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SOUTHBRIDGE

HOME RULE CHARTER

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Effective:	March 1, 1974
Amended:	
Chapter 641, Acts of 1986	December 23, 1986
Chapter 704, Acts of 1987	January 12, 1988
Town Election	June 3, 1988
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Town Election	June 7, 1991

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SOUTHBRIDGE HOME RULE CHARTER

PREAMBLE

We, the people of Southbridge, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the Home Rule Amendment of the Constitution of the Commonwealth, do hereby adopt the following Home Rule Charter.

CHAPTER 1
INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS

SECTION 1 - INCORPORATION

1-1-1: The inhabitants of the Town of Southbridge within the corporate limits as established by law shall continue to be a body politic and corporate which shall be a political sub-division of the Commonwealth of Massachusetts and as such shall have perpetual succession under the name "Town of Southbridge".

SECTION 2 - SHORT TITLE

1-2-1: This instrument shall be known and may be cited as the "Southbridge Home Rule Charter".

SECTION 3 - POWERS

1-3-1: Subject only to express limitations on the exercise of any power or function by a municipality in the Constitution or Laws of the Commonwealth, it is the intent and the purpose of the voters of Southbridge to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the Constitution and Laws of the Commonwealth.

SECTION 4 - CONSTRUCTION

1-4-1: The powers of the Town of Southbridge under this charter are to be construed liberally in its favor and the specific mention of particular powers is not intended to limit in any way the general powers of the Town of Southbridge as stated in Section 1-3-1.

SECTION 5 - DEFINITIONS

1-5-1: "By-Law" A general and permanent legislative enactment by the town council establishing the structure of the town government or prescribing the activities of its citizens.

"Charter" This document together with any revisions or amendments lawfully adopted pursuant to the procedures set forth in Chapter 43B of the General Laws.

"Measure" Any enactment, vote, resolution or motion by the town council other than a by-law.

CHAPTER 2
THE TOWN COUNCIL

SECTION 1 - COMPOSITION

2-1-1: A town council of thirteen (13) members shall be elected. Three (3) to be nominated and elected at large for three (3) year terms by the qualified voters of the entire town. These terms are to be staggered. Two (2) shall be nominated and elected for two (2) year terms by the qualified voters of each of five (5) precincts, as provided by this charter. These terms are to be staggered.

SECTION 2 - ELIGIBILITY

2-2-1: All qualified voters of the town, except compensated employees and compensated officers thereof shall be eligible to hold office of councillor.

SECTION 3 - COMPENSATION

2-3-1: The town councillors shall receive no salary or other recompense for their service.

2-3-2: Town councillors may be reimbursed for actual expenses incurred in the performance of their official duties within the annual appropriation for such purposes.

SECTION 4 - ELECTION

2-4-1: The regular election of councillors shall be held on the first Friday in June.

SECTION 5 - GENERAL POWERS AND DUTIES

2-5-1: All powers of the town shall be vested in the council, except as otherwise provided by the General Laws and by this charter.

2-5-2: The council may enact by-laws and other measures and rules and regulations not inconsistent with this charter governing its own proceedings and other matters pertaining to the exercise of its powers and the performance of its duties.

2-5-3: The council shall provide for keeping a journal of its proceedings, which shall be a public record.

2-5-4: No councillor shall hold any other town office during his term of office. No councillor or former councillor shall be offered or accept any compensated town appointive office or employment, until one year after his term shall have ended.

2-5-5: Town councillors shall deal with town officers and employees under the jurisdiction of the town manager solely through the manager.

2-5-6: The council or individual councillors may freely and fully discuss with the manager anything pertaining to the appointment or removal of any town officer and employee, but it shall in no way dictate the appointment or removal of any officer or employee under the jurisdiction of the manager, unless otherwise specified by the charter.

SECTION 6 - MEETINGS, QUORUM

2-6-1: The council shall meet regularly at least twice in every month. Special meetings may be held if called by the chairman or by any four members of the council, provided that notice of such meeting shall have been delivered to each other member, in person, or left at his place of residence at least twenty-four hours in advance thereof.

2-6-2: All meetings of the council shall be public, except as provided in section 8 of chapter 11 of this charter. The rules of the town council shall provide that inhabitants and employees of the town shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat except matters that could be subject to Executive Session.

2-6-3: A majority of the members of the council shall constitute a quorum for the conduct of business. A lesser number than the quorum may organize any meeting lacking a quorum in order to adjourn it to a stated date, time and place.

SECTION 7 - BY-LAWS

2-7-1: Proposed by-laws shall deal with one subject only, and shall be introduced in writing and in the form required for final adoption. The enacting clause shall be "The Town of Southbridge hereby adopts...".

2-7-2: Any by-law which repeals or amends part of the town by-laws shall set out in full the section or sections of the by-laws to be repealed or amended, by the use of strikeout type, brackets, and/or underscoring.

2-7-3: Every by-law shall be read at three separate meetings before its passage.

2-7-4: The affirmative vote of at least seven (7) members, unless a greater number is prescribed by General Laws and by this charter shall be necessary for the passage of any by-law or measure, and all votes thereon shall be taken by roll call and recorded in the journal.

