Town of Reading
Massachusetts

Home Rule Charter

DRAFT - August 25, 2014

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Not a part of the Home Rule Charter document. For information purposes only.

Preamble

We, the people 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 AND AUTHORITY

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 Short Title

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

1-3 Division of Powers

The administration 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 a Town Manager. All legislative powers of the Town shall be exercised by a representative Town Meeting.

1-4 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 this 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.

1-5 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 stated in Section 1-4.

1-6 Intergovernmental Relations

The Town 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.

ARTICLE 2 REPRESENTATIVE TOWN MEETING

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 in accordance with all applicable elections laws. Town Meeting shall meet, deliberate, act and vote in the exercise of the corporate powers of the Town.

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

2-2 Realignment 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 continuous and as compact as possible. The territory of each precinct shall be defined as near as possible by the center line of known streets or other well-defined limits.

Within ten (10) days of any precinct revision, the Board of Selectmen shall file a report on the revisions with the Town Clerk, the Board of Registrars of Voters and the Board of Assessors. The report shall include a map(s) and a list of the 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.

The revision shall be effective on the date it is filed with the Town Clerk, and the Town Clerk shall notify the Secretary of State of the revision in writing.

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

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

2-3 Town Meeting Membership

~~The registered voters in every precinct shall elect Town Meeting Members in accordance with all applicable election laws.~~ Whenever any precincts are revised, the ~~registered~~ 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 next eight (8) candidates receiving the next highest number of votes shall serve for one (1) year from the day of election. At each Annual Election thereafter, the voters in each precinct shall elect eight (8) Town Meeting Members to represent the precinct, and shall also elect Town Meeting Members to fill any vacant terms. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of his election by mail.

In the event of a tie, ballot position shall determine the order of finish. ~~At each Annual Election thereafter, the registered voters in each precinct shall elect eight (8) Town Meeting Members to represent the precinct, and shall also elect Town Meeting Members to fill any vacant terms.~~

After the revision of precincts, the term of office of all previously elected Town Meeting Members from the revised precincts shall cease upon the certification of the election by the Town Clerk. ~~of their successors. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of his election by mail.~~

In the event of a tie write-in vote for a vacant Town Meeting position, the position shall be filled by a vote of the remaining Town Meeting Members of the precinct, from the write-in candidates whose write-in votes were tied. The Town Clerk shall give notice of the tie vote to the remaining Town Meeting Members of the precinct. The Town Clerk shall set a time and place for a precinct meeting

for the purpose of filling the vacancy. The Town Clerk shall give notice of the meeting to precinct Town Meeting Members at least seven (7) days in advance and shall publish legal notice in a newspaper of general circulation in the community. A vacant position filled in this manner shall be filled for the entire remainder of the term.

[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 held under the provisions of the Charter shall be limited to the Town Meeting Members elected under 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 by mail at least seven (7) days 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

Nomination of candidates for Town Meeting Member to be elected under the Charter shall only be made by nomination papers bearing no political designation and signed by not less than ten (10) ~~registered~~ voters from the candidate's precinct. Nomination papers must be obtained in person and signed by the candidate in the presence of the Town Clerk or designee. Completed nomination papers must be filed with the Town Clerk at least thirty five days (35) ~~twenty-eight (28)~~ days before the election. ~~and must be signed by the candidate to be valid.~~

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

2-6 Vacancies

A Town Meeting Member may resign by filing a written notice with the Town Clerk which shall take effect on the date filed. A Town Meeting Member who moves from the Town shall cease to be a Town Meeting Member. A Town Meeting Member, who moves from the precinct from which he was elected to another precinct, may serve only until the next Annual Town Election.

If any person elected as a Town Meeting Member ~~fails to take his oath of office within thirty (30) days following his notice of election, or~~ 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 Town Meeting.

The Board of Selectmen shall place an Article in the Annual Town Meeting Warrant to remove any such person. The Town Clerk must notify any such person and that he may be removed under this section at least seven (7) days in advance of the Annual Town Meeting. Notice shall be mailed to his last known address.

In the event of a tie write-in vote for a vacant Town Meeting position, the position shall be filled by a vote of the remaining members of the precinct from the write-in candidates whose write-in votes were tied. The Town Clerk shall give notice of the tie vote to the remaining Town Meeting members of the precinct. The Town Clerk shall set a time and place for a precinct meeting for the purpose of filling the vacancy. The Town Clerk shall give notice to precinct Town Meeting members at least seven (7) days in advance of the meeting, and shall also publish notice of the meeting in a newspaper of general circulation in the community. A vacant position filled in this manner shall be filled for the remainder of the term.

[Amended by Chapter 57 of the Acts of 2002]

Any vacancy of a Town Meeting position may be filled until the next Annual Town Election by a vote of the remaining members of the precinct. The balance of any unexpired term shall be filled at the

next Annual Town Election. The Town Clerk shall give notice of any vacancy to the remaining Town Meeting Members of the precinct. The Town Clerk shall set a time and place for a precinct meeting for the purpose of temporarily filling any vacancies. The Town Clerk shall give notice of the meeting to precinct Town Meeting Members at least seven (7) days in advance and shall publish legal notice in a community newspaper of general circulation.

At any precinct meeting, a majority shall constitute a quorum. A majority of votes cast at precinct meetings shall be sufficient to fill vacancies, elect a Chairman and a Clerk or conduct any order of business. The Chairman and Precinct Clerk shall certify any election of the precinct and transmit written acceptance of any person elected Town Meeting Member to the Town Clerk.

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

2-7 Compensation

Town Meeting Members shall serve without compensation.

2-8 Presiding Officer

A Moderator, chosen in accordance with the provisions of Article 3, Section 3-7, shall preside at all sessions of 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 administer the oath of office to any Town Officer and to Town Meeting members. He shall perform other functions as provided by Charter, Bylaw, Town Meeting vote or State law. In the absence of the Moderator, Town Meeting shall elect a ~~temporary~~ Moderator *pro tempore*.

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

2-9 Clerk of the Meeting

The Town Clerk shall serve as the Clerk of the Town Meeting. In the event of his unavoidable absence, the Town Clerk shall designate a substitute; otherwise, the Moderator shall appoint a Clerk *pro tempore*. The Clerk shall give notice of all meetings to the Members and to the public, keep the journal of its proceedings, and perform such other functions as may be provided by the Charter, by statute, by Bylaw, or by Town Meeting vote.

2-10 General Powers and Duties

All legislative powers of the Town shall be vested in the representative Town Meeting except as otherwise provided by law or the Charter. The Town Meeting shall provide for the exercise of all corporate powers of the Town and for the performance of all duties and obligations of the Town.

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 representative 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 from time to time, by Bylaw, establish standing committees to which shall be referred Warrant Articles for study, review and report in advance of the sessions of the Town Meeting. Standing committees shall be subject to Open Meeting Law.

In establishing standing committees, Town Meeting shall also provide for the method of appointment of members. The method of appointment shall be by an existing multiple-member body or shall be by a multiple-member appointment committee established for that purpose.

[Amended November 19, 2001 - Article 12]
[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

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

Finance Committee members shall be appointed by an Appointment Committee chaired by the Moderator, consisting of the Moderator who shall have one (1) vote, the Chairman of the Board of Selectmen who shall have one (1) vote, and the Chairman of the Finance Committee who shall have one (1) vote. The terms of Finance Committee Members shall expire on the first day of July. No Finance Committee Member shall serve for more than three (3) consecutive terms. An appointment to Finance Committee to fill a vacancy of a partial term that is less than two (2) years does not count toward the three (3) consecutive terms. Any vacancy on the committee shall be filled by the Appointment Committee.

