. The Annual Town Meeting shall be held during the first six (6) calendar months of the year at a time fixed by Town Bylaw, and shall be primarily concerned with the determination of matters that have a fiscal impact on the Town, including the adoption of an annual operating budget for all Town Agencies other than the Reading Municipal Light Department. A Subsequent Town Meeting shall be held during the last three (3) calendar months of the year at a time fixed by Town Bylaw. In addition to the two (2) meetings required by this section, the Board of Selectmen may call a Special Town Meeting into session at other times by the issuance of a Warrant therefor as it deems necessary or appropriate for the purpose of acting upon the legislative business of the Town in an orderly and expeditious manner. The Board of Selectmen shall call a Special Town Meeting upon the receipt of a petition with two hundred (200) or more signatures of voters, as certified by the Board of Registrars of Voters.

#### **2.15 Referendum Procedures**

No final affirmative vote of a Town Meeting on any Warrant Article shall be effective until after the expiration of seven (7) days (see Sec.8.5) following the dissolution of the Town Meeting except:

- (a) Votes appropriating money for the payment of notes or bonds of the Town and interest becoming due within the then current fiscal year;
- (b) Votes for the temporary borrowing of money in anticipation of revenue; or
- (c) A vote declared by a preamble, and adopted by a two-thirds (2/3) vote of the Town Meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town.

If a referendum petition is not filed pursuant to Section 2.15.1 within the said seven (7) days (see Sec.8.5), the remaining votes of the Town Meeting shall then become effective.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

**2.15.1 Referendum Petition** – If, within said seven (7) days (see Sec.8.5), a referendum petition signed by not fewer than three percent (3%) of the voters, as certified by the Board of Registrars of Voters, containing their names and addresses, is filed with the Board of Selectmen requesting that any of the remaining affirmative votes of the Town Meeting be submitted to the voters in the form of a ballot question, then the effectiveness of such Town Meeting vote shall be further suspended pending its determination as provided herein. The Board of Selectmen shall, within ten (10) days after the filing of such referendum petition, call a Special Election, to be held within thirty (30) days or such longer period as may be required by law after issuing the call, for the purpose of presenting such ballot question to the voters; provided, however, that, if a regular or Special Election is to be held not more than sixty (60) days following the date the referendum petition is filed, the Board of Selectmen may provide that such ballot question be presented to the voters at that Election.

**2.15.2 Form of Referendum Petition/Ballot Question** - Each ballot question submitted shall appear at the top of each referendum petition and shall be presented in the following form which shall be placed on the official ballot: "Shall the Town vote to approve the action of the representative Town Meeting whereby it was voted on (insert date of Town Meeting) to (insert complete language of the vote in the same form in which it was stated when presented by the Moderator to the Town Meeting, and as it appears in the records of the Clerk of the meeting)?"

The circulator(s) of the referendum petition may make multiple copies of the petition form, but such copies must be exact duplicates thereof, and the petition form may not be altered in any way. No extraneous markings, such as underlines, highlighting, erasures, marking out or insertion of words or other information, shall be allowed on any area of the petition form or any copy thereof. Any petition form or copy thereof containing such extraneous markings or alterations or that are not exact duplicates shall be invalid, and no signatures contained thereon shall be counted toward the required number. For the purpose of this prohibition, the term "extraneous markings" shall not include signatures, names or addresses.

Each petition form shall include language informing voters that additional markings will disqualify the signatures on the petition form; that, for their signature to be counted, they must be a registered voter of the Town of Reading; that their signature shall be written in the same form as they are registered; that they should not sign the petition and any copy thereof more than once; and that, if they are prevented by physical disability from writing, they may authorize some person to write their name and address in their presence. The back of each petition form, where signature lines appear, shall include the following instruction: "ATTENTION VOTERS: Before signing, read signer information on the other side."

Upon request, the Town Clerk shall provide Town referendum petition/ballot question forms with the final article language voted at Town Meeting.

In addition to the certification of signatures on the petition form, the Board of Registrars of Voters shall examine the petition forms for extraneous markings, and determine whether they are exact copies.

**2.15.3 Election** - Any ballot question submitted in accordance with the procedure set forth herein shall be determined by majority vote thereon, but no action of the Town Meeting shall be reversed unless at least twenty percent (20%) of the voters cast ballots on the ballot question.

[Amended November 15, 2010 - Article 16]

## ARTICLE 3 ELECTED OFFICERS AND BOARDS OR COMMITTEES

### 3.1 General Provisions

The offices to be filled by the voters shall be the Board of Selectmen, School Committee, Board of Library Trustees, Municipal Light Board of Commissioners, Moderator and such members of regional authorities or districts as may be established by statute, intergovernmental agreement executed pursuant to Section 1.5 or otherwise.

Only a registered voter of the Town shall be eligible to hold any elective town office; provided, however, that no person holding any elective Town office shall simultaneously hold any other elective Town office except that of Town Meeting Member.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

Elected Town Officers shall serve without compensation unless otherwise specifically voted by Town Meeting.

Elected Town Officers shall be subject to the call of the Board of Selectmen at all reasonable times for consultation, conference and discussion on any matter relating to their respective offices.

### 3.2 Board of Selectmen

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

There shall be a Board of Selectmen consisting of five (5) members elected for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all of the powers and duties granted to Boards of Selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, or by Town Meeting vote.

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 its official acts to be kept.

The Board of Selectmen shall appoint a Town Manager, a Town Counsel, a Town Accountant, not more than five (5) Constables, and any other appointed board or committee member for whom no other method of selection is provided by the Charter or by Town Bylaw.

The Board of Selectmen or its designee shall be the Licensing Board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **3.3 School Committee**

There shall be a School Committee consisting of six (6) members elected for three (3) year terms so arranged that two (2) terms shall expire each year.

The School Committee shall have all of the powers and duties granted to School Committees by the Constitution and General Laws of the Commonwealth of Massachusetts and such additional powers and duties as provided by the Charter, by Town Bylaw or by Town Meeting vote.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

The School Committee shall make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the Town. The School Committee shall appoint a Superintendent of Schools and shall define his duties and terms of employment.

### **3.4 Board of Library Trustees**

There shall be a Board of Library Trustees consisting of six (6) members elected for three (3) year terms so arranged that two (2) terms shall expire each year.

The Board of Library Trustees shall have all of the powers and duties granted to Boards of Library Trustees by the Massachusetts General Laws, and such additional powers and duties as may be authorized by the Charter, by Town Bylaw or by Town Meeting vote.

The Board of Library Trustees shall have control over the selection of Library materials, and shall have custody and management of the Library and of all property of the Town related thereto; provided, however, that the Town Manager or his designee shall have responsibility for the maintenance of the Library building and grounds. The Board of Library Trustees shall appoint a Library Director and shall define his duties and terms of employment, subject to the personnel policies and classification and compensation plans established by the Board of Selectmen.

The Board of Library Trustees shall administer all money or property that the Town may receive on behalf of the Library by gift or bequest in accordance with the provisions of such gift or bequest.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **3.5 Municipal Light Board of Commissioners**

There shall be a Municipal Light Board of Commissioners consisting of five (5) members elected for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Municipal Light Board of Commissioners shall have all the powers and duties granted to cities and towns in respect to municipal lighting plants by Massachusetts General Laws Chapter 164, Section 34 *et seq.* and other general and special acts pertaining thereto, together with such further powers and duties assigned to them by the Charter, by Town Bylaw, or by Town Meeting vote.

The Municipal Light Board of Commissioners shall hire the General Manager of the Municipal Light Department and set his duties and terms of employment.

The Municipal Light Board of Commissioners shall appoint the Accounting Manager or Chief Accountant of the Municipal Light Department and appoint Counsel to the Municipal Light Department.

The Accounting Manager or Chief Accountant, as the case may be, and Counsel shall be subject to the supervision of the General Manager.

The Municipal Light Board of Commissioners shall approve warrants for payments of all bills and payroll of the Municipal Light Department and shall approve all contracts which are at or above the competitive sealed bid procedures level as stated in Massachusetts General Laws Chapter 30B, Section 5 and, further, all contracts shall be made in accordance with Massachusetts General Laws

Chapter 30B. Contracts for purchasing of power shall not be subject to Massachusetts General Laws Chapter 30B but shall be approved by the Municipal Light Board of Commissioners.

The Municipal Light Board of Commissioners shall employ the Auditor appointed by the Town of Reading Audit Committee.

The Municipal Light Board of Commissioners shall annually set electric rates and approve an annual operating budget and Capital Improvements Program each fiscal year. Such approval will be done by a majority vote of the Municipal Light Board of Commissioners. After the Municipal Light Board of Commissioners has approved an annual operating budget and Capital Improvements Program, it will present them to the Town of Reading Finance Committee and Town of Reading Town Meeting. Upon request of any of the other towns served by the Municipal Light Department, the Municipal Light Board of Commissioners shall make a presentation to the Finance Committee and/or Town Meeting of any such town(s).

[Amended April 28, 2003 - Article 7]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **3.6 Moderator**

There shall be a Moderator elected for a one (1) year term.

The Moderator shall have all of the powers and duties granted to Moderators by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as provided by the Charter, by Town Bylaw or by Town Meeting vote. The Moderator shall not simultaneously serve as an elected Town Meeting Member or in any other elected Town office.

## ARTICLE 4 APPOINTED BOARDS OR COMMITTEES

### 4.1 Board of Assessors

There shall be a Board of Assessors consisting of three (3) members appointed by the Board of Selectmen for three (3) year terms so arranged that one (1) term shall expire each year.

The Board of Assessors shall have all the powers and duties granted to Boards of Assessors by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

The elected members of the Board of Assessors serving at the time that this section first becomes effective may continue to serve in office until their elected terms expire, unless reappointed for an additional term or terms pursuant to this section.

[Amended November 30, 1989 - Article 36 and approved by vote of the Town on March 19, 1990]

### 4.2 Board of Cemetery Trustees

There shall be a Board of Cemetery Trustees consisting of six (6) members appointed by the Board of Selectmen for three (3) year terms so arranged that two (2) terms shall expire each year.

The Board of Cemetery Trustees shall have all the powers and duties granted to Boards of Cemetery Trustees by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 4.3 Board of Commissioners of Trust Funds

There shall be a Board of Commissioners of Trust Funds consisting of five (5) members. Three (3) shall be appointed by the Board of Selectmen for three (3) year terms so arranged that one (1) term shall expire each year. In addition, the Board of Selectmen shall appoint one of its members to serve as a full voting member *ex officio*, and the Town Treasurer shall serve as a full voting member *ex officio*.

The Board of Commissioners of Trust Funds shall have such powers and duties as are granted to them by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 4.4 Board of Health

There shall be a Board of Health consisting of three (3) members appointed by the Board of Selectmen for three (3) year terms so arranged that one (1) term shall expire each year.

