



Town of Reading Massachusetts

Home Rule Charter

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

Preamble

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

ARTICLE 1 **EXISTENCE, AUTHORITY AND DEFINITIONS**

1.1 **Incorporation**

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

~~1.2~~ **Short Title**

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

1.2 **Division of Powers**

Authority for the management ~~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 administered** by a Town Manager. **A representative Town Meeting** ~~All legislative powers of the Town shall be exercised by a representative Town Meeting~~ **all legislative powers of the Town.**

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

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

1.4 **Interpretation of Powers**

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power is not intended to limit in any way the general powers of the Town as **set forth** ~~stated~~ in Section 1.34.

1.5 **Intergovernmental Relations**

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

~~8-7~~1.6 **Definitions**

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

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

~~(a)~~ **Charter** – The ~~term word~~ “Charter” shall mean ~~this the Town of Reading Home Rule Charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.~~

~~(b)~~ **Ex officio** - The term “*ex officio*” shall refer to a ~~A~~ member of any **board or committee** ~~multiple-member body, except a member of the Rules Committee,~~ who **serves**, 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 **on more than one board or committee** shall not be required to take an additional oath of office to serve in such capacity.

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

~~(d)~~ **Local News Medium Newspaper** – The ~~term word~~ “local news medium” ~~–“local newspaper”~~ shall mean a newspaper **or other means or channel of information communication** ~~of general circulation to which the general public has access~~ within the Town.

- (e) **Majority Vote** - ~~The word "majority vote" shall mean as~~ As applied to the Town Meeting, **Committees thereof and precinct meetings, the term "majority vote" shall mean the affirmative vote of a majority of those present and voting provided that a quorum of the body is present. As applied to all other boards or committees, the term shall mean the affirmative vote of a majority of the number of members specified in the Charter, Town Bylaw or other enabling vote or action creating such board or committee.**
- (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 ~~term word~~ "precinct" shall mean the areas into which the Town is divided for the purpose of electing Town Meeting Members.
- (h) **Town** - The ~~term words~~ "Town" shall mean the Town of Reading.
- (i) **Town Agency** - The ~~term words~~ "Town Agency" shall mean any ~~board or committee, Commission, Committee,~~ department or office of the Town ~~Government whether however created,~~ 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 ~~term words~~ "Town Meeting" shall mean the representative Town Meeting of the Town, established by Article 2.
- (l) **Town Officer** - The ~~term 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; **provided, however, it that the term shall not include a Town Meeting Member; and provided further that a-A** person may be a Town Officer whether or not he receives any compensation for his services.
- (m) **Voters** - The ~~term word~~ "Voters" shall mean **the** registered voters of the Town.

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

ARTICLE 2 REPRESENTATIVE TOWN MEETING

2.1 Composition

Revisions to Section 2.1 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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.** ~~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 ~~se~~ elected **so** that the term of office of one-third of the members shall expire each year.

2.2 Revisionalignment of Precincts

Revisions to Section 2.2 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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

Within ten (10) days of **completing its review any precinct revision**, the **Board of** Selectmen shall file a report ~~on the revisions~~ with the Town Clerk, **and the Board of Registrars of Voters showing any revisions to the precincts that are being made pursuant to this section.** ~~and the Board of Assessors.~~ **If revisions are being made, t**he report shall include a map ~~(s)~~ **showing the boundaries of each precinct** and a list of ~~the its~~ inhabitants' names and addresses. The **Board of** Selectmen shall also post the map and list in the Town Hall and in at least one public place in each precinct.

~~The~~ **Any such precinct** revision shall be effective on the date it is filed with the Town Clerk, ~~and t~~ **The Town Clerk shall forthwith** 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

Revisions to Section 2.3 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

~~The registered voters in every precinct shall elect Town Meeting Members in accordance with all applicable election laws. Whenever~~ **At the first Town wide election after any precincts boundaries altered pursuant to Section 2.2 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. **Upon the certification of such election, the term of office of all previously elected Town Meeting members shall cease.**

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

In the event of a tie vote, resulting in a failure to elect the full number of Town Meeting Members in any precinct, the vacancy created thereby shall be filled by a vote of the remaining Town Meeting Members of the precinct. ~~ballot position shall determine the order of finish.~~ In the event of such a vacancy, the Town Clerk shall give written notice of the tie vote, and the vacancy created thereby, to the remaining Town Meeting Members of that precinct and shall publish such notice in the local news medium. Such notice shall provide at least seven (7) days (see Sec. 8.5) advance notification of the time and place for a precinct meeting for the purpose of filling the vacancy.

~~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 **pursuant to** ~~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 (**see Sec. 8.5**) before the meeting. The Town Meeting Members shall be the judges of the election and qualification of their members. A majority of the Town Meeting Members shall constitute a quorum for doing business. However, a smaller number may organize temporarily and may adjourn from time to time, but no Town Meeting shall adjourn over the date of an election of Town Meeting Members. All Town Meeting sessions shall be public.

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

2.5 **Nomination Procedures**

Revisions to Section 2.5 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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~~ fewer than ten (10) ~~registered~~ voters from the candidate's precinct. ~~Nomination papers shall be obtained in person and signed by the candidate in the presence of the Town Clerk or designee. Completed nomination papers must shall 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

Revisions to Section 2.6 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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~~ terminates residency in the Town shall cease to be a Town Meeting Member. A Town Meeting Member, who moves his residence from the precinct from which he was elected to another precinct, ~~may shall~~ 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 ~~the~~ Town Meeting.