The Finance Committee shall have all the powers and duties granted to Finance Committees under the laws of the Commonwealth of Massachusetts, Town Bylaw~~s~~, 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 report its findings, approval or disapproval on all Articles that involve the expenditure of funds in the Warrant in writing ~~at least seven (7) days before~~ to Town Meeting. Such a report shall not preclude further action or reconsideration by the Finance Committee. The Finance Committee shall take reasonable action to provide its findings to Town Meeting in writing at least seven (7) days before Town Meeting.

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

Bylaw Committee ~~on Bylaws~~

There shall be a Bylaw Committee consisting of five (5) voters of the Town, appointed for three (3) year staggered terms. The Bylaw Committee shall propose and consider changes in the Bylaw~~s~~ or Charter, and petitions for a special act, or local acceptance of a State Statute which is subject to Town Meeting acceptance, and shall report its findings on all such Articles in the Warrant in writing ~~at least seven (7) days before~~ to Town Meeting. Such a report shall not preclude further action or reconsideration by the Bylaw Committee. The Bylaw Committee shall take reasonable action to provide its findings to Town Meeting in writing at least seven (7) days before Town Meeting.

Bylaw Committee members shall be appointed by an Appointment Committee chaired by the Moderator, consisting of the Moderator who shall have one (1) vote, the Chair~~man~~ of the Board of Selectmen who shall have one (1) vote, and the Chair~~man~~ of the Bylaw Committee who shall have one (1) vote. The terms of Bylaw Committee Members shall expire on the first day of July. Any vacancy on the committee shall be filled by the Appointment Committee.

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

Rules Committee

There shall be a Rules Committee, chaired by the ~~Town~~ Moderator who shall be a non-voting member, consisting of the Precinct Chairs~~men~~, which from time to time shall review all aspects of the operation of Town Meeting, and make ~~an~~ a ~~Annual~~ Report in writing to 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 Warrants issued by the Board of Selectmen. The Board of Selectmen shall place on such Warrants all subjects requested by:

a) any two (2) or more members of the Board of Selectmen;
b) any elected or appointed Town board, committee or commission;
c) any ten (10) or more voters for the Annual or Subsequent Town Meeting as defined in Section 2-14;

d) any one hundred (100) or more voters for a Special Town Meeting; ~~and~~ or
e) any other person or agency as may be authorized by Bylaw or otherwise.

All subjects submitted to the Board of Selectmen under this section shall be placed on a Warrant for the next Town Meeting, regular or special.

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

Promptly following receipt by the Board of Selectmen of any such subject for a Town Meeting Warrant Article, a copy of the Article shall be posted on the Town Bulletin Board and otherwise distributed as may be provided by Bylaw. Additional copies shall be kept available for distribution by 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 calendar months at a time fixed by Bylaw, and shall be primarily concerned with the determination of matters that have a fiscal effect on the Town including, but not limited to, the adoption of an annual operating budget for all Town agencies. A Subsequent Town Meeting shall be held during the last three calendar months at a time fixed by Bylaw. In addition to the two meetings required by this section, the Board of Selectmen may in any manner provided under the General Laws of the Commonwealth of Massachusetts or the Charter, for the purpose of acting upon the legislative business of the Town in an orderly and expeditious manner, call the Town Meeting into session at other times by the issuance of a Warrant.

2-15 Referendum Procedures

No final affirmative vote of a Town Meeting on any Warrant Article shall be operative until after the expiration of seven (7) days following the dissolution of the Town Meeting except the following: (a) a vote to adjourn or dissolve~~,~~; (b) votes appropriating money for the payment of notes or bonds of the Town and interest becoming due within the then current fiscal year~~,~~; (c) votes for the temporary borrowing of money in anticipation of revenue; or (d) a vote declared by preamble by a two-thirds (2/3) vote of 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 within the said seven (7) days, the votes of the Town Meeting shall then become operative.

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

~~(a)~~ **Referendum Petition** – If, within said seven (7) days, a referendum petition signed by not less than three ~~(3)~~ percent (3%) of the voters certified by the Registrars of Voters containing their names and addresses is filed with the Board of Selectmen requesting that any affirmative vote of Town Meeting be submitted to the voters in the form of a ballot question, such ballot question to be in the form required in (b) herein, then the operation of the Town Meeting vote shall be further suspended pending its determination as provided below. The Board of Selectmen shall, within ten (10) days after the filing of such referendum petition, call a Special Election that shall 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 to the voters any such ballot question.

If, however, 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 any such ballot question be presented to the voters at that Election.

~~(b)~~ **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 form of the referendum petition shall be in conformance with this section.

The circulator(s) of the referendum petition may make additional copies of the petition form, but such copies must be an exact duplicate thereof. 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, are allowed on any area of the petition form. Any such extraneous markings on, or alterations of the petition form, or copies of the petition form that are not exact duplicates, will result in the invalidation of all signatures contained on that petition form. Extraneous markings do not include signatures 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 valid, they must be a registered voter of the Town of Reading; that their signature shall be written as they are registered; that they should not sign the petition more than once; and that if they are prevented by physical disability from writing, that they may authorize some person to write their name and residence 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 a Town referendum petition/ballot question form with the final article language voted at Town Meeting. The Town Clerk shall deliver A) sufficient paper copies or B) an electronic version by email at the requestor's option. Provided forms shall be deemed compliant with form conformance requirements. Foot Note: Approved by Town Meeting but not sent to the Voters of Reading. Date of Town Meeting Here

Upon request, the Town Clerk shall provide a Town referendum petition/ballot question form with the final article language voted at Town Meeting. The Town Clerk shall deliver ~~A)~~ sufficient ~~paper~~ copies according to the laws of the Commonwealth of Massachusetts. ~~or B) an electronic version by email at the requestor's option. Provided forms shall be deemed compliant with form conformance requirements.~~

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.

~~(c)~~ **Election** - Any ballot question submitted in accordance with this procedure shall be determined by a majority vote of the voters voting in said election, but no action of the Town Meeting shall be reversed unless at least twenty percent (20%) of the eligible voters vote in such election.

[Amended November 15, 2010 - Article 16]

ARTICLE 3 ELECTED OFFICERS AND BOARDS

3-1 General Provisions

The offices to be filled by the voters shall be the Board of Selectmen, School Committee, Board of Assessors, Board of Library Trustees, Municipal Light Board of Commissioners, Moderator, Vocational School Representative and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise.

Only a registered voter of the Town shall be eligible to hold any elective town office, but 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 receive no compensation unless specifically voted by Town Meeting.

Notwithstanding their election by the voters, the Town Officers named in this Article 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

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 given to Boards of Selectmen under the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by ~~other~~ 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. To administer its policies and aid the Board of Selectmen in its official duties, the Board of Selectmen shall appoint a Town Manager, as provided in Article 5. ~~Without limiting the foregoing, the Selectmen shall have all of the powers and duties of the present Personnel Board and such Board is hereby abolished.~~

The Board of Selectmen shall appoint the Town Manager, Town Counsel, Town Accountant, not more than five (5) Constables, members of the Recreation Committee, Council on Aging, Board of Cemetery Trustees, Housing Authority, Community Planning and Development Commission, Board of Health, Conservation Commission and Board of Appeals, and any other appointed multiple-member bodies for whom no other method of selection is provided by the Charter or by Bylaw.