The Board of Health shall have all of the powers and duties granted to Boards of Health by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

### 4.5 Community Planning and Development Commission

There shall be a Community Planning and Development Commission consisting of five (5) members appointed by the Board of Selectmen for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The Community Planning and Development Commission shall have all of the powers and duties granted to Planning Boards, Boards of Survey and Industrial Development Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote. The Community Planning and Development Commission shall have the power to regulate the subdivision of land within the Town by the adoption of Rules and Regulations pertaining thereto.

The Community Planning and Development Commission shall make studies and prepare plans concerning the resources, developmental potential and needs of the Town; and shall report annually to the Town giving information regarding the physical condition of the Town, and any plans or proposals known to it affecting the resources, physical development and needs of the Town.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

**4.6 Conservation Commission**

There shall be a Conservation Commission consisting of seven (7) members appointed by the Board of Selectmen for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Conservation Commission shall have all the powers and duties granted to Conservation Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**4.7 Council on Aging**

There shall be a Council on Aging consisting of ten (10) members appointed by the Board of Selectmen for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Council on Aging shall have all the powers and duties given to Councils on Aging by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**4.8 Historical Commission**

There shall be a Historical Commission appointed by the Board of Selectmen, which shall determine the number of members and their term of appointment, not to exceed three (3) years

The Historical Commission shall have all the powers and duties granted to Historical Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**4.9 Housing Authority**

There shall be a Housing Authority consisting of five (5) members. Four (4) members shall be appointed by the Board of Selectmen, and the fifth (5th) member shall be a resident of the Town, appointed by the Commonwealth of Massachusetts Department of Housing and Community Development or as otherwise provided by law. Housing Authority Members shall serve for five (5) year terms so arranged that one (1) term shall expire each year.

The Housing Authority shall have all of the powers and duties granted to housing authorities by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**4.10 Recreation Committee**

There shall be a Recreation Committee consisting of nine (9) members, eight (8) appointed by the Board of Selectmen, and one (1) appointed by the School Committee for three (3) year terms so arranged that three (3) terms shall expire each year.

The Recreation Committee shall have such powers and duties as are granted to them by the Board of Selectmen, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

The Recreation Committee shall be responsible for the evaluation of recreational program activities, formulation of overall plans for recreational program development, and for the scheduling of Town parks and recreational facilities when not in use by the School Department.

**4.11 Town Forest Committee**

The shall be a Town Forest Committee, appointed by the Board of Selectmen, which shall determine the number of members and their term of appointment, not to exceed three (3) years.

The Town Forest Committee shall have all the powers and duties given to Town Forest Committees by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, by the Board of Selectmen or by Town Meeting vote.

**4.12 Zoning Board of Appeals**

There shall be a Zoning Board of Appeals consisting of five (5) members and two (2) associate members appointed by the Board of Selectmen for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Zoning Board of Appeals shall have all the powers and duties of Zoning Boards of Appeal under the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

[Amended November 17, 2005 - Article 22 and approved by vote of the Town on April 4, 2006]

**4.13 Charter Review Committee**

At least every ten (10) years, a special Committee consisting of nine (9) members shall be established for the purpose of reviewing the Charter and making a report, with recommendations, to the Town Meeting concerning any proposed amendments that said Committee may determine to be necessary or desirable. The Committee shall consist of the Moderator, one (1) member or designee of the Board of Selectmen, one (1) member or designee of the School Committee, one (1) member or designee of the Board of Library Trustees, one (1) member or designee, of the Municipal Light Board of Commissioners, one (1) member of the Bylaw Committee and three (3) Town Meeting members to be appointed by the Moderator.

**4.14 Other Boards or Committees**

Any of the elected boards or committees authorized by Article 3 may establish and appoint or dissolve boards or committees from time to time for a specific purpose. Members of such boards or committees shall reside in the Town of Reading at the time of their appointment and during their term of office.

The appointing authority of any such board or committee shall, in advance of the first meeting of said board or committee and annually thereafter, report the purpose, membership and contact information of said board or committee to the Town Clerk.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

[Amended November 15, 2010 - Article 15 and approved by vote of the Town on April 6, 2010]

**4.15 Associate Membership**

All appointed boards or committees authorized by Article 4 may have associate members if specified in the Charter, Town Bylaw or Massachusetts General Laws. Associate members shall be appointed in the same manner as other members of the board or committee. All rules and regulations relating to associate membership on appointed boards or committees shall be set forth in the Bylaw or Charter provision defining the conduct of such bodies.

Associate members may not vote on any issue to be decided by the board or committee to which the individual is appointed as an associate member except as allowed by the Charter, Town Bylaw or the Massachusetts General Laws. In no case may an associate member vote on any issue if he has served as an associate member for less than one hundred and eighty (180) days following his initial appointment except as allowed by the Massachusetts General Laws.

## ARTICLE 5 TOWN MANAGER

### 5.1 Appointment, Qualifications and Term

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

The Board of Selectmen shall appoint a Town Manager, who shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had at least five (5) years of full-time paid experience as a City or Town Manager or Assistant City or Town Manager or the equivalent level public or private sector experience.

The terms of the Town Manager's employment shall be the subject of a written contract, for a term not to exceed three (3) years, setting forth his tenure, compensation, vacation, sick leave, benefits, and such other matters as are customarily included in an employment contract. The Town Manager's employment contract shall be in accordance with and subject to the provisions of the Charter and shall prevail over any conflicting provision of any personnel bylaw, rule, or regulation. The Town Manager's compensation shall not exceed the amount annually appropriated for that purpose.

The Town Manager shall devote full time to his office and, except as expressly authorized by the Board of Selectmen, shall not engage in any other business or occupation. Except as expressly provided in the Charter, he shall not hold any other public elective or appointive office in the Town; provided, however, that, with the approval of the Board of Selectmen, the Town Manager may serve as the Town's representative to regional boards, commissions or similar entities, but shall not receive any additional salary from the Town for such services.

Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, he may receive termination pay as determined by the Board of Selectmen, not to exceed twelve (12) months' salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager shall provide the Board of Selectmen a minimum of sixty (60) days written notice of his intent to leave. This benefit shall not be available if the Town Manager is terminated for cause.

[Amended November 10, 1997 - Article 7 and approved by vote of the Town on March 24, 1998]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

[Amended November 21, 2011 - Article 28 and approved by vote of the Town on March 6, 2012]

### 5.2 Powers and Duties

The Town Manager shall be the Chief Administrative Officer of the Town and shall be responsible to the Board of Selectmen for the proper administration of all Town affairs placed in his charge by or under the Charter. The Town Manager's powers and duties shall include:

- (a) To supervise and be responsible for the efficient administration of all functions under his control, as may be authorized by the Charter, by Town Bylaw, by Town Meeting vote or by the Board of Selectmen, including all officers appointed by him and their respective departments.
- (b) To appoint and remove, subject to the civil service laws where applicable, the Police Chief, Fire Chief, Appraiser and all employees for whom no other method of appointment is provided in the Charter, except persons serving under the School Committee, Municipal Light Board of Commissioners or Board of Library Trustees, and appointments made by the representatives of the Commonwealth of Massachusetts. The Town Manager's appointment of the Police Chief and Fire Chief shall be subject to confirmation by the Board of Selectmen. The Town Manager's appointment of the Appraiser shall be subject to confirmation by the Board of Assessors.
- (c) To administer all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or Town Bylaw, and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town.
- (d) To fix the compensation of all Town officers and employees appointed by him within the limits established by applicable appropriations and any compensation plan adopted by the Town Meeting.
- (e) To attend all regular and special meetings of the Board of Selectmen, unless excused at his own request, and to have a voice, but no vote, in all discussions.
- (f) To attend all sessions of Town Meetings and to answer all questions directed to him that are related to his office.
- (g) To see that all of the provisions of the Massachusetts General Laws, of the Charter, of the Town Bylaws, of Town Meeting votes, and of votes of the Board of Selectmen that require enforcement by him or Town Officers and employees subject to his direction and supervision are faithfully carried out.
- (h) To prepare and submit a proposed Annual Operating Budget and a Capital Improvements Program in accordance with Article 7.
- (i) To ensure that a full and complete record of the financial and administrative activities of the Town is kept, and to render a full report to the Board of Selectmen at the end of each fiscal year and at such other times as may be required by the Board of Selectmen.
- (j) To keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and to make such recommendations to the Board of Selectmen as he may deem necessary or appropriate.
- (k) To have full responsibility for the rental and use of all Town facilities, except those under the care, custody, management and control of the School Committee, the Board of Library Trustees, the Municipal Light Board of Commissioners, or other boards or committees specified by Town Bylaw or Town Meeting vote. He or his designee shall be responsible for the maintenance and repair of all Town property under his control.
- (l) To inquire into the conduct of any Town Officer, employee or department under his control.

- (m) To keep a full and complete inventory of all real and personal property of substantial value belonging to the Town.
- (n) To serve as Chief Procurement Officer pursuant to the provisions of Massachusetts General Laws Chapter 30B and to be responsible for purchasing all supplies, materials, equipment, goods and services, except those of the School Committee and the Municipal Light Board of Commissioners; to negotiate and approve the award of all contracts for all departments and activities of the Town except those of the School Committee and Municipal Light Board of Commissioners; to examine the services performed for any Town Agency pursuant to any such contract; and to examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies, equipment or goods delivered to or received by any Town Agency.
- (o) To approve any warrants for the payment of Town funds prepared by the Accountant in accordance with the provisions of the Massachusetts General Laws; provided, however, that the approval of any such warrant by the Town Manager shall be sufficient to authorize payment by the Town Treasurer, and provided further that the Board of Selectmen shall approve such warrants in the event of a vacancy in the office of Town Manager.
- (p) To serve as the Executive Officer of the Town for the purposes of Massachusetts General Laws Chapter 258.
- (q) To perform any other duties required of him by the Charter, by Town Bylaw, by Town Meeting vote or by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 5.3 Ombudsman

The Town Manager shall appoint a Town employee to act as an Ombudsman to all citizens in their day-to-day contacts and dealings with the Town, its officials and boards or committees. The function of the Ombudsman shall be:

- (a) To direct the citizens to the proper Town Officer, board or committee to deal with the issue or concern of the citizen;
- (b) To set up appointments for citizens to meet with directors, department heads and boards as appropriate;
- (c) To provide citizens with access to public information within the Town; and
- (d) To otherwise serve the public in connection with their dealings with the Town.

The office of the Town Ombudsman shall be clearly and conspicuously marked within the Town Hall.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 5.4 Acting Town Manager

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act.*

- 5.4.1 Temporary Absence** - By letter filed with the Town Clerk and the Board of Selectmen, the Town Manager shall designate a qualified individual to serve as Acting Town Manager during any anticipated temporary absence, not to exceed thirty (30) days.
- 5.4.2 Long-Term Absence** - In the event of the absence, incapacity or illness of the Town Manager in excess of thirty (30) days, the Board of Selectmen shall appoint a qualified individual to serve as Acting Town Manager until the Town Manager returns.
- 5.4.3 Vacancy** - When the office of Town Manager is vacant or the Town Manager is under suspension as provided in Section 5.5, the Board of Selectmen shall appoint a qualified individual to serve as Acting Town Manager under terms of employment to be determined by the Board of Selectmen. In the event of vacancy, the Board of Selectmen shall initiate recruitment for a new Town Manager without delay and shall appoint a new Town Manager within one hundred eighty (180) days.
- 5.4.4 Powers** - Except as authorized by a four-fifths (4/5) vote of the Board of Selectmen, the powers of an Acting Town Manager shall be limited to routine matters requiring immediate action and to making emergency temporary appointments to any Town office or employment within the scope of the Town Manager's responsibilities.