The Board of Selectmen shall place an Article ~~in~~ on the Annual Town Meeting Warrant to remove any such ~~person~~ Town Meeting Member from office. At least seven (7) days (see Sec. 8.5) prior to the Annual Town Meeting, ~~the~~ Town Clerk ~~must shall~~ notify any such ~~person~~ Town Meeting Member and that he may be removed ~~under this section at least seven (7) days in advance of the Annual Town Meeting~~ from office, provided, however, that such notice shall be deemed adequate if ~~Notice shall be~~ mailed ~~postage prepaid to his~~ the Town Meeting Member's 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.~~

Any vacancy ~~of~~ in a Town Meeting position may be filled until the next Annual Town Election by a vote of the remaining ~~Town Meeting~~ Members of the precinct, provided, however, that ~~the~~ balance of any unexpired term shall be filled at the next Annual Town Election. ~~In the event of a vacancy, the~~ Town Clerk shall give ~~written~~ notice thereof ~~any vacancy~~ to the remaining Town Meeting Members of the precinct and shall publish such notice in a local news medium. Such notice shall provide at least seven (7) days (see Sec. 8.5) ~~in~~ advance notification of the ~~The Town Clerk shall set a time and place for a precinct meeting for the purpose of temporarily filling the vacancy any vacancies. The Town Clerk shall give notice of the meeting to precinct Town Meeting Members and shall publish legal notice in a community newspaper of general circulation.~~

[Amended by Chapter 57 of the Acts of 2002]

2.7 Precinct Meetings

The Town Meeting Members of each precinct shall meet at least annually and shall elect a Chair and a Clerk. ~~At any precinct meeting, a~~ A majority of the Town Meeting Members of the precinct serving at

the time of the precinct meeting shall constitute a quorum thereof. A majority of votes cast at a precinct meetings shall be sufficient to fill vacancies, elect a Chairman or and a Clerk, or conduct any order of other business. The Chairman and Precinct or Clerk shall certify any vote taken at a election of the precinct meeting 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]

2-7.2.8 Compensation

Town Meeting Members shall serve without compensation.

2-8.2.9 Presiding Officer

A Moderator, chosen in accordance with the provisions of Article 3, Section 3.67, shall preside at all sessions of the Town Meeting. The Moderator shall regulate the proceedings of all Town Meeting sessions, decide all questions of order and make public declaration of all votes. He may also administer the oath of office to any Town Officer and to Town Meeting Members. He shall perform other functions as provided by Charter, Bylaws, Town Meeting vote or State law. In the absence of the Moderator, the 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]

2-9.2.10 Clerk of the Town Meeting

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

2-10.2.11 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 or statute. The Town Meeting shall meet, deliberate, act and vote in provide for the exercise of all corporate powers of the Town, and shall provide 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 boards or committees to which shall may be referred Warrant Articles for study, review and report in advance of the sessions of the Town Meeting. All meetings of such boards or committees shall be conducted in accordance with the provisions of the Open Meeting Law, Massachusetts General Laws Chapter 30A, Sections 20 through 22, inclusive.

In establishing standing such boards or committees, the Town Meeting shall also provide for the method of appointment of members either. 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 or by an existing board or committee multiple member body.

[Amended November 19, 2001 - Article 12]

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

2.12.1 Finance Committee

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

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

Finance Committee members shall be appointed by **majority vote of** an Appointment Committee chaired by the Moderator, **and** consisting of the Moderator ~~who shall have one vote~~, the Chairman of the Board of Selectmen ~~who shall have one vote~~, and the Chairman of the Finance Committee ~~who shall have one 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. The Appointment Committee shall fill any vacancy on the Finance Committee. 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 by~~ the laws of the Commonwealth **of Massachusetts**, Town **Bylaws**, **any** Town Meeting vote and other applicable laws. In addition to these powers, the Finance Committee shall have the power to investigate the books, accounts, records and management of any office, board or committee in Town, and may use agents in carrying out such investigations. The Finance Committee shall **submit a written report to the Town Meeting setting forth** its findings, approvals or disapprovals on all Articles **in the Warrant** that involve the expenditure of funds ~~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 submit its report at least seven (7) days (see Sec. 8.5) before Town Meeting; provided, however, that such report shall not preclude further action or reconsideration by the Finance Committee.~~

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

2.12.2 ~~Bylaw Committee on Bylaws~~

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

~~The Bylaw Committee shall propose and consider changes in the bylaws 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 Town Meeting. Such a report shall not preclude further action or reconsideration by the Bylaw Committee.~~

Bylaw Committee members shall be appointed by **a majority vote of** an Appointment Committee chaired by the Moderator, **and** consisting of the Moderator ~~who shall have one vote~~, the Chairman of the Board of Selectmen ~~who shall have one vote~~, and the Chairman of the Bylaw Committee ~~who shall have one vote~~. ~~The terms of Bylaw Committee Members shall expire on the first day of July. Appointment Committee shall fill a~~Any vacancy on the **Bylaw C**ommittee ~~shall be filled by the Appointment Committee.~~

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

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

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

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

2.12.3 Rules Committee

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

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

2.13 Warrant Articles

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

- a) ~~a~~Any two (2) or more members of the Board of Selectmen;
- b) ~~a~~Any ~~electd or appointed~~ Town board or committee or commission;
- c) ~~a~~Any ten (10) or more voters for the Annual or Subsequent or Special Town Meeting as defined in Section 2.15 ~~2-14~~; or
- ~~d) any one hundred (100) or more voters for a Special Town Meeting; and~~
- e) ~~a~~Any other person or agency entity as may be authorized by Town Bylaw or otherwise.