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

~~The Board of Selectmen may establish and appoint standing advisory committees from time to time for a specific purpose. Such committees shall be considered a "multiple-member body" as defined in the charter, shall be appointed in accordance with the process detailed in Section 8-12, and members shall physically reside in the Town of Reading at the time of their appointment and during their term of office.~~

The Board of Selectmen or their 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, and 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.

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 School Committees are given under the Constitution and General Laws of the Commonwealth of Massachusetts and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by ~~other~~ Town Meeting vote. The powers of the School Committee shall include, but need not be limited to, the following:

~~(a)~~ The School Committee shall appoint a Superintendent of Schools and shall ~~fix his compensation,~~ define his duties and terms of employment. ~~make rules concerning his tenure of office and may and may discharge him.~~

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

~~(b)~~ 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.

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 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, except that the Town Manager or his designee shall have responsibility for the maintenance of the Library building and grounds.

All money or property that the Town may receive on behalf of the Library by gift or bequest shall be administered by the Board of Library Trustees 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]

The Board of Library Trustees shall have all of the powers and duties given to Board of Library Trustees under the ~~Constitution and~~ Massachusetts General Laws ~~of the Commonwealth~~, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by ~~other~~ Town Meeting vote.

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 charge of all the real estate, facilities, personnel and equipment of the Town pertaining to the production and transmission of electrical power, both within the Town and elsewhere.~~

The Municipal Light Board of Commissioners shall have all the powers and duties given to cities and towns in respect to municipal lighting plants under 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 Bylaw, or by ~~other~~ Town of Reading Town Meeting vote.

The Municipal Light Board of Commissioners shall hire the General Manager of the ~~Reading~~ Municipal Light Department and set his duties and terms of employment. ~~his compensation; the General Manager shall serve at the pleasure of the Board and may be removed by vote of a majority of the entire Board after notice and public hearing.~~

The Municipal Light Board of Commissioners shall appoint the Accounting Manager or Chief Accountant of the ~~Reading~~ Municipal Light Department and appoint counsel to the ~~Reading~~ 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 ~~Reading~~ 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 Board of Assessors (move to Section 4 as 4-2 & renumber the rest of Sections 3 & 4)

There shall be a Board of Assessors consisting of three (3) members ~~elected~~ 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 given to Boards of Assessors by Massachusetts General Laws, by Charter, by Bylaw or by Town Meeting vote.

The present elected members may continue to serve until their terms expire.

~~The Board of Assessors may appoint property appraisers and shall have all the powers and duties given to Boards of Assessors by the General Laws of the Commonwealth not inconsistent with this Charter.~~

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

~~The Board of Assessors may appoint property appraisers and shall have all of the powers and duties given to Boards of Assessors under the Massachusetts General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by Town Meeting vote.~~

3-7 Moderator

There shall be a Moderator elected for a one (1) year term. The Moderator, as provided in Article 2 Section 2-8, shall be an ex officio representative Town Meeting Member and shall preside and regulate the proceedings at all sessions of the Town Meeting. The Moderator ~~He~~ shall have all of the powers and duties given to Moderators under the Constitution and ~~Massachusetts~~ General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by ~~other~~ Town Meeting vote. The ~~Town~~ Moderator shall not simultaneously serve as an elected Town Meeting Member or in any other elected municipal office in the Town.

ARTICLE 4 APPOINTED BOARDS AND COMMITTEES

4-1 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 make studies and prepare plans concerning the resources, developmental potential and needs of the Town. The Community Planning and Development Commission 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]

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 governing such development. The Community Planning and Development Commission shall have all of the powers and duties given to Planning Boards, Boards of Survey and Industrial Development Commissions under the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by other Town Meeting vote.

4-2 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 be responsible for the formulation and enforcement of rules and regulations affecting the public health. It shall have all of the powers and duties given to Boards of Health under the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by other Town Meeting vote.

4-3 Housing Authority

There shall be a Housing Authority consisting of five (5) members. Four (4) members shall be appointed by the Board of Selectmen, the fifth (5th) member shall be a resident of the Town, appointed by the Commonwealth of Massachusetts 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 given to housing authorities under the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by other Town Meeting vote.

4-4 Zoning Board of Appeals

There shall be a Zoning Board of Appeals consisting of 5 members and 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 the powers and duties of Zoning Boards of Appeal under the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by Town Meeting vote.

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

4-5 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 be responsible for the preservation, care, improvement and embellishment of the Town's cemeteries and burial lots therein and such other powers and duties given to the Board of Cemetery Trustees under the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, by the Charter, by Bylaw, or by Town Meeting vote.

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

4-6 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, by the Charter, by Bylaw, or by Town Meeting vote.

4-7 Commissioners of Trust Funds

There shall be a 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 their members to serve as a full voting member ex officio, and the Town Treasurer/Collector shall serve as a full voting member ex officio.

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

The Commissioners of Trust Funds shall have all the powers and duties given to them by the Board of Selectmen.

4-8 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 given to Conservation Commissions by the Massachusetts General Laws, by the Charter, by Bylaw, or by Town Meeting vote.

4-9 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 be responsible for the evaluation of program activities, formulation of overall plans for the program development, and for the scheduling of Town parks and the field house when not in use by the School Department.

It shall also have all the powers and duties given to Recreation Committee by the Charter, by Bylaw, or by Town Meeting vote.

4-10 Town Forest Committee

The Board of Selectmen shall appoint the Town Forest Committee and 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 Committee by the Charter, by Bylaw, by the Board of Selectmen or by Town Meeting vote.

4-11 Historical Commission

The Board of Selectmen shall appoint the Historical Commission and determine the number of members and their term of appointment, not to exceed three (3) years

Historical Commission shall have all the powers and duties given to Historical Commission by Massachusetts General Laws, by the Charter, by Bylaw, or by Town Meeting vote.

4-12 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 to make a report, with recommendations to the Town Meeting concerning any proposed amendments which said Committee may determine to be necessary or desirable. The Committee shall consist of one (1) member of the Board of Selectmen or designee, one (1) member of the School Committee or designee, one (1) member of the Board of Library Trustees or designee, one (1) member of the Municipal Light Board of Commissioners or designee, the Moderator, one (1) member of the Bylaw Committee and three (3) Town Meeting members to be appointed by the Moderator.

4-1~~0~~3 Other Committees

~~The Selectmen shall appoint the following committees and determine the number of members and their term of appointment, not to exceed three (3) years:~~

~~(a) Town Forest Committee~~
~~(b) Historical Commission~~

Any of the elected boards or committees as listed in Article 3 of the Charter ~~The Board of Selectmen~~ may establish and appoint or dissolve standing or ad Hoc ~~advisory~~ committees from time to time for a specific purpose. Such committees shall be considered a "multiple-member body" as defined in the Charter~~,~~. S~~s~~tanding committees shall be appointed in accordance with the process detailed in Section 8-12~~,~~. ~~and~~ M~~m~~embers shall physically reside in the Town of Reading at the time of their appointment and during their term of office.

~~Any of the elected boards or committees as listed in Article 3 of the Charter may, from time to time, establish and appoint ad Hoc committees which shall serve no longer than 12 months. The term may be extended one time only for up to an additional twelve (12) months. Each ad Hoc committee shall be considered a "multiple-member body" as defined in the Charter, and shall be bound by all laws of the Commonwealth of Massachusetts but shall not be required to meet the requirements of Section 8-12 of the Reading Home Rule Charter as to the appointment process.~~

The appointing authority shall report the purpose, membership and contact information of said Committee to the Town Clerk in advance of the first meeting of said Committee.