## **5.5 Removal Procedures**

The Board of Selectmen may remove the Town Manager from office as follows:

- 5.5.1 Notice** - By affirmative vote of a majority of its members, the Board of Selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Manager forthwith following its adoption.
- 5.5.2 Public Hearing** - Within five (5) days (see Sec.8.5) after the delivery of the preliminary resolution of removal, the Town Manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the Board of Selectmen. The hearing shall be convened by the Board of Selectmen not less than twenty (20) nor more than thirty (30) days after such request is submitted. Not less than five (5) days (see Sec.8.5) prior to such hearing, written notice thereof shall be given to the Town Manager at his last known address. The time limitations set forth herein may be waived in writing by the Town Manager. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the Town Manager may file a written statement with the Board of Selectmen responding to the reasons cited for the proposed removal. The Town Manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

- 5.5.3 Removal** - The Board of Selectmen may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption; provided, however, that such resolution shall not be adopted until:

- (a) Ten (10) days after the date of delivery to the Town Manager of the preliminary resolution of removal; or

- (b) If the Town Manager has made a timely request for a public hearing, five (5) days (see Sec.8.5) after completion of the public hearing or forty-five (45) days after the adoption of the preliminary resolution, whichever occurs later.

Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the Board of Selectmen. The Town Manager shall continue to receive his salary until a final resolution of removal has become effective.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## ARTICLE 6 ADMINISTRATIVE ORGANIZATION

### 6.1 Organization of Town Agencies

The organization of the Town into operating Town Agencies shall be accomplished through the establishment of a Table of Organization that presents the organization of all Town Agencies. Such table shall be prepared by the Town Manager in consultation with the Board of Selectmen and may be revised from time to time.

[Amended November 17, 2011 - Article 20 and approved by vote of the Town on April 5, 2011]

For the convenience of the public, the Table of Organization shall be printed as an appendix to, but not as part of, the Bylaws of the Town. The Table of Organization shall also be published annually in the Town Report.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

[Amended November 17, 2011 - Article 20 and approved by vote of the Town on April 5, 2011]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 6.2 Town Counsel

**Appointment and Qualifications** – The Board of Selectmen shall appoint a Town Counsel and fix his compensation within the amount annually appropriated for that purpose. The person appointed and employed by the Board of Selectmen as Town Counsel shall be a member in good standing of the bar of the Supreme Judicial Court of Massachusetts and of all other courts before which he has been admitted to practice. Any Special Counsel employed by the Board of Selectmen shall be a member in good standing of the bar of all courts before which he has been admitted to practice.

**Powers and Duties** – The Town Counsel shall provide legal advice, representation and litigation services to the Town, Town Agencies and Town Officers, as the Board of Selectmen or Town Manager may request or authorize.

**Vacancy** – If the Town Counsel is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a temporary Town Counsel to hold such office and exercise the powers and perform the duties until the Town Counsel can resume his duties, or until another Town Counsel is duly appointed.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 6.3 Town Accountant

**Appointment, Qualification and Term of Office** – There shall be a Town Accountant, appointed by the Board of Selectmen. The Town Accountant shall be qualified in accordance with State law, and shall have appropriate prior full time accounting experience as determined by the Board of Selectmen.

The Town Accountant shall be appointed in March of every year for a one (1) year term to run from the first day of the following July and shall serve until the qualification of his successor.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

**Powers and Duties** – The Town Accountant shall be subject to the supervision of the Town Manager. In addition to the powers and duties conferred and imposed upon Town Accountants by the Massachusetts General Laws, his powers and duties shall include:

- (a) To prescribe the methods of installation and exercise supervision of all accounting records of Town Agencies and Town Officers; provided, however, that any change in the system of accounts shall be made only after consultation with the Town Manager and the Town Agencies affected.
- (b) To establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the Town, including clerical and office methods,

records, reports and procedures as they relate to accounting matters; and to prepare and issue rules, regulations and instructions relating thereto that, when approved by the Town Manager, shall be binding upon all Town Agencies and employees.

- (c) To draw all warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the appropriations of the Town Meeting and other accounts.
- (d) Prior to submitting any warrant to the Town Manager, to examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examinations, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any Town Agency or Town Officer. If, upon examination, it appears to the Town Accountant that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the Town Manager and Town Treasurer and Chairman of the Finance Committee a written report of his findings.
- (e) To be responsible for a continuous audit of all accounts and records of the Town wherever located.

**Vacancy** – If the Town Accountant is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a temporary Town Accountant to hold such office and exercise the powers and perform the duties until the Town Accountant can resume his duties, or until another Town Accountant is duly appointed, in the same manner as an original appointment, for the remainder of the unexpired term.

#### **6.4 Town Treasurer**

**Appointment and Qualifications** – There shall be a Town Treasurer, appointed by the Town Manager. The Town Treasurer shall be qualified in accordance with the Massachusetts General Laws.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

The Board of Selectmen, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Treasurer with those of the Town Collector, and the Town Manager may then appoint a Town Treasurer-Collector.

**Powers and Duties** – In addition to the powers and duties conferred and imposed upon Town Treasurers by the Massachusetts General Laws, the powers and duties of the Town Treasurer shall include:

- (a) To supervise and be responsible for the prompt deposit, safekeeping and management of all monies collected or received by the Town.
- (b) To be the custodian of all funds, moneys, securities or other things of value that are or have been given, bequeathed or deposited in trust with the Town for any purpose, including the preservation, care, improvement or embellishment of any of the Town's cemeteries or burial lots therein; to invest all sums held in trust as he determines to be appropriate after consultation with the Board of Commissioners of Trust Funds; and to distribute the income therefrom on the order of said Board.

**Vacancy** – If the Town Treasurer is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Treasurer to hold such office and exercise the powers and perform the duties until the Town Treasurer can resume his duties, or until another Town Treasurer is duly appointed.

**6.5 Town Collector**

**Appointment and Qualifications** – There shall be a Town Collector, appointed by the Town Manager. The Town Collector shall be qualified in accordance with the Massachusetts General Laws.

The Board of Selectmen, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Collector with those of the Town Treasurer, and the Town Manager may then appoint a Town Treasurer-Collector.

**Powers and Duties** – In addition to the powers and duties conferred and imposed upon Town Collectors by the Massachusetts General Laws, the powers and duties of the Town Collector shall include:

- (a) To be responsible for the collection and receipt of all sums and accounts due, owing or paid to the Town including taxes and fees, and shall act as the Town Collector of Taxes.
- (b) To report to the Town Manager at such times as he may direct or as he may deem appropriate, but at least semi-annually, as to all uncollected claims or accounts due or owing to the Town. Such reports shall include the Town Collector's recommendations as to whether suit should be instituted on behalf of the Town for the establishment or collection of any claim or account for the benefit of the Town.

**Vacancy** – If the Town Collector is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Collector to hold such office and exercise the powers and perform the duties until the Town Collector can resume his duties, or until another Town Collector is duly appointed.

**6.6 Town Clerk**

**Appointment, Qualifications, Term of Office** – There shall be a Town Clerk, appointed by the Town Manager. The Town Clerk shall be qualified in accordance with the Massachusetts General Laws.

**Powers and Duties** – The Town Clerk shall have all the powers and duties conferred and imposed upon Town Clerks by the Massachusetts General Laws or by Town Bylaw.

**Vacancy** – If the Town Clerk is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Clerk to hold such office and exercise the powers and perform the duties until the Town Clerk can resume his duties, or until another Town Clerk is duly appointed.

## ARTICLE 7 BUDGET AND CAPITAL IMPROVEMENTS PROGRAM

### 7.1 Fiscal Year

The fiscal year of the Town shall begin on July first (1st) and end on June thirtieth (30th), unless another provision is made by the Massachusetts General Laws.

### 7.2 Submission of Proposed Budget

At least four (4) months before the start of the fiscal year and following consultation with the Board of Selectmen on the Municipal Government portions of the budget, the Town Manager shall submit to the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. He shall simultaneously provide for the publication in a local news medium of a general summary of the proposed budget, and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public.

[Amended November 21, 2011 - Article 29 and approved by vote of the Town on March 6, 2012]

### 7.3 School Committee Budget

The budget requested by the School Committee shall be submitted to the Town Manager at least five (5) months before the start of the fiscal year to enable him to prepare the total Town budget pursuant to Section 7.2.

**Public Hearing** – At least fourteen (14) days before the meeting at which the School Committee is to vote on its budget request, the School Committee shall cause to be published in a local news medium a general summary of such budget request. The summary shall indicate specifically any major variations from the current year's budget and the reasons for such variations and a notice stating the times and places where complete copies of the budget shall be available for examination by the public, as well as the date, time and place, not less than seven (7) days (see Sec.8.5) following such publication, when a public hearing shall be held by the School Committee on the budget request.

### 7.4 Budget Message

The Budget Message submitted by the Town Manager shall explain the proposed budget for all Town agencies, both in fiscal terms and in terms of work programs. The Budget Message shall include a current Table of Organization and may include a proposed Table of Organization.

### 7.5 The Proposed Budget

The proposed budget shall provide a complete financial plan for all Town funds and activities; shall be balanced to the funds available; and shall present the budget as requested by the School Committee for the ensuing year. Except as may otherwise be required by the Massachusetts General Laws or by the Charter, the proposed budget shall be in the form that the Town Manager deems desirable. In his presentation of the budget, the Town Manager shall make use of modern concepts of fiscal presentation so as to furnish a high level of information and maximum financial control. The proposed budget shall show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by Town Agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by Town Agency, and the proposed method of financing each such capital expenditure.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- (d) All encumbered funds from prior fiscal years.

## **7.6 Action on the Budget**

- 7.6.1 Public Hearing** – The Finance Committee shall, forthwith upon receipt of the proposed budget, provide for publication in a local news medium of a notice stating the date, time and place, not less than five (5) nor more than fourteen (14) days following such publication, when a public hearing shall be held by the Finance Committee on the proposed budget.
- 7.6.2 Finance Committee Meetings** – The Finance Committee shall consider in public meetings the detailed expenditures proposed by the Town Manager for each Town Agency, and may confer with representatives of any such Town Agency in connection with such considerations. The Finance Committee may require the Town Manager or any other Town Agency to provide such additional information as it deems necessary or desirable in furtherance of its responsibilities.
- 7.6.3 Presentation to the Town Meeting** – The Finance Committee shall file a report of its recommendations with the Town Clerk in sufficient time to be distributed to all Town Meeting Members at least fourteen (14) days before action on the budget Warrant Article is to begin. The budget to be acted upon by the Town Meeting shall be the budget as proposed by the Finance Committee; provided, however, that such budget may be amended by the Town Meeting.
- 7.6.4** All Warrant Articles requiring an appropriation shall be considered and reported thereon by the Finance Committee.