SECTION 8 - ACTION REQUIRING A BY-LAW

2-8-1: In addition to other acts required by law or by this charter to be done by a by-law, those acts of the town council shall be by a by-law which: (1) adopt or amend administrative by-laws or establish, alter or abolish any town department, office or agency; (2) provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed; (3) provide for the reimbursement of expenses of town councilors incurred in the performance of their duties of office.

CHAPTER 3
THE CHAIRMAN AND VICE CHAIRMAN OF THE TOWN COUNCIL

SECTION 1 - HOW CHOSEN

3-1-1: The chairman pro tem of the organizational meeting would be the senior (in point of service or if equal in service, senior in age) Councillor-at-Large.

On the first regularly scheduled meeting on or after July following the town elections, and after newly elected members shall have taken office, the council shall elect one of its members to serve as chairman of the council and a vice-chairman, both for a term expiring at the first regularly scheduled council meeting on or after July 1 following the town elections the next year.

SECTION 2 - POWERS AND DUTIES OF THE CHAIRMAN

3-2-1: The Chairman shall preside at meetings of the Town Council, shall be recognized as head of the town government for all ceremonial purposes and by the Governor of the Commonwealth in the case of an emergency.

SECTION 3 - POWERS AND DUTIES OF THE VICE-CHAIRMAN

3-3-1: The Vice-Chairman shall automatically become Chairman in the event of the permanent disability, death, or resignation of the Chairman. A new Vice-Chairman shall be elected by a majority vote of the Town Council at the first regularly scheduled meeting called by the new Chairman.

CHAPTER 4
TOWN MANAGER

SECTION 1 - APPOINTMENT

4-1-1: The town council shall appoint a town manager for an indefinite term to serve at its pleasure. A mutually satisfactory agreement may be negotiated between the Town Council and the Town Manager.

SECTION 2 - COMPENSATION

4-2-1: The town council shall fix the compensation of the town manager.

SECTION 3 - QUALIFICATIONS

4-3-1: The town manager shall be appointed on the basis of his educational, executive and administrative qualifications and experience. His education shall consist of at least a bachelor's degree in an appropriate field, granted by an accredited degree granting college or university, and his experience shall include at least two years prior full time managerial, paid employment in public administration.

4-3-2: He/she need not be a resident of the Town at the time of his appointment, but shall take up residency and become a qualified registered voter in the Town within six months of his/her appointment.

4-3-3 He shall not have served in an elective office in the town government for at least one (1) full year prior to his appointment. He shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during his term.

SECTION 4 - DUTIES

4-4-1: The town manager shall be the chief administrative officer of the town, and shall be directly responsible to the town council for the administration of all town affairs placed in his charge, by or under this charter.

4-4-2: He shall have power to appoint, suspend, and remove all town officers and employees, subject to the provisions of the civil service laws where applicable, or may otherwise be provided by General Laws and this charter.

4-4-3: He shall attend all council meetings, except when excused, and he shall have the right to speak, but not to vote.

4-4-4: He shall prepare and present to the council the annual operating budget of the town, and shall also be responsible for the development and annual revision of the capital improvements program.

4-4-5: He shall keep the council fully informed regarding all departmental operations, fiscal affairs, problems and administrative actions, and to this end, shall submit periodic reports to the council.

4-4-6: He shall keep the council fully informed on the long range needs of the town, and provide the council with data to support alternative courses of action.

4-4-7: He shall serve as the director of personnel and the purchasing agent for all town departments including the school department, unless other provisions are made by the council except as specified in sub-section 6-8-1 of this charter.

4-4-8: He shall be responsible for the maintenance of all buildings and property which are owned or leased by the town.

4-4-9: He shall perform such other duties as are specified in this charter, or which may be required by the by-laws or votes of the town council.

SECTION 5 - REMOVAL

4-5-1: The council may initiate the removal of the manager by adopting a resolution to this effect, provided that no such resolution is adopted within ninety days after any town election, that has caused such a change in the composition of the council.

4-5-2: The adoption of said resolution shall serve to suspend the manager for a period of no more than forty-five days, during which his salary shall continue to be paid. A copy of the resolution initiating the removal shall forthwith be delivered to the manager in person, or sent, registered mail with return receipt secured, to his place of residence.

4-5-3: Within five days of the delivery to him of the resolution, the manager may file a written request for a public hearing. If such a hearing is requested, the council shall schedule it within two weeks of the request, to be held in a public place. The council shall advertise the hearing in one or more newspapers of general circulation in the town and cause identical notices to be posted in the town hall, and in four other places of public access within the town.

4-5-4: The town attorney shall preside at the hearing called to discuss the removal of the manager.

4-5-5: At any public hearing held to discuss the removal of the manager, the reasons for his removal shall first be read aloud. The manager shall then be allowed to respond, either personally or through counsel.

4-5-6: The council on the one hand, and the manager on the other, shall be allowed to call witnesses and produce town records in support of their position.

4-5-7: The final removal of the manager can only be effected by a majority vote of the entire council, at a council meeting, from which the public has not been excluded, held within seven days of the public hearing called to discuss his removal, if such s hearing has been requested. In the event that no such hearing has been requested, final removal may be effected by a majority vote of the entire council, held no sooner than fourteen days nor later than forty-five days after the vote initiating removal.

4-5-8: The salary of the manager shall continue to be paid for a period of thirty days after the vote effecting his final removal from office.