[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]

4-14 Associate Membership

All Appointed Boards and Committees under Article 4 may have Associate Members if stipulated in the Bylaw or Charter provision defining the membership of such bodies. Associate Members are to be appointed to the various Appointed Boards and Committees by the Appointing Authority responsible for appointing individuals to the particular Boards and Committees.

All rules and regulations along with responsibilities and code of conduct relating to Associate Membership on an Appointed Board or Committee are to be in the Bylaw or Charter provision defining the conduct of such bodies. Associate Members cannot vote on any issue to be decided by the Board of Committee to which the individual is appointed as an Associate Member except as allowed by Massachusetts General Laws or by rules and regulations set by the Appointing Authority.

In no case shall an Associate Member vote on any issue if he has served as an Associate Member for less than one hundred and eighty days (180) prior to the taking of the vote except as allowed by Massachusetts General Laws.

ARTICLE 5 TOWN MANAGER

5-1 Appointment, Qualifications, Term

The Board of Selectmen shall appoint a Town Manager and may enter into a contract with the Town Manager not exceeding three (3) years in length, and shall fix his compensation within the amount annually appropriated for that purpose. The Town Manager shall not be subject to a personnel Bylaw, if any. The Town Manager 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 setting forth his tenure, compensation, vacation, sick leave, benefits, and such other matters as are customarily included in an employment contract. While serving as Town Manager he shall devote full time to the office (and except as expressly authorized by the Board of Selectmen) shall not engage in any other business or occupation and (except as expressly provided in the Charter) shall not hold any other public office, elective or appointive, in the Town.

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) month's salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager must give the Board of Selectmen sixty (60) days written notice of intent to leave. This benefit will not be available if the Town Manager is terminated for cause.

With the approval of the Board of Selectmen, he may serve as the Town's representative to regional boards, commissions and the like but shall not receive additional salary from the Town for such services.

[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 shall have the following powers and duties:

~~(a)~~ Supervise and be responsible for the efficient administration of all functions under his control, as may be authorized by the Charter, by Bylaw, by other Town Meeting vote, or by the Board of Selectmen, including all officers appointed by him and their respective departments.

~~(b)~~ Appoint, and may remove, subject to the civil service laws where applicable, Treasurer-Collector, Town Clerk, Police Chief, Fire Chief, Director of Public Works, Appraiser and all ~~other~~ department heads, all officers and all subordinates and 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 and Board of Library Trustees, and appointments made by the representatives of the Commonwealth of Massachusetts. The Town Manager's appointment of the Appraiser shall be subject to confirmation by the Board of Assessors. The Town Manager's appointment of the Police Chief~~,~~ and Fire Chief ~~and~~ shall be subject to confirmation by the Board of Selectmen. Any full-time or part-time Department Head~~,~~ under the direct supervision of an appointed board, shall be appointed by the Town Manager subject to approval of such appointed board. In the event that the Board fails to take action within fourteen (14) days after notice to the Board of the Town Manager's appointment, the Board shall be deemed to have approved the appointment.

~~(c)~~ Administer all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or Bylaw, and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town.

~~(d)~~ Fix the compensation of all Town officers and employees appointed by him within the limits established by the appropriations, and any compensation plan adopted by the Town Meeting.

~~(e)~~ Attend all regular and special meetings of the Board of Selectmen, except meetings at which his own removal is to be discussed, unless excused at his own request, and shall have a voice, but no vote, in all discussions.

~~(f)~~ Attend all sessions of the Town Meetings and shall answer all questions directed to him that are related to his office.

~~(g)~~ See that all of the provisions of the Massachusetts General Laws, of the Charter, of the Bylaw~~s~~ and other Town Meeting votes, and votes of the Board of Selectmen that require enforcement by him, or officers and employees subject to his direction and supervision, are faithfully carried out.

~~(h)~~ Prepare and submit a proposed Annual Operating Budget and a proposed Capital Improvements Program as provided in Article 7.

~~(i)~~ Assure that a full and complete record of the financial and administrative activities of the Town is kept and shall 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)~~ Keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and shall make such recommendations to the Board of Selectmen as he deems necessary or expedient.

~~(k)~~ Have full jurisdiction over the rental and use of all Town facilities, except those under the jurisdiction of the School Committee, Board of Library Trustees, and Municipal Light Board of Commissioners, and properties designated by Bylaw or other Town Meeting vote. He or his designee shall be responsible for the maintenance and repair of all Town property which is designated to be under his control.

~~(l)~~ May at any time inquire into the conduct of any officer, employee or department under his control.

~~(m)~~ Keep a full and complete inventory of all property of substantial value belonging to the Town, both real and personal.

~~(n)~~ Be responsible for the negotiation of all contracts involving any subject within his jurisdiction and approve the awarding thereof.

~~(o)~~ Be responsible for purchasing all supplies, materials and equipment, except those of the School Committee and the Municipal Light Board of Commissioners; 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; examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies or equipment delivered to or received by any Town agency; and examine services performed for any Town agency secured through the purchasing procedure.

~~(p)~~ Be deemed to be the Executive Officer of the Town under Massachusetts General Laws Chapter 258.

~~(q)~~ Perform any other duties required of him by the Charter, by Bylaw, by other 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 ~~himself or some other full-time~~ an employee ~~in his office~~ to act as an Ombudsman to all citizens in their day-to-day contacts and dealings with the Town, its officials, and

boards. The function of the Ombudsman shall be: (a) to direct the citizens to the proper officer, board or committee to deal with the citizen's problem; (b) to set up appointments for citizens to meet with directors, department heads and boards; (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~~5 Acting Town Manager

~~(a)~~ **Temporary Absence** - By letter filed with the Town Clerk and the Board of Selectmen, the Town Manager shall designate a qualified individual ~~Town officer or employee~~ to serve as Acting Town Manager during any temporary absence anticipated not to exceed thirty (30) ~~ten (10) working business~~ days.

~~(b)~~ **Long-Term Absence** - In the event of the absence, incapacity or illness of the Town Manager in excess of thirty (30) ~~ten (10) working business~~ days, the Board of Selectmen shall appoint a qualified ~~Town officer or employee~~ individual to serve as Acting Town Manager until the Town Manager returns.

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

~~(c)~~ **Vacancy** - When the office of Town Manager is vacant, or the Town Manager is under suspension as provided in Section 5-~~5~~4, the Board of Selectmen shall appoint a qualified ~~Town officer or employee~~ individual to serve as Acting Town Manager until the vacancy is filled or the suspension has been terminated. 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) ~~twenty (120)~~ days.

~~(d)~~ **Term** - No appointment of an Acting Town Manager may exceed thirty (30) ~~ten (10) working business~~ days whereupon the appointment may be renewed or another Acting Town Manager appointed.

~~(e)~~ **Powers** - The powers of an Acting Town Manager are 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. The Board of Selectmen by a four fifths (4/5) vote may grant him greater powers.

5-~~5~~4 Removal Procedures

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

~~(a)~~ **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.

~~(b)~~ **Public Hearing** - Within five (5) days 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 a request is filed. Not less than five (5) days prior written notice of the date upon which the hearing will commence 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. The Town Manager shall be entitled to file a written statement with the Board of Selectmen responding to the reasons cited for the proposed removal, provided the same is received by the Board of Selectmen not less than forty-eight (48) hours in advance of the time set for the commencement of the public hearing. The Town Manager may be represented by counsel at the public hearing. He 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]

~~(c)~~ **Removal** - If the Town Manager does not request a public hearing, then upon the expiration of ten (10) days from the date of delivery to him of the preliminary resolution of removal, or if the Town Manager does request a public hearing, then five (5) days from the completion of the public hearing or forty-five (45) days from the date of the adoption of the preliminary resolution, whichever occurs later, the Board of Selectmen may by a vote of a majority of its members adopt a final resolution of removal that shall be effective upon adoption. Failure to adopt a final resolution of removal within the time limitations provided in this section shall 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.