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

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

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

Promptly ~~following upon~~ 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~~ made available for ~~distribution by~~ inspection in the Office of the Town Clerk.

2.14 Meetings

The Town Meeting shall meet at least twice in each calendar year. The Annual Town Meeting shall be held during the first six (6) calendar months of the year at a time fixed by Town Bylaw, and shall be primarily concerned with the determination of matters that have a fiscal ~~effect~~ impact on the Town including, ~~but not limited to~~, the adoption of an annual operating budget for all Town ~~a~~Agencies (other than the Reading Municipal Light Department). A Subsequent Town Meeting shall be held during the last three (3) calendar months of the year at a time fixed by Town Bylaw. In addition to the two (2) meetings required by this section, the Board of Selectmen may call a Special Town Meeting into session at other times by the issuance of a Warrant therefor as it deems necessary or appropriate ~~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~~. The Board of Selectmen shall call a Special Town Meeting upon the receipt of a petition with two hundred (200) or more signatures of voters, as certified by Board of Registrars of Voters.

2.15 Referendum Procedures

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

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

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

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

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

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

~~The form of the referendum petition shall be in conformance with this section.~~

The circulator(s) of the referendum petition may make **multiple additional** copies of the petition form, but such copies must be ~~an~~ exact duplicates thereof, **and t**he 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~~ **shall be** allowed on any area of the petition form **or any copy thereof**. Any ~~petition form or copy thereof containing~~ such extraneous markings ~~or,~~ or alterations ~~of the petition form, or copies of the petition form~~ that are not exact duplicates **shall be invalid, and no will result in the invalidation of all** signatures contained ~~thereon that petition form shall be counted toward the required number. For the purpose of this prohibition, the term~~ "e**Extraneous markings**" ~~de~~ **shall** not include signatures, **names** or addresses.

Each petition form shall include language informing voters that additional markings will disqualify the signatures on the petition form; that for their signature to be **counted** ~~valid~~, they must be a registered voter of the Town of Reading; that their signature shall be written **in the same form** as they are registered; that they should not sign the petition **and any copy thereof** more than once; and that, if they are prevented by physical disability from writing, ~~that~~ they may authorize some person to write their name and ~~address-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.

- 2.15.3 Election** - Any ballot question submitted in accordance with ~~the~~ procedure set forth herein shall be determined by a majority vote thereon 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 cast ballots vote in such election on the ballot question.

[Amended November 15, 2010 - Article 16]

ARTICLE 3 ELECTED OFFICERS AND BOARDS OR COMMITTEES

3.1 General Provisions

The offices to be filled by the voters shall be the Board of Selectmen, School Committee, ~~Board of 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, intergovernmental ~~local~~ agreement **executed pursuant to Section 1.5** or otherwise.

Only a registered voter of the Town shall be eligible to hold any elective town office; **provided, however, that, 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~~ **serve without** compensation unless **otherwise** specifically voted by Town Meeting.

~~Notwithstanding their election by the voters, the~~ Elected 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

Revisions to Section 3.2 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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~~ **granted** to Boards of Selectmen ~~under~~ by the Constitution and General Laws of the Commonwealth **of Massachusetts**, and such additional powers and duties as may ~~be authorized~~ **provided** by the Charter, by **Town** 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 **a Town Manager, a** Town Counsel, **a** 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 **board or committee member** ~~multiple member bodies~~ for whom no other method of selection is provided by the Charter or by **Town** 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 **its designee** shall be the Licensing Board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, ~~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 **granted to** School Committees ~~are given under~~ by the Constitution and General Laws of the Commonwealth of Massachusetts and such additional powers and duties as **provided** ~~may be authorized~~ by the Charter, by **Town 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 fix his compensation, define his duties, 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. **The School Committee shall also appoint a Superintendent of Schools and shall define his duties and terms of employment.**

3.4 Board of Library Trustees

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

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

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

The Board of Library Trustees shall administer ~~a~~All money or property that the Town may receive on behalf of the Library by gift or bequest ~~shall be administered by the Board~~ 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 shall have all of the powers and duties given to Board of Library Trustees under the Constitution and 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~~ granted to cities and towns in respect to municipal lighting plants ~~under by~~ Massachusetts General Laws Chapter 164 Section 34 *et seq.* and other general and special acts pertaining thereto, together with such further powers and duties assigned to them by the Charter, by Town Bylaw, or by ~~Town 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

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

~~The Board of Assessors may appoint property appraisers and shall have all the powers and duties given to Boards of Assessors by the Law 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]

~~3-7~~ **3.6 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~~ granted to Moderators ~~under~~ by the Constitution and Massachusetts General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as ~~provided may be authorized~~ provided by the Charter, by Town Bylaw, or by

~~ether~~ Town Meeting vote. The ~~Town~~ Moderator shall not simultaneously serve as an elected Town Meeting Member or in any other elected ~~municipal~~ ~~Town~~ office ~~in the Town~~.

ARTICLE 4 APPOINTED BOARDS OR COMMITTEES AND COMMITTEES

4.1 Board of Assessors

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

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

~~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]

~~4-5~~4.2 Board of Cemetery Trustees

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

The Board of Cemetery Trustees shall ~~be responsible for the preservation, care, improvement and embellishment of the Town's cemeteries and burial lots therein and such other~~ have all the powers and duties ~~given~~ granted to the Boards of Cemetery Trustees ~~under by the Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, or by Town Meeting vote.