SECTION 6 - ACTING TOWN MANAGER

4-6-1: During the absence, disability or suspension or resignation of the town manager, an acting town manager shall be appointed by the council to perform the duties of the town manager. Any vacancy in the office of the town manager shall be filled as soon as possible by the town council. The term of service of an acting town manager may not exceed six (6) months, but one additional renewal may be voted by the town council not to exceed three (3) months. Compensation for such person shall be set by the town council.

CHAPTER 5
SCHOOL COMMITTEE

SECTION 1 - COMPOSITION

5-1-1: There shall be a school committee of seven members. All members of the committee shall be elected by the voters for terms of three (3) years. The terms shall be staggered, so at least two (2) members are elected each year. Members shall serve without compensation. All school committeemen will be elected by the voters at large.

SECTION 2 - ELIGIBILITY

5-2-1: Members of the school committee shall be qualified voters of the town, and shall not be employees of the public schools of the town.

SECTION 3 - POWERS AND DUTIES OF THE CHAIRMAN

5-3-1: The school committee shall annually, following each town election, organize by the election from among its members a chairman, a vice-chairman and a secretary. The vice-chairman shall preside at all meetings of the committee in the event of the absence or disability of the chairman. The chairman pro tem of the organizational meeting shall be the senior member (in point of service or if equal in service, senior in age).

CHAPTER 6
ADMINISTRATIVE DEPARTMENTS

SECTION 1 - GENERAL

6-1-1: All departments, offices and agencies shall be under the direction and supervision of the town manager, shall be headed and administered either directly by the manager with the consent of the council or by an officer appointed by, and subject to the direction and supervision of the town manager, with the consent of the Town Council, unless otherwise provided by this Charter or by Massachusetts General Laws.

SECTION 2 - DEPARTMENT OF PUBLIC WORKS

6-2-1: There shall be established in the Town of Southbridge a department of public works administered by the town manager.

6-2-2: In the department of public works, the responsibilities of the following departments shall be incorporated: highway department, engineering department, sewer department, parks department, maintenance function of the recreation committee, cemetery department, tree warden, moth superintendent, fence viewer, field driver, custodian of town hall, water department, and other related functions. The offices of tree warden, sewer commissioner, cemetery commissioner and park commissioner are hereby abolished.

6-2-3: The town manager, with the approval of the town council, shall name a department head for the department of public works. The department head shall be a licensed, professional engineer.

6-2-4: The department head of the department of public works shall be appointed for a three year term and shall hold office until his successor is appointed. The Department Head shall report directly to the Town Manager.

6-2-5: Said department head may be removed in the same manner as other department heads as provided by this charter.

SECTION 3 - POWERS AND DUTIES OF D.P.W. DEPARTMENT HEAD

6-3-1: His powers and duties, in addition to those otherwise conferred or imposed upon him, shall include the power to establish divisions within the department of public works. Each division shall assume such management and control as shall be determined by the department head.

The department head shall have the power to make rules and regulations for the governing of the department of public works and divisions thereof and shall attend to the proper enforcement of the same. The department head shall have jurisdiction over the divisions and over each member of each division.

6-3-2: In the event that the department head is absent from the town, he shall notify the town manager, in writing, of the person designated to assume his responsibilities during his absence.

6-3-3: He shall attend meetings of the town council when requested, and recommend to the town manager such measures, requiring action, as he may determine necessary or expedient.

6-3-4: He is to keep full and complete records of his office, and render to the town manager as often as may be required, a full report of all operations under his control during the period reported on, and annually or more often if required by the town council, to make for publication a synopsis of his reports.

6-3-5: Each petition submitted to the town council and referred to the department of public works shall be returned to the town council, with the recommendation of the department head, within thirty (30) days of the submission of each petition to the department of public works.

6-3-6: To keep the town manager and town council fully advised as to the needs of the town within the scope of his duties, and to furnish the town manager on or before the first day of March each year, a detailed list of the appropriations required during the next ensuing fiscal year for the proper conduct of all divisions under his control, and to furnish also a master plan for all major public works for the town, giving

priority to the projects in accordance with their necessity and importance and to also establish long range planning as may be determined to be in the best interest of the town.

6-3-7: The department head of the department of public works shall cause to be performed all of the work of construction, reconstruction, alteration, repair, maintenance and upkeep and all other work incidental thereto of the departments specified in paragraph 6-2-2 of this charter in accordance with policies of long range plans, priority of major projects and capital outlay requirements as may be authorized and established by the town manager.

6-3-8: He shall inspect all streets and ways being constructed to ascertain whether said construction complies with plans filed with the planning board and whether said construction complies with all planning board regulations, town by-laws and State statutes, and to give to the planning board a report of his inspection prior to the approval of said street by the planning board.

6-3-9: There shall be established in the department of public works a division of motor vehicle maintenance, which shall maintain, repair, and do all work incidental thereto, to vehicles owned by the Town of Southbridge.

SECTION 4 - PERSONNEL SYSTEM

6-4-1: All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competence.