## **7.7 Capital Improvements Program**

The Town Manager shall submit a Capital Improvements Program to the Board of Selectmen and the Finance Committee at least thirty (30) days before the date fixed for submission of his proposed budget. Such Capital Improvements Program shall contain:

- (a) A general summary of its contents;
- (b) A list of all capital improvements proposed to be undertaken during the ensuing five (5) years, with supporting information as to the need for each capital improvement; and
- (c) Cost estimates, methods of financing and recommended time schedules for each such capital improvement.

The Capital Improvements Program may further contain the estimated annual cost of operating and maintaining each such capital improvement. This information may be annually revised with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

## ARTICLE 8 GENERAL PROVISIONS

### 8.1 Charter Changes

This Charter may be replaced, revised or amended in accordance with the procedures made available by Article LXXXIX of the amendments to the Constitution of the Commonwealth of Massachusetts and Chapter 43B of the Massachusetts General Laws.

The Town Clerk shall be authorized to make non-substantive numbering changes to the component provisions of the Articles of the Charter from time to time as he deems appropriate.

[Amended November 19, 2001 - Article 11]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 8.2 Severability

If any provision of the Charter shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Charter shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in the Preamble.

### 8.3 Specific Provisions Prevail

To the extent that any specific provision of the Charter may conflict with any provision expressed in general terms, the specific provision shall be deemed to prevail.

### 8.4 References to Massachusetts General Laws

All references to the Massachusetts General Laws contained in the Charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the Massachusetts General Laws enacted subsequent to the adoption of the Charter.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 8.5 Computation of Time

In computing time under the Charter, if seven (7) days or less is specified, only days that Town Hall is open to the general public shall be counted; if more than seven (7) days is specified, every calendar day shall be counted.

### 8.6 Number and Gender

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender shall include the feminine gender.

### 8.7 Rules and Regulations

A copy of all Rules and Regulations adopted by any Town Agency shall be filed in the Office of the Town Clerk and made available for review by any person upon request provided, however, that such Rules and Regulations shall become effective ten (10) days following their adoption, whether or not they are so filed.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 8.8 Procedures of Boards or Committees

8.8.1 **Meetings** – All boards or committees shall meet at such times and places as they may, by their own rules, prescribe. Additional meetings of any board or committee shall be held on the call of the respective chair or by a majority of the members thereof.

8.8.2 **Rules and Minutes** - Each board or committee shall determine its own rules and order of business unless otherwise provided by the Charter or by Town Bylaw and shall provide for the

keeping of minutes of its proceedings. Copies of these rules and minutes shall be publicly available in the Office of the Town Clerk and in the Library.

**8.8.3 Voting** - Except on procedural matters, all votes of all boards or committees shall be taken by a show of hands, or roll call vote, the results of which shall be recorded in the minutes. A majority vote shall be necessary to adopt any motion, order, appointment or approval to take any action not entirely procedural in nature.

**8.8.4 Quorum** - A majority of the number of members of a boards or committees specified in the Charter or other action creating such board or committee shall constitute a quorum thereof, but a smaller number may adjourn a board or committee meeting from time to time.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## **8.9 Elections**

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act. Note that this section will be renumbered from 8.11 to 8.9 in the first motion however.*

**8.9.1 Annual Town Elections** - The choice of elected Town Officers and Town Meeting Members, as well as referendum questions, shall be acted upon and determined on the date fixed by Town Bylaw by voters on official ballots without party or other designation.

**8.9.2 Procedures** - All elections held pursuant to the Charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.

**8.9.3** Any town wide election shall be held at the same time for each precinct at a place or places designated by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## **8.10 Vacancies on Boards or Committees**

Whenever a new board or committee is established, or a vacancy occurs on any existing board or committee, the appointing authority shall forthwith cause notice of the vacancy to be publicly available for not less than fifteen (15) days. Any person who desires to be considered for appointment to the position may, prior to the time the position is actually filled, file with the Town Clerk a statement setting forth his interest in and qualifications for the position.

[Amended November 13, 1986 - Article 17 and approved by vote of the Town on March 23, 1987]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## **8.11 Recall Procedures**

*Revisions to certain sections in the Charter are beyond the scope of the Charter Review Committee and the local voters. The proposed new language is shown below, but this section will not be part of the motion for this Warrant Article. Instead it will be included in the next Warrant Article and sent to the State Legislature as part of the request for a Special Act. Note that this section will be renumbered from 8.13 to 8.11 in the first motion however.*

**8.11.1 Application** - Any holder of an elective office, other than a Town Meeting Member, with more than six (6) months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section. No recall petition shall be filed against a Town Officer within three (3) months after he takes office.

**8.11.2 Recall Petition** - Two hundred and fifty (250) or more voters, including at least twenty-five (25) voters from each of the precincts into which the Town is divided, may file with the Town Clerk an affidavit containing the name of the Town Officer whose recall is sought and a sworn statement of the grounds upon which the affidavit is based. The Town Clerk shall, within twenty-four (24) hours of receipt, submit the affidavit to the Board of Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.

If the affidavit contains sufficient signatures, the Town Clerk shall deliver to the first ten voters listed upon the affidavit, blank petition forms, in such number as requested, demanding such recall, with his signature and official seal attached thereto. They shall be dated and addressed to the Board of Selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the office held by such person. The recall petitions shall be returned and filed with the Town Clerk within twenty-one (21) days following the date of the filing of the affidavit, signed by at least ten percent (10%) of the voters and containing their names and addresses; provided, however, that not more than twenty-five percent (25%) of the total number signatures may be from voters registered in any one precinct.

**8.11.3 Recall Election** - If the petition is certified by the Board of Registrars of Voters to be sufficient, it shall forthwith submit the petition with its certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of the petition and certificate to the Town Officer whose recall is sought, by mail, postage prepaid, to his address as shown on the most recent voting list; and shall cause notice of the petition and certificate to be publicly available. If such Town Officer does not resign his office within five (5) days after the date of such notice, the Board of Selectmen shall order an election to be held not less than thirty-five (35) nor more than sixty (60) days after the date of the certificate of the Board of Registrars of Voters; provided, however, that if any other Town Election is to occur not less than thirty-five (35) nor more than sixty (60) days after the date of the certificate, the Board of Selectmen shall hold the recall election on 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, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted to determine a successor in office.

**8.11.4 Nomination of Candidates** - No Town Officer whose recall is sought may be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the Warrant for the recall election, and the conduct of the election shall all be in accordance with the provisions of law relating to elections.

**8.11.5 Propositions on Ballot** - Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of Town Officer)  
Against the recall of (name of Town Officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word "candidates" and the names of candidates nominated pursuant to Massachusetts General Laws Chapter 54, Section 42.

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 and the incumbent shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term; provided, however, that, if the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office shall be deemed vacant.

If a majority of votes cast upon the question of recall is in the negative, no candidate shall be declared elected, and the Town Officer whose recall was sought shall continue in office for the remainder of his unexpired term, subject to recall as before.

**8.11.6 Repeat of Recall Petition** - No recall petition shall be filed against a Town Officer subjected to a recall election and not recalled thereby, until at least six (6) months after the election at which his recall was submitted to the voters.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## **8.12 Removal of an Appointed Board or Committee Member**

**8.12.1** The appointing authority may remove an appointed member of a board or committee with more than six (6) months remaining in the term for which he was appointed. The process for such removal may be initiated in any of three methods:

- (a) The appointing authority may, by majority vote, cause a notice of removal to be filed with the Town Clerk;
- (b) A board or committee may, by majority vote, submit a written request that the appointing authority remove one of its members, specifying the grounds for such removal request in writing and causing a notice of removal to be filed with the Town Clerk;
- (c) One hundred (100) or more voters may file with the Town Clerk a petition requesting the removal of a member of a board or committee, specifying the grounds for such removal. Upon certification by the Board of Registrars of Voters of a sufficient number of valid signatures, the Town Clerk shall immediately notify the appointing authority thereof.

**8.12.2 Public Hearing** – A public hearing shall be convened by the appointing authority not less than twenty (20) nor more than thirty (30) days after a notice, request or valid petition for removal is filed with the Town Clerk. Not less than five (5) days (see Sec.8.5) prior to such hearing, written notice thereof shall be given by the Town Clerk to the board or committee member whose removal is sought, by mail, postage prepaid, to his last known address. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the board or committee member shall be entitled to file a written statement with the appointing authority responding to the reasons cited for the proposed removal. The board or committee member may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

**8.12.3 Removal** - The appointing authority may, by majority vote, adopt a final resolution of removal, which shall be effective upon adoption. Failure to adopt a final resolution of removal within thirty (30) days of the public hearing shall be deemed to be a disapproval of such resolution. The action of the appointing authority in removing the board or committee member shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such removal in the appointing authority. The board or committee member shall continue to serve on the board or committee until a final resolution of removal has become effective.

**8.13 Resignation of Town Officers**

Any person holding an elective or appointive office may resign his office by filing a notice of resignation with the Town Clerk, and such resignation shall be effective immediately upon such filing, unless a time certain is specified therein when it shall take effect.

**8.14 Town Seal**

The Town Seal in existence at the time of adoption of the Charter shall continue to be the Town Seal and shall be kept in the custody of the Town Clerk. Papers or documents issued by any Town Officer or Town Agency may be attested by use of the Town Seal.

or take any other action with respect thereto.

**Charter Review Committee**

**Background:** Please refer to the Reading Home Rule Charter Translation Guide separate handout.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of 4-0-0 at their meeting on December 8, 2014.

**Finance Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen at their meeting on December 9, 2014 voted 4-0-0 to support this Article.

**\*Board of Assessors Report:** The Board of Assessors at their meeting on November 18, 2014 voted 2-0-0 to support this Article.

The Reading Charter Review Committee has recommended that the Board of Assessors be appointed by the Board of Selectmen under the new charter. It is understood that such a change, if adopted, would not have any practical effect until 2016 when Golden's current three year term of office expires.

The Town Manager has asked this Board to comment on the proposed change.

Santaniello read the existing (under Article 3) and proposed language (under Article 4). There is a transition rule, under which previously elected Board members would be allowed to continue in office until the end of their respective terms after which time they could seek reappointment.

Golden and Santaniello then discussed their experiences (good and bad) serving on or working with different Boards in multiple communities over many years. Golden noted that each member of the Beverly and Watertown Board of Assessors receive annual stipends of \$8,000 and \$5,000, respectively. The members of these boards are appointed to their posts. On the other hand, the members of the Wakefield Board of Assessors are elected to their posts and, as in Reading, receive no compensation.

Quinn had prepared a memorandum (see below) which he handed to Golden and Santaniello for review and comment. Both concluded that the memorandum fairly reflected their own views on the subject. A copy of this memorandum is appended hereto.