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

~~4-7~~4.3 Board of Commissioners of Trust Funds

There shall be a Board of Commissioners of Trust Funds consisting of five (5) members. Three (3) shall be appointed by the Board of Selectmen for three (3) year terms so arranged that one (1) term shall expire each year. In addition, the Board of Selectmen shall appoint one of ~~its~~ ~~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*.

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

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

~~4-24~~4.4 Board of Health

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

The Board of Health ~~shall 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~~ granted to Boards of Health ~~under by the Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, and such additional powers and duties as may be ~~provided~~ ~~authorized~~ by the Charter, by Town Bylaw, or by ~~other~~ Town Meeting vote.

~~4-14~~4.5 Community Planning and Development Commission

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

~~The Community Planning and Development Commission shall 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.~~

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

The Community Planning and Development Commission shall make studies and prepare plans concerning the resources, developmental potential and needs of the Town; ~~and .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]

4-84.6 Conservation Commission

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

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

4-64.7 Council on Aging

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

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

4.8 Historical Commission

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

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

4-34.9 Housing Authority

There shall be a Housing Authority consisting of five (5) members. Four (4) members shall be appointed by the Board of Selectmen, ~~and the fifth (5th) member shall be a resident of the Town,~~ appointed by the Commonwealth ~~of Massachusetts~~ Department of Housing and Community

Development or as otherwise provided by law. Housing Authority Members shall serve for five (5) year terms so arranged that one (1) term shall expire each year.

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

4-94.10 Recreation Committee

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

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

The Recreation Committee shall be responsible for the evaluation of **recreational** program activities, formulation of overall plans for the **recreational** program development, and for the scheduling of Town parks and **recreational** facilities ~~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.~~

4.11 Town Forest Committee

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

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

4-44.12 Zoning Board of Appeals

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

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

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

4.13 Charter Review Committee

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

4-10 4.14 Other Boards or 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 authorized by Article 3 The Board of Selectmen may establish and appoint or dissolve standing or ad hoc advisory boards or committees from time to time for a specific purpose. Members of such boards or committees shall be considered a "multiple-member body" as defined in the Charter, shall be appointed in accordance with the process detailed in Section 8.102, and members 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 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.~~

~~Standing committees shall be appointed in accordance with the process detailed in Section 8-12. Members shall 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 of any such board or committee shall, in advance of the first meeting of said board or committee and annually thereafter, report the purpose, membership and contact information of said board or committee to the Town Clerk.~~

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

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

4.15 Associate Membership

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

Associate members may not vote on any issue to be decided by the board or committee to which the individual is appointed as an associate member except as allowed by the Charter, Town Bylaw or the Massachusetts General Laws. In no case 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) following his initial appointment except as allowed by the Massachusetts General Laws.

ARTICLE 5 TOWN MANAGER

5.1 Appointment, Qualifications, and Term

Revisions to Section 5.1 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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

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

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

~~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's ~~shall have the following~~ powers and duties **shall include:**

- 5.2.1 ~~S~~To supervise and be responsible for the efficient administration of all functions under his control, as may be authorized by the Charter, by **Town Bylaw**, by ~~other~~ Town Meeting vote, or by the Board of Selectmen, including all officers appointed by him and their respective departments.

- 5.2.2** ~~A~~To appoint, and ~~may~~ remove, subject to the civil service laws where applicable, ~~Treasurer-Collector, Town Clerk, the~~ Police Chief, Fire Chief, ~~Appraiser and all other department heads, all officers and all subordinates~~ and all employees for whom no other method of appointment is provided in the Charter, except persons serving under the School Committee, Municipal Light Board of Commissioners and or Board of Library Trustees, and appointments made by the representatives of the Commonwealth of Massachusetts. The Town Manager's appointment of the Police Chief and Fire Chief shall be subject to confirmation by the Board of Selectmen. ~~The Town Manager's appointment of the Appraiser shall be subject to confirmation by the Board of Assessors. 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.~~
- 5.2.3** ~~A~~To administer all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or Town Bylaw, and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town.
- 5.2.4** ~~F~~To fix the compensation of all Town officers and employees appointed by him within the limits established by ~~applicable the~~ appropriations, and any compensation plan adopted by the Town Meeting.
- 5.2.5** ~~A~~To 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~~ to have a voice, but no vote, in all discussions.
- 5.2.6** ~~A~~To attend all sessions of ~~the~~ Town Meetings and ~~shall~~ to answer all questions directed to him that are related to his office.
- 5.2.7** ~~S~~To see that all of the provisions of the Massachusetts General Laws, of the Charter, of the Town Bylaws ~~and other~~ of Town Meeting votes, and of votes of the Board of Selectmen that require enforcement by him, or Town Officers and employees subject to his direction and supervision, are faithfully carried out.
- 5.2.8** ~~P~~To prepare and submit a proposed Annual Operating Budget and a proposed Capital Improvements Program ~~as provided in~~ in accordance with Article 7.
- 5.2.9** ~~To en~~Assure that a full and complete record of the financial and administrative activities of the Town is kept and ~~shall~~ to render a full report to the Board of Selectmen at the end of each fiscal year and at such other times as may be required by the Board of Selectmen.
- 5.2.10** ~~K~~To keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and ~~shall~~ to make such recommendations to the Board of Selectmen as he ~~may~~ deems necessary or ~~appropriate~~ expedient.
- 5.2.11** ~~H~~To have full responsibility ~~jurisdiction over~~ for the rental and use of all Town facilities, except those under the care, custody, management and control ~~jurisdiction~~ of the School Committee, the Board of Library Trustees, ~~and the~~ Municipal Light Board of Commissioners, or other boards or committees specified by Town Bylaw or Town Meeting vote ~~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.
- 5.2.12** ~~May at any time~~ To inquire into the conduct of any Town Officer, employee or department under his control.