6-4-2: **Personnel Rules:**
The town manager shall propose, and the town council may adopt, personnel rules providing for:

1. The classification of all town positions, based on the duties, responsibilities, and authority of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;

2. A salary and pay plan for all town positions;

3. Methods for determining the merit and fitness of candidates for appointment and promotion;

4. Policies and procedures regulating reduction in force and removal of employees;

5. Hours of work, attendance regulations and provisions for sick, vacation, military, and other leaves;

6. Policies and procedures governing persons holding provisional appointments;

7. Policies and procedures governing relationships with employee organization;

8. Policies regarding in-service training programs;

9. Grievance procedures, including procedures for the hearing of such grievances; and

10. Such other practices and procedures as may be necessary for the administration of the town personnel system.

SECTION 5 - TOWN ATTORNEY

6-5-1: A town attorney shall be appointed by the town manager to serve as chief legal advisor to the town council, the town manager, and all town departments, offices and agencies. The town attorney shall represent the town in all legal proceedings and shall perform such other duties as may be prescribed by General Laws, this charter and by by-laws.

SECTION 6 - REORGANIZATION PLANS BY THE TOWN MANAGER

6-6-1: The town manager may from time to time prepare and submit to the town council, reorganization plans which may, subject to applicable law and the charter, reorganize, consolidate or abolish any town agency in whole or in part, or establish new town agencies as he deems necessary or expedient. Such reorganization plans shall be accompanied by an explanatory message when submitted.

6-6-2: Every such reorganization plan shall upon receipt by the town council be referred to an appropriate committee of the town council which shall, not more than thirty days later, hold a public hearing on the matter and shall, within ten days following such hearing, report either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the town council unless the town council has, prior to that date voted to disapprove the reorganization plan, or unless a later effective date is specified in the plan. A reorganization plan presented by the town manager to the town council under this section may not be amended by it, but shall either be approved or rejected as submitted.

SECTION 7 - PUBLICATION OF REORGANIZATION PLAN

6-7-1: An up-to-date record of any reorganization plan in force under this article shall be kept on file in the office of the town clerk and legally posted or published according to General Laws as if it were a by-law.

SECTION 8 - PURCHASES BY TOWN MANAGER

6-8-1: The town manager shall be responsible for purchasing all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town under his supervision; and he shall make all purchases for departments and activities not under his supervision but not including food for schools, school books and other instructional materials, supplies and equipment, library books and related printed and audio visual material unless otherwise specifically requested by the school committee or the library trustees and only to such extent and for such period as the school committee or the library trustees shall from time to time specify. Purchases for departments and activities not under his supervision shall be made only upon and in accordance with a requisition duly signed by the head of any such department.

6-8-2: All purchases or contracts for purchases exceeding one thousand dollars ($1,000) in amount shall be based upon competition. The Town Manager shall make purchases only upon requisition duly signed by the head of the department requesting the same.

6-8-3: All contracts made by any department, board or commission where the amount involved is $500 or more shall be in writing. No contract for construction work or for the purchase of equipment, supplies and materials, whether for repairs or original construction, the estimated cost of which amounts to $10,000 or more, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same have been invited by advertisements in at least one newspaper published in the town once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of such proposals. Such advertisements shall state the time and place where plans and specifications of proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the town the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any requirement of this section.

CHAPTER 7
OTHER ELECTED TOWN BOARDS

SECTION 1 - GENERAL PROVISIONS

7-1-1: Beginning with the first town election held after the adoption of this charter, the other town boards and offices to be elected by vote of the town shall be: regional vocational school committee, town treasurer (but see Section 8-1-1), town clerk, housing authority, redevelopment authority, and two (2) part time members to the board of assessors.

7-1-2: Boards and commissions established under this charter shall perform their functions and duties in accordance with the constitution, General Laws, this charter or by-laws.

7-1-3: During the term for which he was elected and for one year following the expiration of this term, no member of any board or commission established under this charter shall be eligible to accept any appointed paid town position under jurisdiction of the board of which he was a member.

7-1-4: Except as otherwise provided by this charter, members of boards and commissions established under this charter, shall serve without compensation, but may receive actual and necessary expenses incurred in the performance of their duties, within limits of an appropriation made for that purpose.

SECTION 2 - VACANCIES

7-2-1: Vacancies in the elected town boards established under this charter shall be filled by the town council in joint convention with the remaining members of the respective board within sixty (60) days unless a regular town election shall occur within one hundred and twenty (120) days, but only until the next town election.

SECTION 3 - REGIONAL VOCATIONAL SCHOOL COMMITTEE

7-3-1: Terms for the Southern Worcester County Regional Vocational School Committee (Bay Path) shall be for three (3) years. The terms are to be staggered.

SECTION 4 - TOWN TREASURER

7-4-1: REPEALED DECEMBER 11, 1986

SECTION 5 - TOWN CLERK

7-5-1: The town clerk shall be elected to serve for a three year term. The town clerk shall receive such compensation not to exceed the amount appropriated by the town council.

SECTION 6 - HOUSING AUTHORITY

7-6-1: A housing authority of five members shall be elected as provided in M.G.L. Chapter 121B, Section 5.

SECTION 7 - REDEVELOPMENT AUTHORITY

7-7-1: A redevelopment authority of five members shall be elected as provided in M.G.L. Chapter 121B, Section 5.

SECTION 8 - BOARD OF ASSESSORS

7-8-1: A board of assessors, two part-time members to be elected by the voters for three year staggered terms, the third member to be full time and appointed by the town manager for a staggered three year term who shall be the clerk of the board.