~~(d) Severance - Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, he shall receive termination pay as determined by the Board of Selectmen, not to exceed twelve (12) month's salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager must give the Board of Selectmen sixty (60) days written notice of intent to leave. This benefit will not be available if the Town Manager is terminated for cause.~~

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

ARTICLE 6 ADMINISTRATIVE ORGANIZATION

6-1 Organization ~~Creation~~ of Departments, Agencies and Offices

The organization of the Town into operating agencies shall be accomplished through the establishment of an Administrative Code, either by adoption of a Bylaw or by the adoption of a Table of Organization.~~, both as provided in this section:~~

~~(a)~~ **Bylaw~~s~~** - Subject only to express prohibitions in the Constitution, Massachusetts General Laws or the Charter, the Town Meeting may, by Bylaw, approve the reorganization, consolidation, or abolishment of any Town agencies, in whole or in part, and the establishment of such new Town agencies as ~~it deems~~ deemed necessary or advisable. It may prescribe the functions of any Town agency.

~~(b)~~ **Table of Organization** – Subject only to express prohibitions in the Constitution, Massachusetts General Laws or the Charter, the Board of Selectmen, after consultation with the Town Manager, may from time to time, prepare and submit to the Town Meeting for approval a table of organization or reorganization, or amendments to any existing table of organization for the orderly, efficient or convenient conduct of the business of the Town.

The ~~administrative code~~ Administrative Code may reorganize, consolidate or abolish any Town agencies in whole or in part and establish such new Town agencies as ~~it deems~~ deemed necessary or advisable. It may prescribe the functions of any Town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use, for which the funds were voted by the Town, transfer the appropriations of one Town agency to another. However, no function assigned by the Charter to a particular Town agency may be discontinued, or unless the Charter specifically so provides, assigned to any other.

Whenever the Board of Selectmen prepares such a Bylaw or ~~table~~ Table of Organization, the Board of Selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper not less than seven (7) days in advance, which notice shall describe the scope of the proposal and the time and place at which the hearing shall be held. Following such public hearing the Board of Selectmen shall submit to the Town Meeting, by Warrant Article, its proposed Administrative Code which it may have modified subsequent to the public hearing.

An ~~administrative code~~ Administrative Code shall become effective at the expiration of ninety (90) days following the date of the Town Meeting at which the proposal is submitted, unless the Town Meeting shall, by a majority vote within that time, vote to disapprove the Administrative Code ~~code~~.

The Town Meeting may vote only to approve or disapprove the ~~administrative code~~ Administrative Code and may not vote to amend or alter it, except that a substitute motion may be moved by a majority of the Board of Selectmen.

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

6-2 Publication of Administrative Code and Table of Organization

For the convenience of the public, the administrative code, if adopted as a Table of Organization, shall be printed as an appendix to, but not an integral part of, the Bylaw 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]

~~6-3 Department of Public Works~~

~~(a) Establishment and Scope There shall be a Department of Public Works responsible for the performance of all public works activities of the Town placed under its control by the Charter, by Bylaw, by administrative code or otherwise including, but not limited to, protection of natural resources, maintenance of all municipal buildings and grounds except those of the School and Municipal Light Departments, water supply and distribution, sewers and sewerage systems, streets~~

~~and roads, parks and playgrounds, refuse collection and disposal, forestry services, and cemetery services.~~

~~The Department of Public Works shall assume all of the duties and responsibilities in the performance of public works functions including, but not limited to, those performed prior to the adoption of the Charter by or under the authority of the Department of Public Works.~~

~~(b) Director of Public Works – The Department of Public Works shall be under the direct control of a Director of Public Works who shall be appointed by and who shall be directly responsible to the Town Manager. The Director of Public Works shall serve at the pleasure of the Town Manager. He shall be a person especially fitted by education, training and previous experience to perform the duties of the office.~~

~~The Director of Public Works shall be responsible for the supervision and coordination of all divisions within the department in accordance with State Statutes, Town Bylaws, administrative code and directives of the Town Manager.~~

~~(c) Policy Formulation – The Board of Selectmen, acting through the Town Manager, shall be responsible for the overall supervision of the Department of Public Works and for the establishment of policies and priorities to govern the operation of the department.~~

~~The Board of Selectmen shall have the same power to adopt rules and regulations and grant licenses previously given by law to the Department of Public Works and its predecessor water, sewer and park commissions.~~

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

6-4 Town Counsel

Appointment, Qualifications, Term of Office – The Board of Selectmen each year 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 – In addition to those duties which the Board of Selectmen may request or authorize the Town Counsel to perform; he shall have the following powers and duties:

~~(a)~~ The Town Counsel shall examine and report to the Town Manager upon the title to any land to be acquired by the Town or any Town agency.

~~(b)~~ The Town Counsel shall, when requested, advise with respect to all contracts, bonds, deeds and other legal instruments to which the Town is a party, or in which any right or interest of the Town is involved.

~~(c)~~ The Town Counsel shall advise all Town agencies and officers regarding legal questions relating to their powers and duties.

~~(d)~~ The Town Counsel, when requested by the Board of Selectmen, shall appear and conduct, or assist in the conduct of the prosecution, defense or compromise of any claims, actions and proceedings by, on behalf of, or against the Town or any Town agency.

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

6-5 Town Accountant

Appointment, Qualification, 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 at least three (3) years prior full time accounting experience. The Town Accountant shall devote his entire time to the performance of his duties and the supervision of the employees of his department.

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 April and shall serve until the qualification of his successor. The Town Accountant may be removed by the Board of Selectmen for cause and the vacancy filled by them in the same manner as an original appointment for the remainder of the unexpired term.

[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. He shall have, in addition to the powers and duties conferred and imposed upon Town Accountants by Massachusetts General Laws, the following powers and duties:

~~(a)~~ He shall prescribe the methods of installation and exercise supervision of all accounting records of the several Town officers and agencies. However, any change in the system of accounts shall first be discussed with the Town Manager and the Town agencies affected.

~~(b)~~ He shall 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. He shall 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)~~ He shall draw all Warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.

~~(d)~~ Prior to submitting any Warrant to the Town Manager, he shall 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 officer or agency. 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)~~ He shall 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 who was disabled or absent resumes his duties, or until another Town Accountant is duly appointed. Said temporary appointment shall be in writing, signed by the Board of Selectmen and filed in the office of the Town Clerk.

6-6 Town Treasurer - Collector

Appointment, Qualifications, Term of Office – There shall be a Town Treasurer-Collector, appointed by the Town Manager for a term of one year. The Town Treasurer-Collector shall be qualified in accordance with State law. The Town Treasurer-Collector shall devote his entire time to the performance of his duties and the supervision of the employees of his department.

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

The Town Treasurer-Collector shall be appointed in March of every year for a one (1) year term to run from the first day of the following April and until the qualification of his successor. The Town Treasurer-Collector may be removed by the Town Manager for cause, and the vacancy filled by him in the same manner as an original appointment, for the remainder of the unexpired term.

Powers and Duties – The Town Treasurer-Collector shall be subject to the supervision of the Town Manager. He shall have, in addition to the powers and duties conferred and imposed upon Town Treasurers and Town Collectors, by the Massachusetts General Laws, the following powers and duties:

~~(a)~~ The Town Treasurer-Collector shall supervise and 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)~~ The Town Treasurer-Collector shall 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 Treasurer-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.