In the opinion of all those present, the members of the Reading Board of Assessors should be vetted and appointed by the Board of Selectmen under the new charter in order to ensure the seating of qualified individuals.

The problem that remains is how to expand the pool of qualified applicants willing to serve on a volunteer basis. It was not known whether the new charter would limit Board membership to Reading residents only.

Golden noted that all new Board members are required to complete a three day course 101 offered by MADOR within a prescribed time frame.

A motion by Quinn seconded by Golden that the Board endorse and otherwise support the recommendations of the Reading Charter Review Committee in this matter was approved by a vote of 2-0-0.

#### CHARTER REVIEW – BOB QUINN'S COMMENTS.

##### INTRODUCTION:

I understand that the Reading Charter Review Committee ("CRC") has unanimously recommended that the Board of Assessors ("Board" or "BOA") be appointed by the Board of Selectmen ("BOS") under the new charter.

The Town Manager has requested this Board to comment on the proposed change.

The following are my personal views on this subject and are not necessarily those of my fellow BOA members, Victor or his staff.

##### BACKGROUND:

It should be noted that a similar proposal to amend Reading's Charter came before Town Meeting in 2011 in the form of Article 22. As I recall, the Town Manager would have appointed the members of the BOA had this article been approved by Town Meeting.

The proponents of Article 22 argued that the election process itself may discourage qualified individuals from serving on the BOA. I believe this to be true. They also correctly noted the technical nature of the Board's work and the difficulty in filling past vacancies.

However, Town Meeting overwhelmingly rejected Article 22, opting instead to preserve the "independence" of the Board of Assessors through the continued direct election of its members.

In the three years since, the membership of the BOA (as well as the BOS) has changed completely. The election results follow:

In 2012, I won the seat of a retiring Board member with 1,916 votes. My opponent received 1,733 votes. There were 4,157 ballots cast; voter turn-out was 24.5%. I am not aware of any other contested election for a seat on Reading's BOA.

In 2013, Frank Golden won the seat of a retiring Board member with eleven (11) write-in votes. The runner-up had four (4). There were 3,207 ballots cast; voter turn-out was 18.2%.

In 2014, Bob Marshall won the seat of another retiring Board member with a write-in campaign that netted him thirty four (34) votes. The runner-up had six (6). There were 4,468 ballots cast; voter turn-out was 25.0%.

Mr. Golden and Mr. Marshall are both experienced assessing professionals; one would be very hard pressed to find anyone more qualified and willing to serve on the Board.

Even so, together they netted 0.6% of the total votes cast in the previous two elections. I'd argue that they were "elected" only in a symbolic sense.

**MY PERSONAL OPINION:**

I fully support CRC's recommendation that the Board of Assessors be appointed by the Board of Selectmen (an elected body). My hope is that the BOS would consult with the continuing BOA members during the appointment process.

I understand that the members of FINCOM and other committees requiring specific technical expertise are currently vetted and appointed by BOS. I don't see any compelling reason why the BOA should be treated any differently.

Under a related proposal, the Town Manager would appoint the appraiser, subject to the approval of the BOA. I understand that the Town Manager currently appoints the Police and Fire Chiefs, in a similar fashion, subject to the approval of the BOS.

I also support this approach. I believe that the Town Manager is much better positioned to access the Town resources (HR, procurement, legal etc.) needed to efficiently vet potential candidates, especially in the context of current and potential future cost sharing arrangement(s) with other towns.

Sincerely,

Robert J. Quinn, Jr.  
(Board of Assessors)  
November 18, 2014

**\*CPDC Report:** The CPDC at their meeting on December 8, 2014 voted 3-0-0 to support this Article. In addition, they request that "a provision be made for (CPDC) associate membership in the appropriate document (general bylaws)".

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**ARTICLE 8** To see if the Town will vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**AN ACT RELATIVE TO THE TOWN OF READING HOME RULE CHARTER**

*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:** Article 2 of the Town of Reading Home Rule Charter as amended through January 1, 2015, a copy of which is on file in the office of the archivist of the Commonwealth pursuant to Chapter 43B of the General Laws, is hereby amended by striking section 2.1 thereof in its entirety and inserting, in place thereof, the following section:

**2.1 Composition**

The legislative body of the Town shall be a representative Town Meeting consisting of one hundred ninety-two (192) members from eight (8) precincts who shall be elected by the voters in each precinct.

Each precinct shall be equally represented in Town Meetings by members elected so that the term of office of one-third of the members shall expire each year.

**Section 2:** Article 2 of said Charter is hereby further amended by striking section 2.2 thereof in its entirety and inserting, in place thereof, the following section:

**2.2 Revision of Precincts**

When required by law or every ten (10) years, the Board of Selectmen shall review and, if necessary, re-divide the territory of the Town into eight (8) plainly designated precincts. The precincts shall be divided into as nearly an equal number of inhabitants as possible. The territory of each precinct shall be contiguous and as compact as possible. The territory of each precinct shall be defined, where reasonably possible, by the centerline of known streets or other well-defined limits.

Within ten (10) days of completing its review, the Board of Selectmen shall file a report with the Town Clerk and the Board of Registrars of Voters, showing any revisions to the precincts that are being made pursuant to this section. If revisions are being made, the report shall include a map showing the boundaries of each precinct and a list of its inhabitants' names and addresses. The Board of Selectmen shall also post the map and list in the Town Hall and in at least one public place in each precinct.

Any such precinct revision shall be effective on the date it is filed with the Town Clerk. The Town Clerk shall forthwith notify the Secretary of State of the revision in writing.

**Section 3:** Article 2 of said Charter is hereby further amended by striking section 2.3 thereof in its entirety and inserting, in place thereof, the following section:

**2.3 Town Meeting Membership**

At the first Town wide election after any precincts are revised, the voters of each precinct shall elect twenty-four (24) Town Meeting Members to represent the precinct. Terms of office shall be determined by the number of votes received. The eight (8) candidates receiving the highest number of votes shall serve for

three (3) years, the eight (8) receiving the next highest number of votes shall serve for two (2) years, and the eight (8) candidates receiving the next highest number of votes shall serve for one (1) year from the day of election. Upon the certification of such election, the term of office of all previously elected Town Meeting members shall cease.

At each Annual Election thereafter, the voters in each precinct shall elect eight (8) Town Meeting Members to represent the precinct for a term of three (3) years, and shall also elect Town Meeting Members to fill any vacant unexpired terms. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of his election in writing.

In the event of a tie vote, resulting in a failure to elect the full number of Town Meeting Members in any precinct, the vacancy created thereby shall be filled until the next Annual Town Election by a vote of the remaining Town Meeting Members of the precinct, provided, however, that the balance of any unexpired term shall be filled at the next Annual Town Election. In the event of such a vacancy, the Town Clerk shall give written notice of the tie vote and the vacancy created thereby, to the remaining Town Meeting Members of that precinct and shall publish such notice in the local news medium. Such notice shall provide at least seven (7) day's advance notification of the time and place for a precinct meeting for the purpose of filling the vacancy.

**Section 4:** Article 2 of said Charter is hereby further amended by striking section 2.5 thereof in its entirety and inserting, in place thereof, the following section:

#### **2.5 Nomination Procedures**

Nomination of candidates for Town Meeting Member shall be made by nomination papers bearing no political designation and signed by not fewer than ten (10) voters from the candidate's precinct. Nomination papers shall be obtained in person and signed by the candidate in the presence of the Town Clerk or designee. Completed nomination papers shall be filed with the Town Clerk at least thirty-five days (35) days before the election.

**Section 5:** Article 2 of said Charter is hereby further amended by striking section 2.6 thereof in its entirety and inserting, in place thereof, the following section:

#### **2.6 Vacancies**

A Town Meeting Member may resign by filing a written notice with the Town Clerk. A Town Meeting Member who terminates residency in the Town shall cease to be a Town Meeting Member. A Town Meeting Member who moves his residence from the precinct from which he was elected to another precinct shall serve only until the next Annual Town Election.

If any person elected as a Town Meeting Member fails to attend one-half or more of the total Town Meeting sessions within one year preceding the most recent Annual Town Election, his seat may be declared vacant by a majority vote of the Town Meeting.

The Board of Selectmen shall place an Article on the Annual Town Meeting Warrant to remove any such Town Meeting Member from office. At least seven (7) days prior to the Annual Town Meeting, the Town Clerk shall notify any such Town Meeting Member that he may be removed from office, provided, however, that such notice shall be deemed adequate if mailed postage prepaid to the Town Meeting Member's last known address.

Any vacancy in a Town Meeting position may be filled until the next Annual Town Election by a vote of the remaining Town Meeting Members of the precinct, provided, however, that the balance of any unexpired term shall be filled at the next Annual Town Election. In the event of a vacancy, the Town Clerk shall give written notice thereof to the remaining Town Meeting Members of the precinct and shall publish such notice in a local news medium. Such notice shall provide at least seven (7) day's advance notification of the time and place for a precinct meeting for the purpose of temporarily filling the vacancy.

**Section 6:** Article 3 of said Charter is hereby amended by striking section 3.2 thereof in its entirety and inserting, in place thereof, the following section:

**3.2 Board of Selectmen**

There shall be a Board of Selectmen consisting of five (5) members elected for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all of the powers and duties granted to Boards of Selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, or by Town Meeting vote.

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 its official acts to be kept.

The Board of Selectmen shall appoint a Town Manager, a Town Counsel, a Town Accountant, not more than five (5) Constables, and any other appointed board or committee member for whom no other method of selection is provided by the Charter or by Town Bylaw.

The Board of Selectmen or its designee shall be the Licensing Board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

**Section 7:** Article 5 of said Charter is hereby amended by striking section 5.1 thereof in its entirety and inserting, in place thereof, the following section:

## **5.1 Appointment, Qualifications and Term**

The Board of Selectmen shall appoint a Town Manager, who shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had at least five (5) years of full-time paid experience as a City or Town Manager or Assistant City or Town Manager or the equivalent level public or private sector experience.

The terms of the Town Manager's employment shall be the subject of a written contract, for a term not to exceed three (3) years, setting forth his tenure, compensation, vacation, sick leave, benefits, and such other matters as are customarily included in an employment contract. The Town Manager's employment contract shall be in accordance with and subject to the provisions of the Charter and shall prevail over any conflicting provision of any personnel bylaw, rule, or regulation. The Town Manager's compensation shall not exceed the amount annually appropriated for that purpose.

The Town Manager shall devote full time to his office and, except as expressly authorized by the Board of Selectmen, shall not engage in any other business or occupation. Except as expressly provided in the Charter, he shall not hold any other public elective or appointive office in the Town; provided, however, that, with the approval of the Board of Selectmen, the Town Manager may serve as the Town's representative to regional boards, commissions or similar entities, but shall not receive any additional salary from the Town for such services.

Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, he may receive termination pay as determined by the Board of Selectmen, not to exceed twelve (12) months' salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager shall provide the Board of Selectmen a minimum of sixty (60) days written notice of his intent to leave. This benefit shall not be available if the Town Manager is terminated for cause.