CHAPTER 8
APPOINTMENTS BY THE TOWN MANAGER

SECTION 1 - POWERS TO APPOINT TOWN OFFICERS

8-1-1: The Town Manager shall have the power to appoint, subject to confirmation by the Town Council, the following town officers: town treasurer, town collector, veterans agent, director of inspection services, animal inspector, plumbing inspector, wire inspector, sealer of weights and measures, gas, milk and food inspector, police department, fire department, finance department head, town accountant and one fulltime assessor who will assume the duties of the clerk of the board of assessors.

SECTION 2 - DUTIES

8-2-1: Officers appointed under this charter shall perform their duties in accordance with General Laws, this charter and by-laws.

SECTION 3 - POWER TO APPOINT TOWN BOARDS AND COMMISSIONS

8-3-1: The town manager shall have the power to appoint, subject to confirmation by the town council, the following boards and commissions: board of health, planning board, board of registrars, board of appeals, and by-laws committee.

8-3-2: The town manager shall have the power to appoint the following town boards and commissions: constables, commissioners of trust funds and World War 1 Memorial trustees.

SECTION 4 - OTHER APPOINTIVE POWERS

8-4-1: The town manager shall have the power to appoint such other individual town officers and members of boards and commissions as are authorized by the General Laws, this charter, or by-laws and for whom appointment is not otherwise provided.

SECTION 5 - POWER TO RESCIND APPOINTMENTS

8-5-1: The town manager shall have the power to rescind for cause, including excessive and unexcused absenteeism, any appointment made by him to any board, commission, committee, or individual officer under authority of this charter, provided that the appointee shall first have been served with a written notice of the town manager's intention, specifying the reasons for the proposed removal, and informing the appointee of his right to be heard at a public hearing if requested.

8-5-2: Said power shall not apply to quasi-judicial bodies as determined by the town attorney.

CHAPTER 9
FINANCIAL PROCEDURES

SECTION 1 - FISCAL YEAR

9-1-1: Beginning in the year this charter becomes fully effective, the fiscal year of the town shall begin on the first day of July and end on the last day of June, unless otherwise prescribed by the General Laws.

SECTION 2 - SUBMISSION OF BUDGET AND BUDGET MESSAGE

9-2-1: At least ninety days prior to the start of each fiscal year, the town manager shall submit to the town council a budget for the ensuing year and an accompanying message, unless otherwise provided for by the General Laws.

9-2-2: The town manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from 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.

SECTION 3 - PROPOSED BUDGET

9-3-1: The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the town manager deems desirable or the town council may require, but it shall indicate in separate sections (1) proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies, and the method of financing such expenditures; and (2) proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable and the proposed method of financing each such capital expenditure.

SECTION 4 - NOTICE OF PUBLIC HEARING ON PROPOSED BUDGET

9-4-1: The town council shall publish, in one or more newspapers of general circulation in the town, the general summary of the budget and a notice stating: (1) the times and places where copies of the budget are available for inspection; and (2) the date, time and place, not less than two weeks after such publication, when a public hearing on the budget shall be held.

9-4-2: The town council shall adopt the budget, with or without amendments, on or before the end of the eleventh month of the fiscal year currently ending. In amending the budget, it may delete or decrease any programs or amounts except expenditures required by law or for debt service. Except on recommendations of the town manager, it shall not increase any amount in or the total of, the proposed budget. Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures from the funds indicated.

SECTION 5 - CAPITAL IMPROVEMENTS PROGRAM

9-5-1: The town manager shall prepare and submit to the town council a five year capital improvements program at least ninety days prior to the final date for submission of the budget.

9-5-2: The capital improvements program shall include: (1) a clear summary of its contents; (2) a list of all capital improvements proposed to be undertaken during the five fiscal years with supporting data; (3) cost estimates, method of financing, and recommended time schedules; and (4) the estimated annual cost of operating and maintaining the facilities included. The above information may be revised and extended each year with regard to capital improvements pending or in process of construction or acquisition.

SECTION 6 - NOTICE OF PUBLIC HEARING ON CAPITAL PROGRAMS

9-6-1: The town council shall publish, in one or more newspapers of general circulation in the town, the general summary of the capital program and a notice stating: (1) the times and places where copies of the capital improvements program are available for inspection by the public; and (2) the date, time and place, not less than two weeks after such publication, when a public hearing on said program shall be held.

9-6-2: After the public hearing, and on or before the end of the eleventh month of the current fiscal year, the town council shall adopt the capital improvements program by resolution, with or without amendment, provided that each amendment must be voted separately and that any increase in the capital improvements program as submitted, must clearly identify the method of financing proposed to accomplish this increase.

SECTION 7 - PUBLIC RECORDS

9-7-1: The budget and the capital improvements program shall be public records.

SECTION 8 - SUPPLEMENTAL APPROPRIATIONS

9-8-1: If during the fiscal year the town manager certifies that there are available for appropriations, revenues in excess of those estimated in the budget, the town council may make supplemental appropriations for the year up to the amount of such excess.

SECTION 9 - EMERGENCY APPROPRIATIONS

9-9-1: To meet a public emergency affecting life, health, property, or the public peace, the town council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriation, the town council may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be repaid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

SECTION 10 - REDUCTION OR RESTRICTION OF USE OF APPROPRIATIONS

9-10-1: If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the town council without delay, indicating the estimated amount of the deficit and any remedial action taken by him and his recommendations as to any other steps to be taken. The town council shall then take such further action as it deems necessary and for that purpose may reduce, restrict or limit the use of the unexpended balance of appropriations.