~~(c)~~ The Town Treasurer-Collector shall supervise and be responsible for the prompt deposit, safekeeping and management of all monies collected or received by the Town.

~~(d)~~ The Town Treasurer-Collector shall be the custodian of all funds, monies, securities or other things of value which 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. The Town Treasurer-Collector shall invest the same as directed by the Board of Cemetery Trustees and the Board of Trust Fund Commissioners and shall distribute the income therefrom on the order of said trustees or Trust Fund Commissioners.

ARTICLE 7 FINANCES AND FISCAL PROCEDURES

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 newspaper 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, or take any other action with respect thereto.

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

7-3 School Committee Budget

The budget adopted by the School Committee shall be submitted to the Town Manager ~~in sufficient time~~ at least five (5) months before the start of the fiscal year to enable him to prepare the total Town budget he is required to submit by Section 7-2.

~~(a)~~ **Public Hearing** – At least fourteen (14) days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall indicate specifically any major variations from the present budget and the reasons for such variations and a notice stating (1) the times and places where complete copies of the budget shall be available for examination by the public, and (2) the date, time and place, not less than seven (7) nor more than fifteen (15) days following such publication, when a public hearing shall be held by the School Committee on the proposed budget.

~~(b)~~ **Adoption** – The action of the School Committee in adopting the budget following the public hearing shall be summarized and the vote shall be duly recorded.

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. It shall outline proposed financial policies of the Town for the ensuing fiscal year; describe important features of the budget; indicate any major variations from the budget for the current year in financial policies, expenditures and revenues together with the reasons for such changes; summarize the Town's debt position and include such other material as the Town Manager deems desirable.

7-5 The Proposed Budget

The proposed budget shall provide a complete financial plan of all Town funds and activities, including 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, it shall be in the form 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 maximum amount of information and the best financial control. The budget shall be so arranged as to 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)~~ Set forth all encumbered funds from prior fiscal years.

7-6 Action on the Budget

~~(a)~~ **Public Hearing** – The Finance Committee shall, forthwith upon receipt of the proposed budget, provide for publication in a local newspaper 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.

~~(b)~~ **Finance Committee Meetings** – The Finance Committee shall consider in public meetings the detailed expenditures for each Town agency proposed by the Town Manager, and may confer with representatives of any such agency in connection 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 responsibility.

~~(c)~~ **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 the action on the budget article is to begin. The budget to be acted upon by the Town Meeting shall be the budget as proposed by the Finance Committee which budget may be amended by the Town Meeting.

~~(d)~~ All Warrant Articles requiring an appropriation ~~in excess of five hundred dollars ($500.00)~~ shall be integrated into the Town Manager's budget, and 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. It shall contain (a) a clear, concise 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; (c) cost estimates, methods of financing and recommended time schedules for each improvement and (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

7-8 Financial Public Records

Statements summarizing the budget and the Capital Improvements Program and related Warrant Articles, as adopted by the Town Meeting, shall be made available in the office of the Town Manager for examination by the public not more than twenty (20) days after their adoption.

7-9 Approval of Financial Warrants

Warrants for the payment of Town funds prepared by the Accountant in accordance with the provisions of the Massachusetts General Laws shall be submitted to the Town Manager. The approval of any such Warrant by the Town Manager shall be sufficient authority to authorize payment by the Town Treasurer but the Board of Selectmen shall approve all Warrants in the event of a vacancy in the office of Town Manager.

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 the provisions of Massachusetts General Laws Chapter 43B. In general terms, this means that any provision of the Charter, except as to the composition, mode of election or appointment, or terms of office of the legislative body, the Board of Selectmen or Town Manager can be changed by a two-thirds vote of the Town Meeting approved by the voters at the next Town Election.

Non-substantive changes to the numbering of the various Articles within the Charter shall be permitted in order that the numbering due to amendments thereto and other consequent renumbering changes resulting therefrom are in compliance with the numbering format of the Charter.

[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

The provisions of the Charter are severable. If any provision of the Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons and circumstances shall not be affected thereby.

8-3 Specific Provisions Prevail

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

8-4 References to Massachusetts General Laws or MGL

All references to the Massachusetts General Laws or MGL 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, only Business Days ~~not including Saturdays, Sundays or legal holidays~~ shall be counted; if more than seven (7) days, every 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 Definitions

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

ad Hoc Committee - A committee appointed or dissolved under Section 4-13

Advisory Sub-Committees - Committees that are created by an existing committee, consisting of members of that committee

Business Day - A day that Town Hall is open to the general public

~~(a)~~ **Charter** – The word "Charter" shall mean this Charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.

Constitution - Constitution of the Commonwealth of Massachusetts

~~(b)~~ **Ex officio** - A member of any multiple-member body, except a member of the Rules Committee, who, by virtue of his office or position, is appointed to an ad hoc or other multiple-member body. A person serving as an ex officio member shall not be required to take an additional oath of office to serve in such capacity.

~~(c)~~ **Library** – The word "Library" shall mean the Reading Public Library and any branch or branches that may be established thereof.

~~(d)~~ **Local News Outlet ~~Newspaper~~** – The words "local news outlet" ~~"local newspaper~~" shall mean a ~~newspaper of general circulation~~ media outlet of general public access within the Town.

~~(e)~~ **Majority Vote** - The word "majority vote" shall mean as to the Town Meeting and Committees thereof a majority of those present and voting provided that a quorum of the body is present. As to all multiple-member bodies, the affirmative vote of a majority of all its members shall be necessary to adopt any motion, order, appointment or approval to take any action not entirely procedural in nature.

MGL - Massachusetts General Laws

~~(f)~~ **Multiple-Member Body** - The word "multiple-member body" shall mean any Board, Commission or Committee consisting of two or more persons, whether elected or appointed.

~~(g)~~ **Precinct** – The word "precinct" shall mean the areas into which the Town is divided for the purpose of electing Town Meeting Members.

~~(h)~~ **Town** - The word "Town" shall mean the Town of Reading.

~~(i)~~ **Town Agency** - The words "Town Agency" shall mean any Board, Commission, Committee, department or office of the Town Government whether elected, appointed or otherwise constituted.

~~(j)~~ **Town Bulletin Boards** - The words "Town Bulletin Boards" shall mean the bulletin boards on which official Town notices are posted.

~~(k)~~ **Town Meeting** - The words "Town Meeting" shall mean the representative Town Meeting of the Town, established by Article 2.

~~(l)~~ **Town Officer** - The words "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; however, it shall not include a Town Meeting Member. A person may be a Town Officer whether or not he receives any compensation for his services.

~~(m)~~ **Voters** - The word "Voters" shall mean registered voters of the Town.

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

8-8 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 who requests such information. Such Rules and Regulations adopted ~~subsequent to the adoption of the Charter~~ shall not become effective until ten (10) days following the date they are so filed.

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

8-9 Reenactment and Publication of Bylaw~~s~~

Within one (1) year of the adoption of the Charter and at intervals of not more than ten (10) years thereafter, proposed revisions or recodification of the Bylaw~~s~~ of the Town shall be presented to Town Meeting by the Bylaw Committee.

At least four (4) months prior to the Town Meeting at which action under this section is to be taken, the Committee shall cause to be published in a local newspaper: (a) a report summarizing its recommendations and noting the times and places within the Town where complete copies of the report shall be available for inspection by the public, and (b) the date, time and place not less than two weeks following such publication when a public hearing shall be held by the committee on the preliminary report.