- 5.2.13 ~~K~~To keep a full and complete inventory of all **real and personal** property of substantial value belonging to the Town, ~~both real and personal~~.
- 5.2.14 ~~B~~To be responsible for the negotiation of all contracts for ~~goods and services involving any subject~~ within his jurisdiction and ~~to~~ approve the awarding thereof.
- 5.2.15 To serve as Chief Procurement Officer pursuant to the provisions of Massachusetts General Laws Chapter 30B and to ~~B~~be responsible for purchasing all supplies, materials, ~~and~~ equipment, **goods and services**, except those of the School Committee and the Municipal Light Board of Commissioners; to **negotiate and** approve the award of all contracts for all departments and activities of the Town except those of the School Committee and Municipal Light Board of Commissioners; to **examine the services performed for any Town Agency pursuant to any such contract; and to** examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies, ~~or~~ equipment **or goods** delivered to or received by any Town ~~a~~Agency; ~~and examine services performed for any Town agency secured through the purchasing procedure~~.
- 5.2.16 To approve any warrants for the payment of Town funds prepared by the Accountant in accordance with the provisions of the Massachusetts General Laws; provided, however, that the approval of any such warrant by the Town Manager shall be sufficient to authorize payment by the Town Treasurer, and provided further that the Board of Selectmen shall approve such warrants in the event of a vacancy in the office of Town Manager.
- 5.2.17 To serve as ~~Be deemed to be~~ the Executive Officer of the Town **for the purposes of** ~~under~~ **Massachusetts General Laws Chapter 258** Massachusetts General Laws Chapter 258.
- 5.2.18 ~~P~~To perform any other duties required of him by the Charter, by **Town** 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~~ a **Town** 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 **or committees**. The function of the Ombudsman shall be:

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

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

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

5.4 Acting Town Manager

Revisions to Section 5.4 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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

5.4.2 Long-Term Absence - In the event of the absence, incapacity or illness of the Town Manager in excess of ~~thirty (30) 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.

5.4.3 Vacancy - When the office of Town Manager is vacant, or the Town Manager is under suspension as provided in Section 5.5, the Board of Selectmen shall appoint a qualified ~~Town officer or employee~~ individual to serve as Acting Town Manager ~~under terms of employment to be determined by the Board of Selectmen. 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 ten (10) working business days, whereupon the appointment may be renewed or another Acting Town Manager appointed.~~

5.4.4 Powers - ~~Except as authorized by a four-fifths (4/5) vote of the Board of Selectmen, t~~The powers of an Acting Town Manager ~~are shall be~~ limited to routine matters requiring immediate action and to making emergency temporary appointments to any Town office or employment within the scope of the Town Manager's responsibilities.

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

5.5 Removal Procedures

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

5.5.1 Notice - By affirmative vote of a majority of its members, the Board of Selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Manager forthwith following its adoption.

5.5.2 Public Hearing - Within five (5) days (~~see Sec. 8.5~~) after the delivery of the preliminary resolution of removal, the Town Manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the Board of Selectmen. The hearing shall be convened by the Board of Selectmen not less than twenty (20) nor more than thirty (30) days after ~~such~~ a request is ~~submitted filed~~. Not less than five (5) days (~~see Sec. 8.5~~) prior to ~~such hearing~~, written notice ~~thereof 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. ~~Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, t~~the Town Manager ~~shall be entitled to~~ may 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 and ~~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]

5.5.3 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 (see Sec. 8.5) 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, t~~The Board of Selectmen may by a vote of a majority of its members adopt a final resolution of removal, ~~which that~~ shall be effective upon its adoption; ~~provided, however, that such resolutions shall not be adopted until:~~

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

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

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

- ~~(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 Creation of Departments, Organization of Town Agencies and Offices

The organization of the Town into operating Town 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 that presents the organization of all Town Agencies. Such table shall be prepared by the Town Manager in consultation with the Board of Selectmen and may be revised from time to time., both as provided in this section:

- (a) ~~Bylaws~~ — 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 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 may reorganize, consolidate or abolish any Town agencies in whole or in part and establish such new Town agencies as it deems 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, the Board 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 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 code.~~

~~The Town Meeting may vote only to approve or disapprove the 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~~ the Table of Organization, shall be printed as an appendix to, but not as an integral part of, the ~~B~~bylaws of the Town. The Table of Organization shall also be published annually in the Town Report.

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

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

~~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]

6-46.2 Town Counsel

Appointment and, 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 – ~~The Town Counsel shall provide legal advice, representation and litigation services to the Town, Town Agencies and Town Officers, as In addition to those duties which the Board of Selectmen or Town Manager 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.~~
- ~~(a) 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.~~

Vacancy – ~~If the Town Counsel is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a~~

temporary Town Counsel to hold such office and exercise the powers and perform the duties until the Town Counsel can resume his duties, or until another Town Counsel is duly appointed.

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

6-5 6.3 Town Accountant

Appointment, Qualification, and Term of Office – There shall be a Town Accountant, appointed by the Board of Selectmen. The Town Accountant shall be qualified in accordance with State law, and shall have ~~at least three (3) years~~ appropriate prior full time accounting experience ~~as determined by the Board of Selectmen. The Town Accountant shall devote his entire time to the performance of his duties and the supervision of the employees of his department.~~ as determined by the Board of Selectmen.