SECTION 11 - TRANSFER OF APPROPRIATIONS

9-11-1: At any time during the fiscal year the town manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency, and upon written request by the town manager, the town council may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

SECTION 12 - LIMITATION: EFFECTIVE DATE

9-12-1: No appropriation for debt service may be reduced, restricted, limited or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer or appropriations authorized by this section may be made effective immediately upon adoption.

SECTION 13 - LAPSE OF APPROPRIATIONS

9-13-1: Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrances of the appropriation.

SECTION 14 - WORK PROGRAMS AND ALLOTMENTS

9-14-1: At such time as the town manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The town manager shall review and authorize allotments with or without revisions as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, restricted, reduced or transferred appropriations pursuant to this chapter.

SECTION 15 - PAYMENTS AND OBLIGATIONS PROHIBITED

9-15-1: No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made and unless the town manager or his designee first certifies that there is a sufficient unencumbered balance in such appropriation to cover the claims or meet the obligations when it becomes due and payable.

9-15-2: Any authorization or payment or incurring of obligations in violation of this charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the town for the payment for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payment or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such obligation is funded by appropriation or authorized by the General Laws.

SECTION 16 - INDEPENDENT AUDIT

9-16-1: Whenever the Commonwealth fails to provide for an independent annual audit of all records and accounts of the town, the town council may cause such an audit to be conducted. The audits may be made by a certified public accountant, or firm of such accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town.

SECTION 17 - FINANCE COMMITTEE

9-17-1: There shall be a finance committee of nine (9) members who shall be citizens of the Town of Southbridge and shall be appointed by the Town Council. One (1) member to be appointed from the town council by the town council. One (1) member to be appointed from the School Committee by the School Committee.

The Finance Committee shall elect a chairman and vice-chairman from those members who are not elected officials. Members of the Finance Committee who are elected officials shall have no voting privileges. The Finance Committee shall serve as an Advisory Committee on current and long range financial matters affecting the Town. All members, excluding elected officials shall be appointed for three year terms. Those terms are to be staggered.

CHAPTER 10
NOMINATION AND ELECTION

SECTION 1 - TOWN ELECTIONS

10-1-1: The regular election for all town offices shall be by official ballot held on the first Friday in June.

10-1-2: Any person duly elected to any office or board shall take up the duties of his or her office on the first Monday of July, provided that he or she first shall have been sworn in to the faithful performance of his or her duties.

10-1-3: All provisions of the General Law with regard to town elections shall apply except as may herein be provided by this charter.

SECTION 2 - ELIGIBILITY OF TOWN VOTERS

10-2-1: Any registered voter of the town shall be eligible for election to any elective office or board of the town except as limited by section 2-2-1 and 5-2-1.

SECTION 3 - FILLING OF VACANCIES IN ELECTED TOWN OFFICES

10-3-1: A vacancy in the office of town councillor whether caused by death, resignation, removal or recall shall be filled by a special election to be called within thirty days of said vacancy unless a regular town election will occur within one hundred and eighty days. A precinct councillor, moving out of his/her precinct shall be allowed to hold the present office until the next regular town election. Filling of vacancies in town boards other than the town council shall be by joint convention as provided in section 7-2-1.

SECTION 4 - RECALL OF ELECTIVE OFFICERS

10-4-1: An elective officer of the town may be recalled and removed from public office by the voters of the town as herein provided. Any voter of the town may file with the town clerk a petition containing the name and title together with a statement of the grounds for his removal. Said petition shall be signed in ink or indelible pencil by qualified voters of the town equal to at least ten (10) percent of the voters registered at the last municipal election, provided that no recall petition may be filed against any officer until he shall have held his office for at least six (6) months. Said petition shall be accompanied by affidavits as to the authenticity of signatures, signed and sworn to by each circulator. Said petition shall then be filed with the board of registrars of voters for certification. Within ten (10) days from such filing, the board of registrars of voters shall check each name to be certified, and shall certify thereon the number of signatures so checked, and shall report the results to the persons filing the petition, the town clerk and the town council.

10-4-2: Upon presentation of the certified petition to the town council, it shall become the duty of the town council within thirty (30) days after the receipt thereof to order a special election, which shall take place within ninety (90) days but no sooner than sixty (60) days after the original date of filing of said recall petition. No such election shall be ordered if the term of office of such elective official shall expire within one hundred twenty (120) days from the date of the original filing or if such elective officer shall

resign from such office before the election. Said recall election shall be called and conducted in the same manner as is provided in the General Laws for the call and conduct of a special election.

10-4-3: The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officer whose recall is sought) be recalled?" A majority vote of the voters to recall such elective officer shall not be effective unless a total of at least thirty (30) percent of the electorate entitled to vote on the question shall have voted. Recall of such elective officer shall become effective upon certification of the results of the voting thereon, regardless of any technical deficiency in the recall petition.

10-4-4: No person, having been recalled or having resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two (2) years following said recall or resignation.

SECTION 5 - ELECTION TO BE BY PLURALITY VOTE

10-5-1: Election to all town offices established by this charter shall be by plurality of those voting on each office.