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

8-10 Procedures of Multiple-Member Bodies

~~(a)~~ **Meetings** - All multiple-member bodies of the Town whether elected, appointed or otherwise constituted shall meet at such times and places ~~within the Town~~ in accordance with the Open Meeting law and as they may, by their own rules, prescribe. Additional ~~Special~~ meetings of any multiple-member body shall be held on the call of the respective chairman or by a majority of the members thereof by suitable written notice delivered to the residence or place of business of each member at least twenty-four (24) hours in advance of the time set. A notice of each meeting shall be posted at least forty-eight (48) hours in advance on the Town Bulletin Board, except in the event of an emergency meeting within the meaning of Massachusetts General Laws, Chapter 39. All meetings of all multiple-member bodies shall, at all times, be open to the public and to the press except as may otherwise be authorized by law.

~~(b)~~ **Rules and Minutes** - Each multiple-member body shall determine its own rules and order of business unless otherwise provided by the Charter or by ~~bylaw~~ Bylaw and shall provide for keeping minutes of its proceedings. These rules and minutes shall be a public record kept in the office of the Town Clerk, and copies shall be kept available in the Library.

~~(c)~~ **Voting** - Except on procedural matters, all votes of all multiple-member bodies shall be taken by a show of hands, or roll call vote, the results of which shall be recorded in the minutes.

~~(d)~~ **Quorum** - A majority of the members of the multiple-member body shall constitute a quorum, but a smaller number may adjourn from time to time.

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

8-11 Elections

~~(a)~~ **Annual Town Elections** - The election of Town Officers and Town Meeting Members, and referenda questions shall be acted upon and determined by voters on official ballots without party or other designation on the date fixed in the Bylaw~~s~~ of the Town.

~~(b)~~ **Procedures** - All elections conducted pursuant to the Charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.

~~(c)~~ ~~Any town-wide election shall be held at the same time in each precinct at the place designated by the Selectmen.~~ 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]

8-12 Vacancies on Boards, Committees, and Commissions

Whenever a new Standing Committee is established, or a vacancy occurs on any existing Board, Committee, or Commission, which vacancy is to be filled by the Board of Selectmen or any multiple-member body, whether such vacancy is by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the Board of Selectmen or other appointing authority shall forthwith cause public notice of the vacancy to be posted on the Town Bulletin Board for not less than fifteen (15) days. Any person who desires to be considered for appointment to the

position may, within fifteen (15) days following the date notice is posted and up until the time the position is actually filled, file with the Town Clerk a statement setting forth in clear and specific terms his 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]

8-13 Recall Procedures

~~(a)~~ **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 an officer within three (3) months after he takes office.

~~(b)~~ **Recall Petition** - Two hundred and fifty (250) or more voters may file with the Town Clerk an affidavit containing the name of the officer whose recall is sought and a sworn statement of the grounds upon which the petition is based. At least twenty-five (25) names of voters shall be from each of the eight precincts into which the Town is divided. The Town Clerk shall, within twenty-four (24) hours of receipt, submit the petitions to the Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters.

If the petitions contain sufficient signatures, the Town Clerk shall thereupon deliver to the first ten voters listed upon the affidavit, petition blanks in such number as requested demanding such recall, printed forms of which he shall keep available. The blanks shall be issued by the Town Clerk with his signature and official seal attached thereto. They shall be dated, shall be 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, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to the said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk. 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. However, not more than twenty-five percent (25%) of the total number shall be from any one precinct.

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

~~(c)~~ **Recall Election** - If the petition shall be certified by the Town Clerk to be sufficient, he shall forthwith submit the same with his certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of such petition and certificate to the officer whose recall is sought by mailing the same postage prepaid to his address as shown on the most recent voting list and posting such notice on one or more of the Town Bulletin Boards. If said 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 Town Clerk's certificate of the sufficient petition. If, however, 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.

~~(d)~~ **Nomination of Candidates** - Any officer whose recall is sought may not 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 same shall all be in accordance with the provisions of law relating to elections.

~~(e)~~ **Propositions on Ballot** - Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer)
Against the recall of (name of 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 as required in Section 42 of Chapter 54 of the Massachusetts General Laws. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted except as provided above under Recall Election.

~~(f)~~ **Office Holder** - The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section.

If he is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

~~(g)~~ **Repeat of Recall Petition** - No recall petition shall be filed against an ~~officer within three (3) months after he takes office, or in the case of an~~ 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.

8-14 Removal of Appointees

Appointing authorities may remove for cause appointees to boards, commissions, committees and offices.

8-15 Resignation of Town Officers

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

8-16 Town Seal

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

~~ARTICLE 9 TRANSITIONAL PROVISIONS~~

~~9-1 Continuation of Existing Laws~~

~~(a) All Bylaws, resolutions, rules, regulations, and votes of the Town Meeting which are in force at the time this Charter is adopted, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed, including Bylaws, if any, which have been passed and have been approved by the Attorney General but have not yet been published.~~

~~(b) Where provisions of this Charter conflict with provisions of Town bylaws, rules, regulations, orders, and special acts and acceptances of General Law, the Charter provisions shall govern. All provisions of Town Bylaws, rules, regulations, orders, and special laws not superseded by this Charter shall remain in force.~~

~~9-2 Continuation of Government~~

~~(a) All contracts or obligations entered into by the Town prior to the effective date of this Charter shall continue in full force and effect.~~

~~(b) No actions or proceedings, whether civil or criminal, pending at the time this Charter shall take effect, brought by or against the Town or any department, board or commission or other Town agency, shall be affected or abated by the adoption of this Charter or by anything therein contained.~~

~~(c) All taxes levied or assessed by the Town prior to the effective date of this Charter which have not been collected by the Town shall be collected, with any penalties thereon, by the duly established Town Government and officers under this Charter.~~

~~9-3 Continuation of Personnel~~

~~No person employed by the Town on a permanent full-time basis as of March 1st, in the year of the adoption of this Charter, except elected officials and the Executive Secretary, shall forfeit his pay grade or time in service as a result of the enactment of this Charter. Each such person shall be retained in a capacity as similar to his former capacity as is practical. No such person shall be removed from his position without due cause. Each elected official serving in a paid position in the Town on said March 1st, shall be retained in a capacity as similar to his former capacity as is practical until the expiration of his elected term, or for a period of two (2) years from such date whichever is later, at not less than his current rate of pay. The Executive Secretary shall be retained at not less than his current rate of pay until the date which is thirty (30) days after the initial Town Manager begins work, after which the position of Executive Secretary shall be eliminated.~~

~~9-4 Transfer of Records and Property~~

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

~~9-5 Time of Effect~~

~~The Charter shall become fully effective on July 1st of the year receiving its approval by the voters, except as otherwise provided in this section:~~

~~(a) Until such time as the Town Meeting acts, by bylaw or by other Town Meeting vote, to establish a different method of notification of its sessions shall be in accordance with present Town bylaw.~~

~~(b) As of July 1st, in the year in which this Charter is adopted, the Board of Public Works and the Planning Board shall be abolished, and the Selectmen shall appoint the members of the Community Planning and Development Commission. Two members shall be appointed for three (3) year terms, two (2) shall be appointed for two (2) year terms, and one (1) shall be appointed for a one (1) year term.~~

~~(c) The Board of Selectmen shall, immediately following the election at which the Charter is adopted, initiate procedures to recruit a Town Manager. To assist in the recruitment process, the Selectmen shall appoint a Citizen's Screening Committee of not less than three (3) nor more than five (5) members to recommend to the Selectmen by majority vote of all members of the committee not more than five (5) candidates for appointment as Town Manager. There shall be a widespread, diligent search for candidates to be considered.~~