The Town Accountant shall be appointed in March of every year for a one (1) year term to run from the first day of the following ~~July~~ 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 the Massachusetts General Laws, ~~the following~~ his powers and duties shall include:

- (a) ~~He shall~~ (a) To prescribe the methods of installation and exercise supervision of all accounting records of ~~the several Town Agencies and Town Officers; provided, officers and agencies. However,~~ that any change in the system of accounts shall be made only after consultation first be discussed with the Town Manager and the Town agencies affected.
- (b) ~~He shall~~ (b) To establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the Town, including clerical and office methods, records, reports and procedures as they relate to accounting matters; ~~and to. He shall~~ prepare and issue rules, regulations and instructions relating thereto that, when approved by the Town Manager, shall be binding upon all Town ~~a~~ Agencies and employees.
- (c) ~~He shall~~ (c) To draw all ~~W~~warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the ~~several~~ appropriations of the Town Meeting and other accounts.
- (d) (d) Prior to submitting any ~~W~~warrant to the Town Manager, ~~he shall~~ to examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examinations, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any Town Agency or Town Officer ~~of 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~~ (e) To be responsible for a continuous audit of all accounts and records of the Town wherever located.

Vacancy – If the Town Accountant is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a temporary Town Accountant to hold such office and exercise the powers and perform the duties until the Town Accountant ~~who was disabled or absent~~ can resume his duties, or until another Town Accountant is duly appointed in the same manner as an original appointment, for the remainder of the unexpired term. ~~Said temporary appointment shall be in writing, signed by the Board of Selectmen and filed in the office of the Town Clerk.~~

6-6 6.4 Town Treasurer –Collector

Appointment, and 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 the Massachusetts General Laws~~. ~~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 Board of Selectmen, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Treasurer with those of the Town Collector, and the Town Manager may then appoint a Town Treasurer-Collector.

~~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 of the Town Treasurer shall include:

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

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

6.5 Town Collector

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

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

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

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

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

6.6 Town Clerk

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

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

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

ARTICLE 7 **FINANCES AND FISCAL PROCEDURES** **BUDGET AND CAPITAL IMPROVEMENTS PROGRAM**

7.1 **Fiscal Year**

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

7.2 **Submission of Proposed Budget**

At least four (4) months before the start of the fiscal year, and following consultation with the Board of Selectmen on the Municipal Government portions of the budget, the Town Manager shall submit to the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. He shall simultaneously provide for the publication in a local newspaper medium of a general summary of the proposed budget, and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public, ~~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~~ requested 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~~ pursuant to 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 medium a general summary of ~~its proposed such~~ budget request. The summary shall indicate specifically any major variations from the ~~present current year's~~ 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) as well as~~ the date, time and place, not less than seven (7) ~~nor more than fifteen (15)~~ days (see Sec. 8.5) following such publication, when a public hearing shall be held by the School Committee on the ~~proposed~~ budget request.
- (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. ~~The Budget Message shall include a current Table of Organization and may include a proposed Table of Organization. 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 ~~for of~~ all Town funds and activities; ~~shall be balanced to the funds available;~~ and ~~shall present 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, ~~the proposed budget #~~ shall be in the form ~~that~~ the Town Manager deems desirable. In his presentation of the budget, the Town Manager shall make use of modern concepts of fiscal presentation so as to furnish a ~~high level maximum amount~~ of information and ~~maximum the best~~ financial control. The ~~proposed~~ 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)~~ (b) Proposed capital expenditures during the ensuing fiscal year, detailed by Town ~~A~~Agency, and the proposed method of financing each such capital expenditure.
- ~~(c)~~ (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 a~~(d)-All encumbered funds from prior fiscal years.

7.6 Action on the Budget

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

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

~~#~~The Capital Improvements Program may further contain the estimated annual cost of operating and maintaining each such ~~capital improvement facility and piece of major equipment involved~~. This information ~~is to~~ may 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, provided, however, that 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 of the Massachusetts General Laws. 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.~~

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

[Amended November 19, 2001 - Article 11]

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

8.2 Severability

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

~~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~~ may conflict with any provision expressed in general terms, the specific provision shall ~~be deemed to~~ 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 ~~is specified, only days that Town Hall is open to the general public~~ ~~business days not including Saturdays, Sundays or legal holidays~~ shall be counted; if more than seven (7) days ~~is specified~~, every ~~calendar~~ day shall be counted.

8.6 Number and Gender

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

8.7 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:

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

- (a) ~~Charter~~ — The ~~term word~~ "Charter" shall mean ~~this the Reading Home Rule Charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.~~
- (b) ~~Ex officio~~ — ~~The term "Ex officio" shall refer to a~~ A member of any ~~board or committee multiple-member body, except a member of the Rules Committee, who serves, 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 ~~of more than one board or committee~~ shall not be required to take an additional oath of office to serve in such capacity.
- (c) ~~Library~~ — The ~~term word~~ "Library" shall mean the Reading Public Library and any branch or branches that may be established thereof.
- (d) ~~Local News Medium Newspaper~~ — The ~~term word~~ "local news medium" "local newspaper" shall mean a newspaper ~~or other means or channel of information communication of general circulation to which the general public has access~~ within the Town.
- ~~(e) Majority Vote~~ — ~~The word "majority vote" shall mean a~~As applied to the Town Meeting the term "majority vote" shall mean ~~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.~~
- (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 ~~term word~~ "precinct" shall mean the areas into which the Town is divided for the purpose of electing Town Meeting Members.
- (h) ~~Town~~ — The ~~term words~~ "Town" shall mean the Town of Reading.
- (i) ~~Town Agency~~ — The ~~term words~~ "Town Agency" shall mean any ~~board or committee, Commission, Committee, department or office of the Town Government whether however created,~~ 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 ~~term words~~ "Town Meeting" shall mean the representative Town Meeting of the Town, established by Article 2.
- (l) ~~Town Officer~~ — The ~~term 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; ~~provided, however, it that the term~~ shall not include a Town Meeting Member; ~~and provided further that a.~~ A person may be a Town Officer whether or not he receives any compensation for his services.
- (m) ~~Voters~~ — The ~~term 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]