**Section 8:** Article 5 of said Charter is hereby further amended by striking section 5.4 thereof in its entirety and inserting, in place thereof, the following section:

### **5.4 Acting Town Manager**

**5.4.1 Temporary Absence** - By letter filed with the Town Clerk and the Board of Selectmen, the Town Manager shall designate a qualified individual to serve as Acting Town Manager during any anticipated temporary absence, not to exceed thirty (30) days.

**5.4.2 Long-Term Absence** - In the event of the absence, incapacity or illness of the Town Manager in excess of thirty (30) days, the Board of Selectmen shall appoint a qualified individual to serve as Acting Town Manager until the Town Manager returns.

**5.4.3 Vacancy** - When the office of Town Manager is vacant or the Town Manager is under suspension as provided in Section 5.5, the Board of Selectmen shall appoint a qualified individual to serve as Acting Town

Manager under terms of employment to be determined by the Board of Selectmen. In the event of vacancy, the Board of Selectmen shall initiate recruitment for a new Town Manager without delay and shall appoint a new Town Manager within one hundred eighty (180) days.

- 5.4.4 Powers** – Except as authorized by a four-fifths (4/5) vote of the Board of Selectmen, the powers of an Acting Town Manager shall be limited to routine matters requiring immediate action and to making emergency temporary appointments to any Town office or employment within the scope of the Town Manager's responsibilities.

**Section 9:** Article 8 of said Charter is hereby amended by striking section 8.11 thereof in its entirety and inserting as section 8.9, the following section:

**8.9 Elections**

- 8.9.1 Annual Town Elections** - The choice of elected Town Officers and Town Meeting Members, as well as referendum questions, shall be acted upon and determined on the date fixed by Town Bylaw by voters on official ballots without party or other designation.
- 8.9.2 Procedures** - All elections held pursuant to the Charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.
- 8.9.3** Any town wide election shall be held at the same time for each precinct at a place or places designated by the Board of Selectmen.

**Section 10:** Article 8 of said Charter is hereby further amended by striking section 8.13 thereof in its entirety and inserting, as section 8.11, the following section:

**8.11 Recall Procedures**

- 8.11.1 Application** - Any holder of an elective office, other than a Town Meeting Member, with more than six (6) months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section. No recall petition shall be filed against a Town Officer within three (3) months after he takes office.
- 8.11.2 Recall Petition** - Two hundred and fifty (250) or more voters, including at least twenty-five (25) voters from each of the precincts into which the Town is divided, may file with the Town Clerk an affidavit containing the name of the Town Officer whose recall is sought and a sworn statement of the grounds upon which the affidavit is based. The Town Clerk shall, within twenty-four (24) hours of receipt, submit the affidavit to the Board of Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.

If the affidavit contains sufficient signatures, the Town Clerk shall deliver to the first ten voters listed upon the affidavit, blank petition forms, in such number as requested, demanding such recall, with his signature and official seal attached

thereto. They shall be dated and addressed to the Board of Selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the office held by such person. The recall petitions shall be returned and filed with the Town Clerk within twenty-one (21) days following the date of the filing of the affidavit, signed by at least ten percent (10%) of the voters and containing their names and addresses; provided, however, that not more than twenty-five percent (25%) of the total number signatures may be from voters registered in any one precinct.

**8.11.3 Recall Election** - If the petition is certified by the Board of Registrars of Voters to be sufficient, it shall forthwith submit the petition with its certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of the petition and certificate to the Town Officer whose recall is sought, by mail, postage prepaid, to his address as shown on the most recent voting list; and shall cause notice of the petition and certificate to be publicly available. If such Town Officer does not resign his office within five (5) days after the date of such notice, the Board of Selectmen shall order an election to be held not less than thirty-five (35) nor more than sixty (60) days after the date of the certificate of the Board of Registrars of Voters; provided, however, that if any other Town Election is to occur not less than thirty-five (35) nor more than sixty (60) days after the date of the certificate, the Board of Selectmen shall hold the recall election on 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, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted to determine a successor in office.

**8.11.4 Nomination of Candidates** - No Town Officer whose recall is sought may be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the Warrant for the recall election, and the conduct of the election shall all be in accordance with the provisions of law relating to elections.

**8.11.5 Propositions on Ballot** - Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of Town Officer)  
Against the recall of (name of Town Officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word "candidates" and the names of candidates nominated pursuant to Massachusetts General Laws Chapter 54, Section 42.

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 and the incumbent shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term; provided, however, that, if the successor fails to qualify within five (5) days after receiving notification of his

election, the incumbent shall thereupon be deemed removed and the office shall be deemed vacant.

If a majority of votes cast upon the question of recall is in the negative, no candidate shall be declared elected, and the Town Officer whose recall was sought shall continue in office for the remainder of his unexpired term, subject to recall as before.

**8.11.6 Repeat of Recall Petition** - No recall petition shall be filed against a Town Officer subjected to a recall election and not recalled thereby, until at least six (6) months after the election at which his recall was submitted to the voters.

**Section 11:** The Town Clerk is hereby authorized to make non-substantive changes to the numbering of the sections of the Town of Reading Home Rule Charter.

**Section 12:** This Act shall take effect upon its passage.

or take any other action with respect thereto.

Charter Review Committee

**Background:** Please refer to the Reading Home Rule Charter Translation Guide separate handout.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of 4-0-0 at their meeting on December 8, 2014.

**Finance Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen at their meeting on December 9, 2014 voted 4-0-0 to support this Article.

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**ARTICLE 9** To see if the Town will vote, pursuant to Section 5.2 of the Reading General Bylaws, to approve and authorize the Board of Selectmen to settle potential litigation involving the Sutton Brook Disposal Area Superfund Site, involving the possible payment of a sum of more than Fifty Thousand (\$50,000) Dollars, or take any other action relating thereto.

Board of Selectmen

**Background:** A late-breaking litigation matter was brought to the Town's attention in early December 2014. This included a proposed a settlement to be paid in late December 2014 in order to avoid litigation. Town Counsel was able to secure an extension for any possible settlement to allow for action by the January 2015 Special Town Meeting. If such a settlement is advisable, Town Counsel will explain the issue to Town Meeting on the floor, otherwise this Article will be tabled.

**Finance Committee Report:** The Finance Committee may be asked to advise Town Meeting on this matter once Town Counsel and the Board of Selectmen determine the best solution.

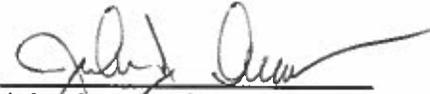
**Bylaw Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen at their meeting on December 9, 2014 voted 4-0-0 to support this Article. This Article grants the Selectmen the ability to settle a legal matter. If such a settlement is proposed, the Board and Town Counsel will explain the matter fully to Town Meeting, along with a motion explaining how to fund such a settlement.

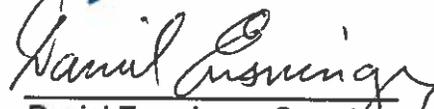
and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to January 5, 2015, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

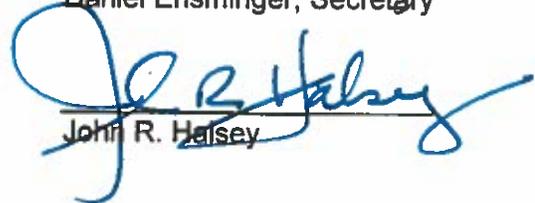
Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

Given under our hands this 9<sup>th</sup> day of December, 2014.

  
\_\_\_\_\_  
John Arena, Chairman

  
\_\_\_\_\_  
Marsie K. West, Vice Chairman

  
\_\_\_\_\_  
Daniel Ensminger, Secretary

  
\_\_\_\_\_  
John R. Halsey

\_\_\_\_\_  
Kevin Sexton

SELECTMEN OF READING

  
\_\_\_\_\_  
Thomas Freeman, Constable

	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY-2021	FY-2022	FY-2023	FY-2024	FY15-24
<b>Summary</b>												
Schools - General	749,000	75,000	-	-	75,000	-	75,000	-	75,000	-	75,000	375,000
Buildings - Schools	210,500	1,165,000	286,000	271,000	78,000	1,499,000	675,000	26,000	60,000	-	-	4,060,000
Buildings - Municipal	112,000	211,000	514,000	320,000	39,000	-	-	-	75,000	-	-	1,159,000
Administrative Services	105,000	132,000	72,000	100,000	-	100,000	-	100,000	-	100,000	-	604,000
Community Services & Recreation	343,000	229,000	52,000	45,000	575,600	1,029,670	1,280,470	1,004,670	1,379,670	414,670	414,670	6,425,420
Finance	-	-	-	-	-	-	-	-	-	-	-	-
Public Library	-	11,000	-	-	10,000	10,000	10,000	10,000	10,000	10,000	10,000	81,000
Public Safety - Fire	156,000	-	657,000	326,500	160,600	201,000	849,000	339,000	-	-	210,000	2,743,100
Public Safety - Police	110,000	15,000	-	55,000	35,000	10,000	37,500	35,000	-	440,000	-	627,500
Public Works - Equipment	420,000	680,000	334,000	323,100	552,300	514,000	381,100	204,600	185,000	186,000	160,000	3,520,100
Public Works - Parks & Cemetery	-	25,000	50,000	75,000	50,000	25,000	50,000	25,000	50,000	25,000	50,000	425,000
Public Works - Roads	882,000	540,000	550,000	600,000	700,000	750,000	850,000	900,000	950,000	1,000,000	1,050,000	7,890,000
<b>TOTAL CAPITAL REQUESTS</b>	<b>3,087,500</b>	<b>3,083,000</b>	<b>2,515,000</b>	<b>2,115,600</b>	<b>2,275,500</b>	<b>4,138,670</b>	<b>4,208,070</b>	<b>2,644,270</b>	<b>2,784,670</b>	<b>2,175,670</b>	<b>1,969,670</b>	<b>27,910,120</b>
<b>FINCOM policy: debt + capital</b>	<b>3,844,506</b>	<b>3,958,083</b>	<b>4,071,435</b>	<b>4,194,946</b>	<b>4,231,440</b>	<b>4,358,383</b>	<b>4,489,135</b>	<b>4,523,809</b>	<b>4,762,523</b>	<b>4,905,399</b>	<b>5,052,561</b>	<b>44,647,713</b>
+ Allowance for energy savings	200,000	-	-	-	-	-	-	-	-	-	-	-
- Net Included Debt	1,640,427	1,551,595	1,679,859	1,619,061	2,332,276	1,951,544	1,871,875	1,526,594	1,459,119	691,025	666,381	15,349,329
<b>FINCOM Target Capital Funding</b>	<b>2,404,079</b>	<b>2,406,488</b>	<b>2,391,576</b>	<b>2,575,885</b>	<b>1,899,164</b>	<b>2,406,839</b>	<b>2,617,260</b>	<b>3,097,215</b>	<b>3,303,404</b>	<b>4,214,374</b>	<b>4,386,180</b>	<b>29,298,384</b>
Original Funding Voted or Proposed	1,841,000	2,042,000	2,200,000	2,300,000	1,950,000	2,375,000	2,900,000	3,125,000	3,925,000	4,200,000	4,375,000	29,392,000
Additional Funding Sept TM	-	266,000	-	-	-	-	-	-	-	-	-	-
Additional Funding Nov TM	257,500	724,000	-	-	-	-	-	-	-	-	-	724,000
Additional Funding Jan TM	200,000	51,000	-	-	-	-	-	-	-	-	-	51,000
Additional Funding April TM	532,000	-	-	-	-	-	-	-	-	-	-	-
Additional Funding 40R	257,000	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL CAPITAL REQUESTS</b>	<b>3,087,500</b>	<b>3,083,000</b>	<b>2,515,000</b>	<b>2,115,600</b>	<b>2,275,500</b>	<b>4,138,670</b>	<b>4,208,070</b>	<b>2,644,270</b>	<b>2,784,670</b>	<b>2,175,670</b>	<b>1,969,670</b>	<b>27,910,120</b>
Annual Surplus (Deficit)	-	-	(315,000)	184,400	(325,500)	(1,763,670)	(1,308,070)	480,730	1,140,330	2,024,330	2,405,330	-
Cumulative Surplus (Deficit)	-	-	(315,000)	(130,600)	(456,100)	(2,219,770)	(3,527,840)	(3,047,110)	(1,906,780)	117,550	2,522,880	-
<b>General Fund</b>	<b>1,641,000</b>	<b>1,892,000</b>	<b>2,100,000</b>	<b>2,300,000</b>	<b>1,950,000</b>	<b>2,375,000</b>	<b>2,900,000</b>	<b>3,125,000</b>	<b>3,925,000</b>	<b>4,200,000</b>	<b>4,200,000</b>	<b>24,767,000</b>