~~The appointment to fill this position shall be made effective not later than November 1st in the year in which this Charter is adopted. The initial Town Manager shall receive upon his appointment a starting salary of not less than $40,000 per year.~~

~~(d) All elected officials serving in positions which have heretofore been elected and who shall henceforth be appointed under the provisions of this Charter shall serve for the balance of their terms but their successors shall be appointed.~~

~~(e) The powers and duties of the Industrial Development Commission shall be transferred to the Community Planning and Development Commission on July 1st of the year in which this Charter is adopted. The sole exception shall be the Industrial Development Commission's activities in producing, distributing and reviewing the request for proposal as authorized by the November 1985 Town Meeting which activities may continue until September 30, 1986, at which time the Industrial Development Commission shall be abolished.~~

~~(f) The Municipal Light Board of Commissioners shall continue to consist of three (3) members until the first Town Election after adoption of this Charter.~~

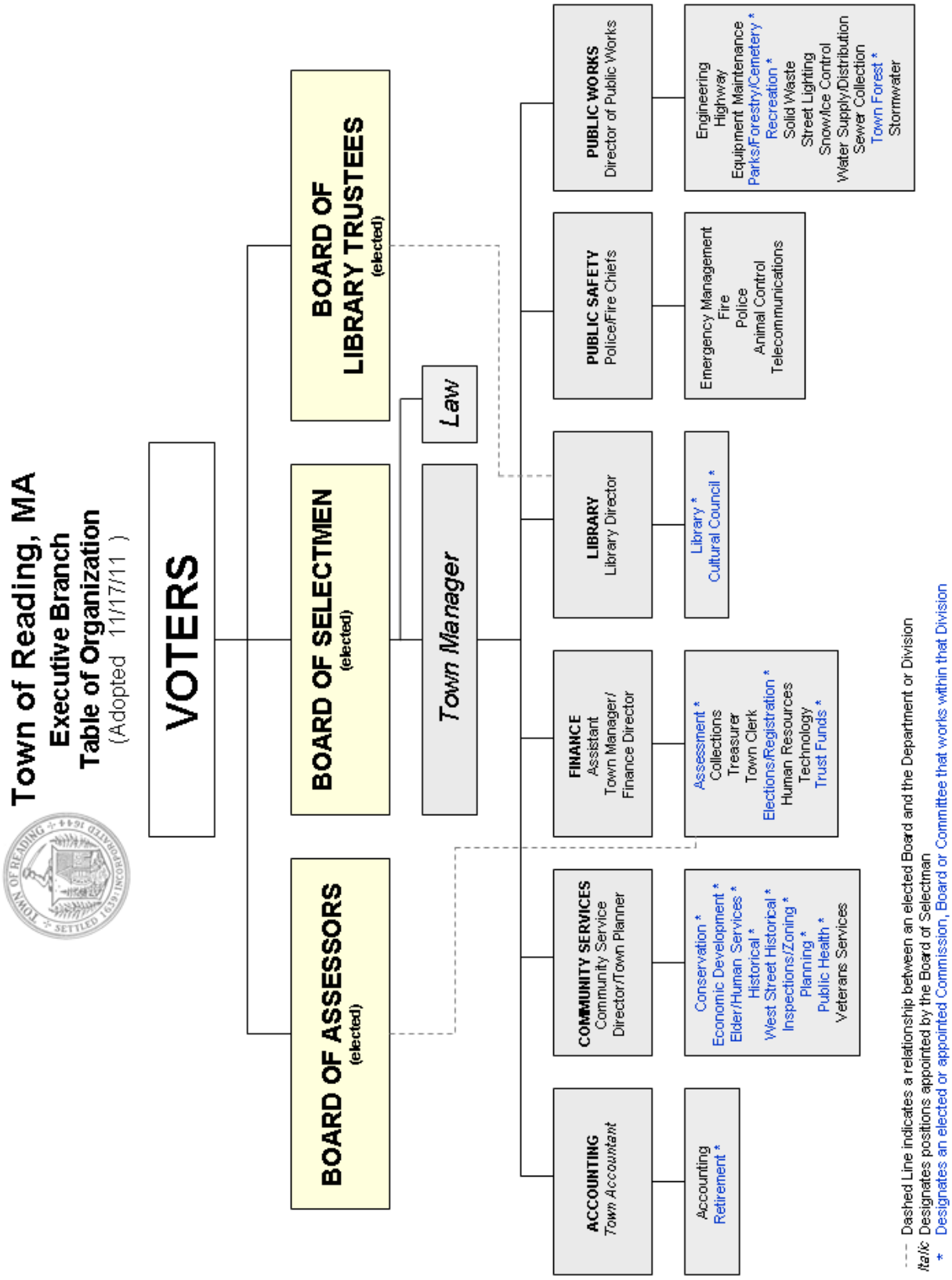
~~At such election, three new members shall be elected: one member shall be elected to the three year term scheduled to expire at such election, one member shall be elected to a new three year term, and one member shall be elected to a new two year term. The two persons receiving the highest number of votes in such election shall serve for three (3) years, and the person receiving the third highest number of votes shall serve for two (2) years.~~

~~9-6 Composition of Certain Boards~~

~~Not later than July 1st in the year in which this Charter is approved by the voters, the Selectmen shall petition the State Legislature for the passage of special legislation to permit the following boards to consist of the number of members provided in Articles 3 and 4 of this Charter: School Committee - six (6) members, Board of Library Trustees - six (6) members, Cemetery Trustees - six (6) members and Council on Aging - ten (10) members. If such legislation is not enacted by the third July 1st following the adoption of this Charter, such boards shall consist of the following number of members: School Committee - seven (7) members, Board of Library Trustees - nine (9) members, Cemetery Trustees - five (5) members and Council on Aging - nine (9) members.~~

[Special Legislation adopted as Chapter 679 of the Acts of 1986 on January 7, 1987]

Reading Charter Commission January 23, 1986


Town of Reading, MA
Executive Branch
Table of Organization
(Adopted 11/17/11)
VOTERS
BOARD OF ASSESSORS
(elected)
BOARD OF SELECTMEN
(elected)
BOARD OF
LIBRARY TRUSTEES
(elected)
Law
Town Manager
ACCOUNTING
Town Accountant
COMMUNITY SERVICES
Community Service
Director/Town Planner
FINANCE
Assistant
Town Manager/
Finance Director
LIBRARY
Library Director
PUBLIC SAFETY
Police/Fire Chiefs
PUBLIC WORKS
Director of Public Works
Accounting
Retirement *
Conservation *
Economic Development *
Elder/Human Services *
Historical *
West Street Historical *
Inspections/Zoning *
Planning *
Public Health *
Veterans Services
Assessment *
Collections
Treasurer
Town Clerk
Elections/Registration *
Human Resources
Technology
Trust Funds *
Library *
Cultural Council *
Emergency Management
Fire
Police
Animal Control
Telecommunications
Engineering
Highway
Equipment Maintenance
Parks/Forestry/Cemetery *
Recreation *
Solid Waste
Street Lighting
Snow/Ice Control
Water Supply/Distribution
Sewer Collection
Town Forest *
Stormwater
--- Dashed Line indicates a relationship between an elected Board and the Department or Division
Italic Designates positions appointed by the Board of Selectman
* Designates an elected or appointed Commission, Board or Committee that works within that Division

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