8.7 Rules and Regulations

A copy of all Rules and Regulations adopted by any Town ~~a~~Agency shall be filed in the ~~e~~Office of the Town Clerk and made available for review by any person ~~who upon requests such information provided, however, that s~~Such Rules and Regulations ~~adopted subsequent to the adoption of the Charter~~ shall ~~not~~ become effective ~~until~~ ten (10) days following ~~their adoption, whether or not 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 Bylaws

~~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 Bylaws 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]~~

~~8-108.8~~ Procedures of Boards or Committees Multiple-Member Bodies

8.8.1 Meetings – All ~~boards or committees multiple-member bodies~~ of the Town whether elected, appointed or otherwise constituted shall meet at such times and places within the Town as they may, by their own rules, prescribe. ~~Additional Special~~ meetings of any ~~board or committee 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.~~

8.8.2 Rules and Minutes - Each ~~board or committee multiple-member body~~ shall determine its own rules and order of business unless otherwise provided by the Charter or by ~~bylaw~~ **Town Bylaw** and shall provide for ~~the keeping of~~ minutes of its proceedings. ~~Copies of~~ these rules and minutes shall be ~~publicly available a public record kept~~ in the ~~Office of the Town Clerk,~~ and ~~copies shall be kept available~~ in the Library.

8.8.3 Voting - Except on procedural matters, all votes of all ~~boards or committees 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. ~~A majority vote shall be necessary to adopt any motion, order, appointment or approval to take any action not entirely procedural in nature.~~

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

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

~~8-118.9~~ Elections

Revisions to Section 5.4 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

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

- 8.9.2 Procedures** - All elections ~~conducted~~ held pursuant to the Charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.
- 8.9.3** ~~Any town wide election shall be held at the same time 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]

8-128.10 Vacancies on Boards or Committees, Committees, and Commissions

Whenever a new ~~Standing board or committee~~ is established, or a vacancy occurs on any existing ~~Board, board or 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~~ the appointing authority shall forthwith cause ~~public~~ notice of the vacancy to be ~~publicly available 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~~ prior to the time the position is actually filled, file with the Town Clerk a statement setting forth ~~in clear and specific terms~~ his ~~interest in and~~ qualifications for the position.

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

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

8-138.11 Recall Procedures

Revisions to Section 5.4 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

- 8.11.1 Application** - Any holder of an elective office, other than a Town Meeting Member, with more than six (6) months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section. ~~No recall petition shall be filed against an Town eOfficer within three (3) months after he takes office.~~
- 8 11.2 Recall Petition** - Two hundred and fifty (250) or more voters, ~~including at least twenty-five (25) voters from each of the precincts into which the Town is divided,~~ may file with the Town Clerk an affidavit containing the name of the ~~Town eOfficer~~ whose recall is sought and a sworn statement of the grounds upon which the ~~affidavit 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 ~~affidavit petitions~~ to the ~~Board of~~ Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters. ~~A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.~~

If the ~~affidavit petitions~~ contains sufficient signatures, the Town Clerk shall ~~thereupon~~ deliver to the first ten voters listed upon the affidavit, ~~blank petition forms, 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 and~~ addressed to the Board of Selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought ~~and~~ the grounds for recall as stated in the affidavit, and shall demand the election of a successor to the ~~said office held by such person. 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; ~~provided, however, that .However,~~ not more than twenty-five percent (25%) of the total number ~~of signatures~~ may ~~shall~~ be from ~~voters registered in~~ any one precinct.

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

8.11.3 Recall Election - If the petition ~~shall be~~ is certified by the ~~Board of Registrars of Voters~~ ~~Town Clerk~~ to be sufficient, ~~he~~ it shall forthwith submit the ~~petition same~~ with ~~his~~ its certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of ~~the such~~ petition and certificate to the ~~Town e~~Officer whose recall is sought, by mailing ~~the same~~ postage prepaid to his address as shown on the most recent voting list; and ~~posting shall cause such notice of the petition and certificate to be publicly available on one or more of the Town Bulletin Boards.~~ If ~~said-such~~ ~~Town e~~Officer does not resign his office within five (5) days (~~see Sec. 8.5~~) 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 ~~Board of Registrars of Voters~~ ~~sufficient petition.~~; ~~provided-if~~, however, ~~that if~~ any other Town Election is to occur not less than thirty-five (35) nor more than sixty (60) days after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of such other election.

If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted to determine a successor in office.

8.11.4 Nomination of Candidates - ~~Any No~~ ~~Town e~~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 the election~~ shall all be in accordance with the provisions of law relating to elections.