SECTION 6 - APPLICATION OF STATE LAWS

10-6-1: Except as herein provided, the laws of the Commonwealth relating to the composition, powers, and duties of the board of registrars, the right to vote, the registration of voters, the nomination of candidates, the conduct of caucuses and elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results, shall apply to all town elections.

CHAPTER 11
GENERAL PROVISIONS

SECTION 1 - INITIATIVE PETITION AND REFERENDUM

11-1-1: The voters of the town shall have the power to propose and review by-laws and other measures within the authority of the town council by initiative petition and referendum in accordance with the procedures established by this charter.

SECTION 2 - INITIATIVE PETITION

11-2-1: The voters of the town may initiate legislation by submitting a petition to the town council which requests the submission of the proposed by-law or measure to a vote of the town council. Said petition must be signed by qualified voters of the town equal in number to two (2) percent of the total number of voters registered at the last regular town election. Each copy of the petition shall have attached to it a copy of the proposed legislation. Said petition shall then be filed with the board of registrars of voters for certification.

11-2-2: Within ten days from such filing, the board of registrars of voters shall check each name to be certified, and shall certify thereon the number of signatures so checked, and shall report the results to the persons filing the petition, the town clerk and the town council.

11-2-3: Upon presentation of the certified petition to the town council, it shall become the duty of the town council, within thirty one days after the receipt thereof, to pass and adopt or reject such by-law or measure without alteration as to meaning or effect.

11-2-4: Should the town council reject the proposed by-law or measure, the voters of the town within twenty (20) days may petition the town council to submit the question to a vote at a special election to be held within ninety (90) days thereafter, at which the qualified voters of Southbridge shall vote on the question of adopting or rejecting the proposed legislation. Said petition must be signed by qualified voters of the town equal in number to five (5) percent of the total number of voters registered at the last regular town election. Each copy of the petition shall have attached to it a copy of the proposed legislation. Said petition shall then be filed with the board of registrars of voters for certification.

11-2-5: Within ten days from such filing, the board of registrars of voters shall check each name to be certified, and shall certify thereon the number of signatures so checked, and shall report the results to the persons filing the petition, the town clerk and the town council. Upon presentation of the certified petition to the town council, it shall become the duty of the town council, within thirty days after the receipt thereof, to order a special election as aforesaid.

11-2-6: If a regular town election is to be held within one hundred and twenty (120) days after the certification of the petition the town council may instead submit the question at such an election.

SECTION 3 - REFERENDUM

11-3-1: A vote passed by the town council authorizing the expenditure of twenty thousand dollars or more as a special appropriation or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays after said vote.

11-3-2: If, within said five days, a petition, signed by not less than five (5) percent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the town clerk asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the town council, after the expiration of five days, shall forthwith call a special election for the sole purpose of presenting to the registered voters at large the question or questions so involved.

11-3-3: Each copy of the referendum petition shall have attached to it a copy of a brief description of the substance of the town council vote sought to be reviewed. The town clerk shall forthwith, upon the receipt of a referendum petition, cause the signatures appearing thereon to be certified by the board of registrars of voters who shall certify thereon within ten (10) days the number of signatures so checked and shall report the results to the persons filing the petition, the town clerk and the town council. Upon presentation of the certified referendum petition to the town council it shall become the duty of the town council within thirty (30) days after the receipt thereof to order a special election as aforesaid.

11-3-4: The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers.

11-3-5: The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the town council shall be reversed unless at least twenty (20) percent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question which shall be placed upon the official ballot: "Shall the town vote to approve the action of the town council whereby it was voted (brief description of the substance of the vote)?". If such petition is not filed within said period of five (5) days, the vote of the town council shall become operative and effective upon the expiration of said period.

SECTION 4 - PERSONAL CONFLICT OF INTEREST

11-4-1: All town officers and employees shall perform the duties and responsibilities of their office in a manner fully consistent with the code of ethics and conflict of interest requirements established by General Laws, Chapter 268A.

SECTION 5 - PROHIBITION OF ACTIVITIES

11-5-1: In addition to the prohibitions defined by the General Laws, no person shall: (A) have his appointment to town office subjected to discrimination because of race, sex, or religious or political opinions or affiliations; (B) offer, pay, accept, or solicit money or other valuable consideration to secure appointment or promotion; (C) make any false statement, certificate, mark, rating, or report with respect to any test, certification, or appointment under the personnel rules and regulations established by this charter or pursuant thereto; (D) make, solicit, or receive, if he is a full-time, compensated, appointive officer or employee, any contribution for the election campaign of any candidate for any town office.

11-5-2: Violations of these provisions shall be subject to prosecution as a misdemeanor and punishable by the maximum fine for each offense as provided in General Laws, Chapter 40, Section 21.

SECTION 6 - CHARTER AMENDMENT

11-6-1: This charter may be revised or amended with the provisions of Article LXXXIX of the Amendments to the Constitution and General Laws implementing said amendment.

11-6-2: The Town Council shall authorize the Chairman of the Town Council to appoint a Charter Review Committee every five (5) years. The Committee shall consist of five (5) members, and shall report its recommendations to the Town Council within one (1) year from the date of its appointment.

SECTION 7 - SEVERABILITY

11-7-1: If any provision of this charter is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this charter.