Specialty Equipment - Heavy Duty	200,000	295,000	.	125,000	135,000	111,000	.	666,000
Rack Spray Truck #23 (2008)	15							
Tractor JD4250 (Parks)	15							
Bucket Truck (2009)	15							
Roller - Ferguson 46A (1988)	15	60,000						
Screener (1994)	15			135,000				135,000
Pavement Leeboy Sprd (1998)	10	145,000						145,000
Sidewalk Snow Plow #3(2008)	10					111,000		111,000
Snow Plow (2012)	10							
Snow Plow #2 C9700 (1997)	10	140,000						
Snow Holder #1 c480 (2012)								
Snow Holder #2 c480 (2013)								
Snow Holder #3 c242 (2008)		150,000						150,000
SCIARD-HD Snowblower (1999)								
Snow - Bombardier #1 (1993)	10			125,000				125,000
Specialty Equipment - Light Duty		30,000		142,000	106,300	42,000		363,900
HW Comp2 INT Compr (1996)	10			26,800				26,800
300L Lebot (Roller) (1998)	10			40,000				40,000
Eager Beaver Trailer (1985)	15							
1CH Woodsman Chipper (2004)	10		120,000					120,000
1GV Leaf Vac (1999)	10			39,500				39,500
2CH Mobark (1989)	10							
2GV Leaf Vac (2000)	10					43,600		43,600
SmithCo 60" Sweeper (1999)	10				42,000			42,000
SmithCo 48" Sweeper (2012)	10							
FMC Truck Mount Sprayer 500gal		30,000						30,000
SmithCo 13-550 Infield (1994)	7		22,000					22,000
750 John Deere Farm Tractor	10							
Lawnmowers		98,000		18,200	17,500	41,000	120,000	404,700
Mower (Cem.) SKAG 72" (1998)	4				22,000			22,000
Mower (Cem.) SKAG 61" (1999)	4		18,200					18,200
Mower (Parks) TORO Gang (1996)	8	98,000					110,000	208,000
Mower (Cem.) SKAG 52" (1995)	4				19,000			19,000
Mower (Parks) SKAG 52" (2008)	4			17,500				17,500
Mower (Parks) SKAG 61" (2008)	4							
Mower - TORO Gang (2008)	6					120,000		120,000
912F#2 John Deere Mower (1989)	7							
Engineering Equipment/Services		80,000						130,000



## CONDUCT OF TOWN MEETING

Reading's Town Meeting is conducted in accordance with the rules set down in Article 2 of the Charter and the General Bylaws. Although Town Meeting Time Third Edition is the basic source, a Town Meeting Member need only be familiar with what is contained in the Charter. These notes are intended to outline the major points all Town Meeting Members should know, and which by knowing will make Town Meeting more understandable.

### Organization

- Town Meeting consists of 192 elected members, of which 97 constitute a quorum.
- There are two required sessions: The Annual Meeting in Spring which is primarily for fiscal matters and acceptance of the annual budget, and the Subsequent Meeting in November. Special Town Meetings may be called at any time that the need arises.
- There are three main committees which review certain Articles and advise Town Meeting of their recommendations:

Finance for all expenditures of funds,

Bylaw for all bylaw changes, and the

Community Planning and Development Commission for all zoning changes.

Their reports are given prior to discussing the motion.

### General Rules Of Procedure

- The Meeting is conducted through the Warrant Articles which are presented (moved) as motions. Only one motion may be on the floor at a time; however, the motion may be amended. Often two or more Articles which address the same subject may be discussed together; however, only one is formally on the floor, and each when moved is acted upon individually. Note that the vote on one may influence the others.
- Members who wish to speak shall rise, state their name and precinct in order to be recognized.
- A Member may speak for ten (10) minutes but permission must be asked to exceed this limit.
- Seven (7) Members can question a vote and call for a standing count, and twenty (20) can ask for a roll call vote; however, a roll call vote is seldom used because of the time it takes.

### Principal Motion Encountered At Town Meeting

The following motions are the principal ones used in most cases by Town Meeting to conduct its business. Experience shows that the Members should be familiar with these.

- **Adjourn:** Ends the sessions, can be moved at any time.
- **Recess:** Stops business for a short time, generally to resolve a procedural question or to obtain information.
- **Lay on the Table:** Stops debate with the intention generally of bringing the subject up again later. May also be used to defer action on an Article for which procedurally a negative vote is undesirable. Note that tabled motions die with adjournment.
- **Move the Previous Question:** Upon acceptance by a two-thirds (2/3) vote, stops all debate and brings the subject to a vote. This is generally the main motion, or the most recent

amendment, unless qualified by the mover. The reason for this as provided in Robert's Rules of Order is to allow for other amendments should they wish to be presented.

- **Amend:** Offers changes to the main motion. Must be in accordance with the motion and may not substantially alter the intent of the motion. In accordance with Robert's Rules of Order, only one primary and one secondary motion will be allowed on the floor at one time, unless specifically accepted by the Moderator.
- **Indefinitely Postpone:** Disposes of the Article without a yes or no vote.
- **Take from the Table:** Brings back a motion which was previously laid on the table.
- **Main Motion:** The means by which a subject is brought before the Meeting.

#### **The Following Motions May Be Used By A Member For The Purpose Noted:**

- **Question of Privilege:** Sometimes used to offer a resolution. Should not be used to "steal" the floor.
- **Point of Order:** To raise a question concerning the conduct of the Meeting.
- **Point of Information:** To ask for information relevant to the business at hand.

#### **Multiple Motions Subsequent (Multiple) Motions**

If the subsequent motion to be offered, as distinct from an amendment made during debate, includes material which has previously been put to a vote and defeated, it will be viewed by the Moderator as reconsideration and will not be accepted. If the subsequent motion contains distinctly new material which is within the scope of the Warrant Article, then it will be accepted. An example of this latter situation is successive line items of an omnibus budget moved as a block.

#### **Subject To The Following Considerations**

- The maker of any proposed multiple motion shall make their intent known, and the content of the motion to be offered shall be conveyed to the Moderator - prior to the initial calling of the Warrant Article.
- Once an affirmative vote has been taken on the motion then on the floor - no further subsequent alternative motions will be accepted. (Obviously does not apply to the budget, for example.)
- Also - There can only be one motion on the floor at any one time. You have the ability to offer amendments to the motion that is on the floor. You also have the ability to move for reconsideration.

#### **Town Of Reading Bylaw - Article 2 Town Meeting**

##### **2.1 General**

###### **2.1.1 Date of Annual Town Election**

The Annual Town Meeting shall be held on the third Tuesday preceding the fourth Monday in April of each year for the election of Town Officers and for such other matters as required by law to be determined by ballot. Notwithstanding the foregoing, the Board of Selectmen may schedule the commencement of the Annual Town Meeting for the same date designated as the date to hold any Federal or State election.

###### **2.1.2 Hours of Election**

The polls for the Annual Town Meeting shall be opened at 7:00 AM and shall remain open until 8:00 PM.

**2.1.3 Annual Town Meeting Business Sessions**

All business of the Annual Town Meeting, except the election of such Town officers and the determination of such matters are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at 7:30 PM on the fourth Monday in April, except if this day shall fall on a legal holiday, in which case the meeting shall be held on the following day or at a further adjournment thereof.

**2.1.4 Subsequent Town Meeting**

A Special Town Meeting called the Subsequent Town Meeting shall be held on the second Monday in November, except if this day shall fall on a legal holiday, in which case the meeting shall be held on the following day. The Subsequent Town Meeting shall consider and act on all business as may properly come before it except the adoption of the annual operating budget.

**2.1.5 Adjourned Town Meeting Sessions**

Adjourned sessions of every Annual Town Meeting after the first such adjourned session provided for in Section 2.1.3 of this Article and all sessions of every Subsequent Town Meeting, shall be held on the following Thursday at 7:30 PM and then on the following Monday at 7:30 PM, and on consecutive Mondays and Thursdays unless a resolution to adjourn to another time is adopted by a majority vote of Town Meeting Members present and voting.

**2.1.6 Posting of the Warrant**

The Board of Selectmen shall give notice of the Annual, Subsequent or any Special Town Meeting at least fourteen (14) days prior to the time of holding said meeting by causing an attested copy of the warrant calling the same to be posted in one (1) or more public places in each precinct of the Town, and either causing such attested copy to be published in a local newspaper or providing in a manner such as electronic submission, holding for pickup, or mailing, an attested copy of said warrant to each Town Meeting Member.

**2.1.7 Closing of the Warrant**

All Articles for the Annual Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 PM on the fifth (5<sup>th</sup>) Tuesday preceding the date of election of Town officers, unless this day is a holiday in which case the following day shall be substituted. All articles for the Subsequent Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 PM on the seventh (7<sup>th</sup>) Tuesday preceding the Subsequent Town Meeting in which action is to be taken, unless this day is a holiday in which case the following day shall be substituted.

**2.1.8 Delivery of the Warrant**

The Board of Selectmen, after drawing a Warrant for a Town Meeting, shall immediately deliver a copy of such Warrant to each member of the Finance Committee, the Community Planning and Development Commission, the Bylaw Committee and the Moderator.