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

For the recall of (name of ~~Town e~~Officer)
Against the recall of (name of ~~Town e~~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 pursuant to Section 42 of Chapter 54 of the~~ Massachusetts General Laws ~~Chapter 54, Section 42.~~

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected ~~and the incumbent shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term; provided, however, that, if the successor fails to qualify within five (5) days (see Sec. 8.5) after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office shall be deemed vacant.~~

If a majority of votes ~~cast upon the question of recall~~ is in the negative, ~~the ballots for candidates need not be counted except as provided above under Recall Election.~~ ~~no candidate shall be declared elected, and the Town Officer whose recall was sought shall continue in office~~

~~(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.~~

8.11.6 Repeat of Recall Petition - No recall petition shall be filed against a ~~Town Officer~~ ~~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.

8-148.12 Removal of an Appointeesd Board or Committee Member

8.12.1 ~~Appointing authorities may remove for cause appointees to boards, commissions, committees and offices.~~ The appointing authority may remove an appointed member of a board or committee, with more than six (6) months remaining in the term for which he is appointed. The process for such removal may be initiated in any of three methods:

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

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

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

8-158.13 Resignation of Town Officers

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

8-168.14 Town Seal

The Town Seal in existence at the time of adoption of the ~~is~~ Charter shall continue to be the Town Seal and shall be kept in the custody of the Town Clerk. Papers or documents issued ~~from~~ by any ~~office or board or committee of the~~ Town Officer or Town Agency 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**

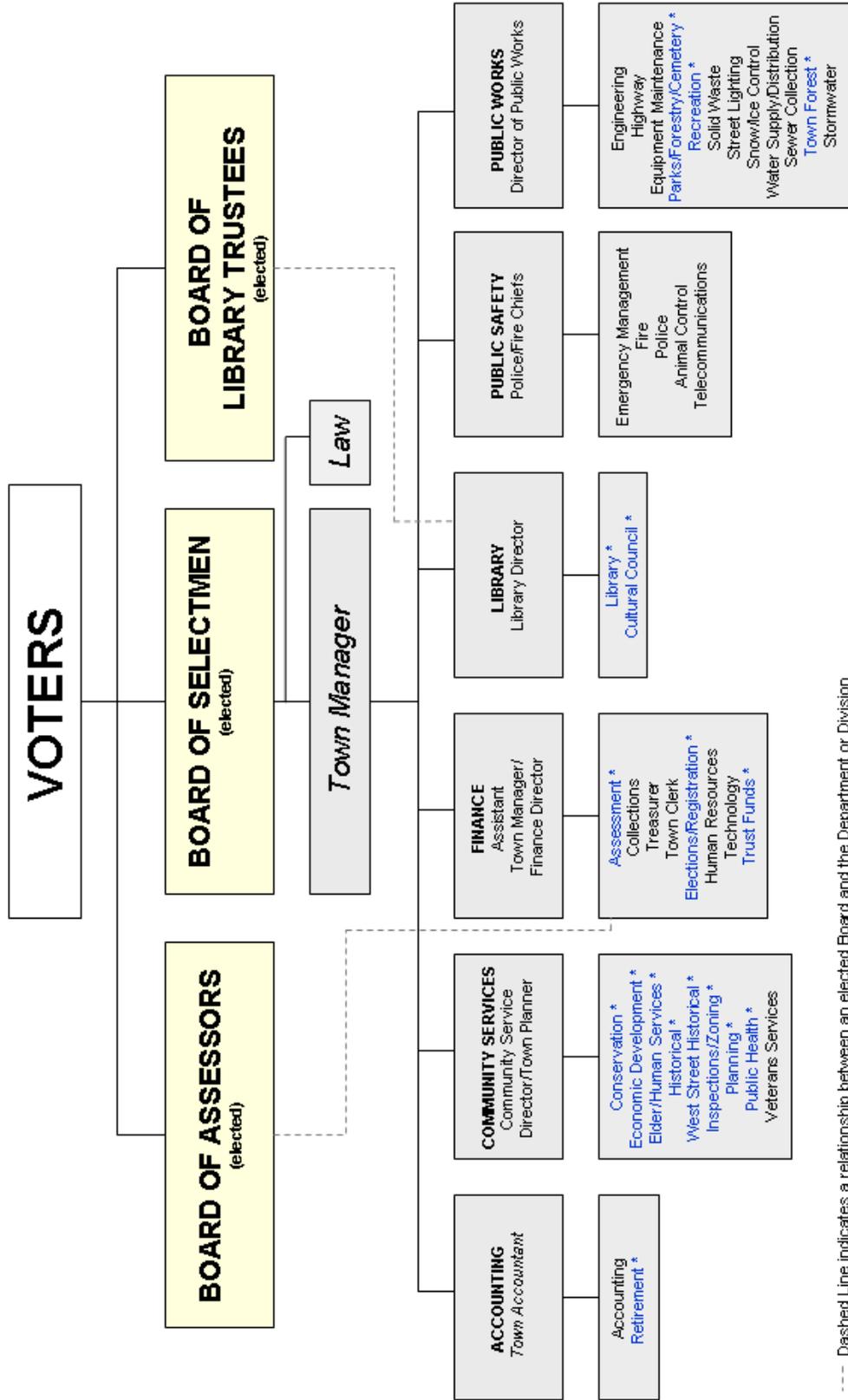
~~Not later than July 1st in the year in which this Charter is approved by the voters, the Selectmen shall petition the State Legislature for the passage of special legislation to permit the following boards to consist of the number of members provided in Articles 3 and 4 of this Charter: School Committee - 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)



--- 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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