SECTION 8 - EXECUTIVE SESSIONS

11-8-1: No meeting of the Town Council, or of any Town board, commission, committee or subcommittee shall be held in Executive Session except under the requirements and limitations found in G. L. Chapter 39, Sections 23A and 23B.

CHAPTER 12
TRANSITIONAL PROVISIONS

SECTION 1 - OFFICERS AND EMPLOYEES

12-1-1: Nothing in this charter at the time of its adoption, except as otherwise specifically provided, shall affect the rights and privileges of officers and employees of the town of Southbridge.

12-1-2: Incumbent elected or appointed town officers whose terms have not expired and whose positions are continued by this charter shall continue to serve for the balance of the term for which they were elected or appointed and until their successors have been elected or appointed and qualified. All officers, employees, and members of boards and commissions of the town of Southbridge, continued by this charter, holding office at the time of adoption of this charter, shall continue to serve until their successors have been elected or appointed under this charter.

12-1-3: The two (2) members of the board of selectmen whose terms expire in the year subsequent to the year that this charter becomes fully effective and the following year shall become two of the three councilors-at-large. The staggered terms of office as councilors-at-large shall match up with the remaining years of their unexpired terms as selectmen. The third councilor-at-large shall be elected as specified by this charter. Thereafter, councilors-at-large shall be elected as provided in section 2-1-1.

12-1-4: In the initial election for precinct councilors there shall be elected one councillor for a one year term and one councillor for a two year term in each precinct. Thereafter, precinct councilors shall be elected as provided in section 2-1-1.

SECTION 2 - PROPERTY AND RECORDS

12-2-1: All records, property and equipment of any office, department, or agency of the town of Southbridge, the powers, duties and responsibilities of which are transferred in whole or in part to any department, office, or agency established by or under this charter, shall be transferred forthwith to the appropriate unit.

SECTION 3 - CONTINUATION OF CONTRACTS AND OBLIGATIONS

12-3-1: All rights, claims, actions, orders, contracts, and legal or administrative proceedings entered into by or for the Town of Southbridge prior to the effective date of this charter shall continue in full force and effect.

SECTION 4 - STATE AND LOCAL LAWS

12-4-1: All by-laws, resolutions, regulations, and town meeting actions of the Town of Southbridge, in force when this charter becomes fully effective, are repealed to the extent that they are inconsistent with or impede the effective operation of this charter. To the extent that the constitution or laws of the Commonwealth of Massachusetts permit, all laws relating to or affecting the Town of Southbridge, or its agencies, officers, or employees, in force when this charter becomes fully effective, are superseded to the extent that they are inconsistent with or impede the effective operation of this charter, or ordinances or resolutions adopted pursuant thereto.

SECTION 5 - EFFECTIVE DATE OF CHARTER

12-5-1: This charter shall be in partial effect upon adoption by the voters, to permit the town clerk and board of selectmen of the town of Southbridge to make preparations for the conduct of town election to be held on the first Friday in March in the next subsequent year. Such preparations shall include the division of the town into five (5) precincts to conform to the General Laws and this charter. Such preparations shall also include the promulgation of temporary regulations applicable to the proper conduct of such elections, the avoidance of fraud and the counting and recounting of ballots with the responsibility of the board of registers.

12-5-2: This charter shall be in full effect for all purposes on and after the first Monday following the town elections established in Section 5, upon which day the newly elected members of the town council shall assemble at 7:00 PM for their first meeting.

12-5-3: At its first meeting, the town council shall (A) elect a chairman and a vice-chairman; (B) initiate the recruitment of a town manager; (C) appoint an acting town manager as described in Chapter 4, Section 5, of this charter; (D) choose a clerk for the town council; (E) consider such temporary by-laws and measures as may be necessary to provide orderly transition of government.

SECTION 6 – TEMPORARY BY-LAWS OR MEASURES

12-6-1: At its first meeting or any meeting held within sixty (60) days thereafter, the town council may adopt temporary by-laws or measures to deal with cases in which there is an urgent need for prompt action in connection with the transition of government. Every temporary by-law or measure shall be plainly labeled as such but shall be introduced in the form and manner prescribed for measures and by-laws generally. After the adoption of a temporary by-law, the town council shall cause it to be printed and published as prescribed for other adopted by-laws. A temporary by-law or measure shall become effective upon adoption or at such later time as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption shall automatically stand repealed as of the ninety-first (91) day following the date on which it was adopted, and it shall not be re-adopted, renewed or otherwise continued except by regular procedure.

ACTS OF 1975

CHAPTER 790

Chap. 790. AN ACT CLARIFYING THE CHARTER OF THE TOWN OF SOUTHBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The town of Southbridge shall be governed by a charter known as the Southbridge Home Rule Charter which was approved by the voters of the town of Southbridge at an election held March second, nineteen hundred and seventy-three.

SECTION 2. Except as otherwise provided in said charter, the town council created thereby shall have all the powers and duties conferred on town meetings, and the town manager shall have all the powers and duties conferred on a board of selectmen.

SECTION 3. Except where inconsistent with said charter, all provisions of law applicable to towns shall be applicable to the town of Southbridge and said charter shall govern unless said law specifically provides for the contrary.

SECTION 4. This act shall take effect upon its passage.

Approved December 20, 1975.