**2.2 Conduct of Town Meeting**

**2.2.1 In the conduct of all Town Meetings, the following rules shall be observed**

**Rule 1** A majority of Town Meeting Members shall constitute a quorum for doing business.

- Rule 2** All articles on the warrant shall be taken up in the order of their arrangement in the warrant unless otherwise decided by a majority vote of the members present and voting.
- Rule 3** Prior to debate on each article in a warrant involving the expenditure of money, the Finance Committee shall advise Town Meeting as to its recommendations and the reasons therefore.
- Rule 4** Prior to a debate on each article in a warrant involving changes in the bylaw or Charter, petitions for a special act, or local acceptance by Town Meeting of a State statute, the Bylaw Committee shall advise Town Meeting as to its recommendations and reasons therefore.
- Rule 5** Every person shall stand when speaking as they are able, shall respectfully address the Moderator, shall not speak until recognized by the Moderator, shall state his name and precinct, shall confine himself to the question under debate and shall avoid all personalities.
- Rule 6** No person shall be privileged to speak or make a motion until after he has been recognized by the Moderator.
- Rule 7** No Town Meeting Member or other person shall speak on any question more than ten (10) minutes without first obtaining the permission of the meeting.
- Rule 8** Any non-Town Meeting Member may speak at a Town Meeting having first identified himself to the Moderator. A proponent of an article may speak on such article only after first identifying himself to the Moderator and obtaining permission of Town Meeting to speak. No non-Town Meeting Member shall speak on any question more than five (5) minutes without first obtaining the permission of the Meeting. Non-Town Meeting Members shall be given the privilege of speaking at Town Meeting only after all Town Meeting Members who desire to speak upon the question under consideration have first been given an opportunity to do so.
- Rule 9** Members of official bodies and Town officials who are not Town Meeting Members shall have the same right to speak, but not to vote, as Town Meeting Members on all matters relating to their official bodies.
- Rule 10** No speaker at a Town Meeting shall be interrupted except by a Member making a point of order or privileged motion or by the Moderator.
- Rule 11** Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his interest or his employer's interest before speaking thereon.
- Rule 12** The Moderator shall decide all questions of order subject to appeal to the meeting, the question on which appeal shall be taken before any other.
- Rule 13** When a question is put, the vote on all matters shall be taken by a show of hands, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the show of hands, or if his decision is immediately questioned by seven (7) or more Members, or if the Moderator determines that a counted vote is required such as for a debt issue or Home Rule Petition, he shall determine the question by ordering a standing vote, and he

shall appoint tellers to make and return the count directly to him. On request of not less than twenty (20) members, a vote shall be taken by roll call.

**Rule 14** All original main motions having to do with the expenditure of money shall be presented in writing, and all other motions shall be in writing if so directed by the Moderator.

**Rule 15** No motion shall be received and put until it is seconded. No motion made and seconded shall be withdrawn if any Member objects. No amendment not relevant to the subject of the original motion shall be entertained.

**Rule 16** When a question is under debate, no motion shall be in order except:

- to adjourn,
- to lay on the table or pass over,
- to postpone for a certain time,
- to commit,
- to amend,
- to postpone indefinitely, or
- to fix a time for terminating debate and putting the question, and the aforesaid several motions shall have precedence in the order in which they stand arranged in this rule.

**Rule 17** Motions to adjourn (except when balloting for offices and when votes are being taken) shall always be first in order. Motions to adjourn, to move the question, to lay on the table and to take from the table shall be decided without debate.

**Rule 18** The previous question shall be put in the following form or in some other form having the same meaning: "Shall the main question now be put" and until this question is decided all debate on the main question shall be suspended. If the previous question is adopted, the sense of the meeting shall immediately be taken upon any pending amendments in the order inverse to that in which they were moved, except that the largest sum or the longest time shall be put first and finally upon the main question.

**Rule 19** The duties of the Moderator and the conduct and method of proceeding at all Town Meetings, not prescribed by law or by rules set forth in this article, shall be determined by rules of practice set forth in "Town Meeting Time Third Edition" except that to lay on the table shall require a majority vote.

#### **2.2.2 Attendance by Officials**

It shall be the duty of every official body, by a member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body.

#### **2.2.3 Appointment of Committees**

All committees authorized by Town Meeting shall be appointed by the Moderator unless otherwise ordered by a vote of the Members present and voting. All committees shall report as directed by Town Meeting. If no report is made within a year after the appointment, the committee shall be discharged unless, in the meantime, Town Meeting grants an extension of time. When the final report of a committee is placed in the hands of the Moderator, it shall be deemed to be received, and a vote to accept the same shall discharge the committee but shall not be equivalent to a vote to adopt it.

#### **2.2.4 Motion to Reconsider**

#### **2.2.4.1 Notice to Reconsider**

A motion to reconsider any vote must be made before the final adjournment of the meeting at which the vote was passed but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk within twenty-four (24) hours after the adjournment of such session. When such motion is made at the session of the meeting at which the vote was passed, said motion shall be accepted by the Moderator but consideration thereof shall be postponed to become the first item to be considered at the next session, unless all remaining articles have been disposed of, in which case reconsideration shall be considered before final adjournment. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider. Reconsideration may be ordered by a vote of two-thirds (2/3) of the members present. Arguments for or against reconsideration may include discussion of the motion being reconsidered providing such discussion consists only of relevant facts or arguments not previously presented by any speaker.

#### **2.2.4.2 Federal or State Law Affecting Reconsideration**

The foregoing provisions relating to motions to reconsider shall not apply to any such motion made by the Board of Selectmen and authorized by the Moderator as necessary for the reconsideration of actions previously taken by Town Meeting by reason of State or Federal action or inaction or other circumstances not within the control of the Town or Town Meeting. In the event such a motion to reconsider is made and authorized, said motion may be made at any time before the final adjournment of the meeting at which the vote was passed, said motion may be made even if the vote was already reconsidered or was the subject of a vote not to reconsider, and reconsideration may be ordered by a vote of two-thirds (2/3) of the Members present.

#### **2.2.4.3 Posting and Advertising**

Notice of every vote to be reconsidered at an adjourned Town Meeting shall be posted by the Town Clerk in one (1) or more public places in each precinct of the Town as soon as possible after adjournment, and he shall, if practicable, at least one day before the time of the next following session of said adjourned meeting, publish such notice in some newspaper published in the Town. Said notice shall include the vote to be reconsidered and the place and time of the next following session of said adjourned meeting. The foregoing notice provisions shall not apply when a motion to reconsider any Town Meeting action is made publicly at Town Meeting before the adjournment of any session of any adjourned Town Meeting.

#### **2.2.5 State of the Town**

The Selectmen shall, at each Annual Town Meeting, give to the Members information on the "State of the Town."

#### **2.2.6 Annual Precinct Meeting**

Town Meeting Members and Town Meeting Members-elect from each precinct shall hold an annual precinct meeting after the annual Town election but before the convening of the business sessions of the Annual Town Meeting. The purpose of the meeting shall be the election of a Chairman and a Clerk and to conduct whatever business may be appropriate. Chairmen shall serve no more than six (6) consecutive years in that

position. Additional precinct meetings may be called by the Chairman or by a petition of six (6) Town Meeting Members of the precinct.

## **2.2.7 Removal of Town Meeting Members**

### **2.2.7.1 Notice of Attendance**

The Town Clerk shall mail, within thirty (30) days after the adjournment *sine die* of the Annual Town Meeting, to every Town Meeting Member who has attended less than one-half of Town Meeting sessions since the most recent Annual Town Election, a record of his attendance and a copy of Section 2-6 of the Charter.

### **2.2.7.2 Precinct Recommendation**

All Precinct meeting held prior to consideration by Town Meeting of the warrant article pursuant to Section 2-6 of the Charter. Town Meeting Members of each precinct shall adopt a recommendation to Town Meeting on whether each member from the precinct listed in the warrant per Section 2-6 of the Charter should be removed from Town Meeting. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting.

### **2.2.7.3 Grouped by Precinct**

The names of the Members subject to removal in accordance with Section 2-6 of the Charter shall be grouped by precinct in the warrant article required by said section.

## **2.2.8 Meetings During Town Meeting**

No appointed or elected board, committee, commission or other entity of Town government shall schedule or conduct any hearing, meeting or other function during any hours in which an Annual, Subsequent or Special Town Meeting is in session or is scheduled to be in session. Any such board, committee or commission which schedules or holds a meeting or hearing on the same calendar day, but at a time prior to a session of Town Meeting, shall adjourn or recess not less than five (5) minutes prior to the scheduled session of Town Meeting.

Any board, committee or commission may, at the opening of any session of Town Meeting, present to that Town Meeting an instructional motion requesting an exemption from this bylaw and asking that Town Meeting permit it to meet at a date and hour at which a future session of Town Meeting is scheduled, and may present reasons for Town Meeting to give such permission. Notwithstanding the foregoing, any board, committee or commission which meets the requirements of M.G.L. Chapter 39, Section 23B concerning emergency meetings may, upon meeting such requirements, conduct such a meeting or hearing at a time scheduled for a Town Meeting.

## **2.2.9 Rules Committee**

The members of the Rules Committee, established under Section 2-12 of the Charter, shall hold an annual meeting within thirty (30) days after the adjournment of the Annual Town Meeting for the purpose of electing a Chairman and a Clerk and to conduct whatever business may be appropriate. Additional Rules Committee meetings may be called by the Chairman.

In the absence of a Chairman, the Moderator shall convene a meeting of the Rules Committee within sixty (60) days after a vacancy for the purpose of electing a new Chairman.



**Town of Reading**  
**16 Lowell Street**  
**Reading, MA 01867-2685**

**FAX: (781) 942-9070**  
**Website: [www.readingma.gov](http://www.readingma.gov)**

**TOWN CLERK**  
**(781) 942-9050**

## **Town Meeting Handout Guidelines**

To ensure that all Town Meeting members have access to the same information, distributed in the same manner, please follow the below listed guidelines for handout materials:

Materials that are prepared by a Town Board / Committee / Town Department must include the following:

- o Article name and number
- o Name of Town Board / Committee / Commission or Town Department
- o Date the document was created
- o Contact Information
- o Approval of Town Clerk's Office

Materials that are prepared by petitioners or other voters must include the following:

- o Article name and number
- o Contact information of person who created handout
- o Date the document was created
- o Approval of Town Clerk's Office

All handouts:

- Must contain facts only unless specifically stating "This is the opinion of \_\_\_\_"
- Should be on white paper only
- Should be double-sided copies if more than one page
- May be distributed only by giving adequate copies for all Town Meeting members (192) to the Town Clerk or designee by 6:30 PM on the night in which the subject article will be discussed
- All handouts not approved will be removed and recycled
- All handouts not distributed must be picked up at the end of each night or they will be recycled at the end of each night.

All PowerPoint Presentations:

- Must consult with the Town Clerk before the meeting
- Provide a copy before the meeting
- All presentations will be given using the Town of Reading laptop computer

February of 2010