

**The Commonwealth of Massachusetts
SPECIAL TOWN MEETING**

R E C E I V E D
JAN 07 2020

**TOWN OF TOWNSEND
TOWN CLERK** *RMS*

MIDDLESEX SS.

To either of the Constables of the Town of Townsend in the County of Middlesex, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of the Town of Townsend, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Memorial Hall, 272 Main Street, Townsend, MA for the Special Town Meeting on **January 21, 2020, at 7:00 PM**, then and there to act on the following articles:

**REPORTS
(MAJORITY VOTE)**

ARTICLE 1:

To see if the Town will vote to hear the reports of Boards, Committees or Commissions; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

**PRIOR FISCAL YEAR FINANCIAL ARTICLE
(NINE-TENTHS VOTE)**

ARTICLE 2:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of paying prior fiscal year bills; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

**CURRENT FISCAL YEAR FINANCIAL ARTICLES
(MAJORITY AND/OR TWO-THIRDS VOTE)**

ARTICLE 3:

To see if the Town will vote to transfer from available funds in the treasury the sum of \$9,000.00 for the purpose of supplementing the FY20 Personnel Services, Library Director and Techs; or take any other action in relation thereto.

SUBMITTED BY: Library Board of Trustees

ARTICLE 4:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$XXXXXXX to fund the retirement/separation agreement between the Town and Police Chief Richard Bailey; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 5:

To see if the Town will vote to transfer from FY20 Budget, IT Department, as voted at the May 7, 2019 Annual Town Meeting, the sum of \$_____ from personnel to expense to enable the Board of Selectmen to enter into a contract for IT services, or take any action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 6:

To see if the Town will vote to amend the FY15 Capital Plan-Article 23 ATM held on May 6, 2014, by changing the scope from "town hall" to "town facilities" as approved by the Capital Planning Committee, or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 7:

To see if the Town will vote to amend the FY20 Capital Plan by voting to repurpose Article 9 ATM held on May 7, 2019 from "Water Department 1 Ton Dump Truck w/Plow" to a "Water Department Utility Truck w/Plow"; as approved by the Capital Planning Committee, or take any other action in relation thereto.

SUBMITTED BY: Board of Water Commissioners

ARTICLE 8:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ to fund the Capital Stabilization Account for FY21; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 9:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$6,700.00 for the purpose of restoring the plaques in the front of Memorial Hall; or take any other action in relation thereto.

SUBMITTED BY: Trustees of Soldiers Memorials

ARTICLE 10:

To see if the Town will vote to transfer from Water Special Articles Emergency Repairs Fund the sum of \$20,000 to increase the funding previously voted as Article 10 STM 5/1/18 West End Main Street water main replacement, to cover additional expenses not anticipated, or take any action in relation thereto.

SUBMITTED BY: Board of Water Commissioners

ARTICLE 11:

To see if the Town will vote to transfer from Article 14 ATM 5/2/17 Main St Cleaning the sum of \$50,000 to Article 10 STM 5/1/18 West End Main Street to cover additional expenses not anticipated, or take any action in relation thereto.

SUBMITTED BY: Board of Water Commissioners

ARTICLE 12:

To see if the Town will vote to transfer the sum of \$_____ from Water Enterprise Free cash to the FY20 Water Enterprise budget, to supplement the same; or take any action in relation thereto.

SUBMITTED BY: Board of Water Commissioners

**DEBT EXCLUSION ARTICLE
(TWO-THIRDS VOTE)**

ARTICLE 13:

To see if the Town will vote to borrow the sum of \$5,100,000.00 to fund a Town-wide Pavement Management Plan (PMP) and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Law, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, given that no amounts shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts required to repay any borrowing hereunder from the limitations on total property taxes imposed by Chapter 59, Section 21C of the General Laws (Debt Exclusion).

SUBMITTED BY: Board of Selectmen

DESCRIPTION: To fund a three-year Capital Pavement Management Plan (CPMP) to address a significant backlog of required public roadway repairs and reconstruction as is further detailed in the report entitled "Pavement Management Summary" drafted by the Town's paving consultant, the Beta Group. The report is available for review on the Town Website, in the Selectmen's Office and at the Library.

\$ 36.95	Projected Quarterly Increase on a Home Assessed at \$250,000
\$ 44.33	Projected Quarterly Increase on a Home Assessed at \$300,000
\$ 51.72	Projected Quarterly Increase on a Home Assessed at \$350,000
\$ 59.11	Projected Quarterly Increase on a Home Assessed at \$400,000

**CHARTER COMMITTEE
(MAJORITY VOTE)**

ARTICLE 14:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation repealing and replacing the Townsend Home Rule Charter, so-called, adopted at the Town Election in 1999 and filed in the Office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, as amended by Chapter 4 of the Acts of 2014, if and as otherwise amended, as follows:

AN ACT APPROVING THE TOWNSEND SPECIAL ACT CHARTER

SECTION 1. The Townsend Home Rule Charter, originally adopted at the Town Election in 1999, on file with the Office of the Archivist of the Commonwealth, as subsequently amended, is hereby repealed and replaced.

SECTION 2. The following shall be the Townsend Special Act Charter:

ARTICLE 1

Incorporation; Short Title; Powers

Section 1-1 Incorporation

The inhabitants of the Town of Townsend within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Townsend".

Section 1-2 Short Title

This instrument shall be known and may be cited as the Townsend Special Act Charter.

Section 1-3 Powers of the Town

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 Townsend 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 1-4 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Selectboard. The legislative powers of the Town shall be vested in a Town Meeting open to all registered voters.

Section 1-5 Construction

The powers of the Town of Townsend under this Charter to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Townsend stated in section 1-3.

Section 1-6 Intergovernmental Relations

Subject to the applicable requirements of any provision of the Constitution or Statutes of the Commonwealth, the Town of Townsend may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

ARTICLE 2

Legislative Branch

Section 2-1 Open Town Meeting

The legislative powers of the Town shall be vested in a Town Meeting open to all registered voters.

Section 2-2 Presiding Officer

All sessions of Town Meeting will be presided over by a Moderator elected as provided in Article 3. At the Annual Town Meeting the Moderator shall appoint a Deputy Moderator subject to ratification by the Town Meeting. The Deputy Moderator shall serve as acting Moderator in the temporary absence or disability of the Moderator. The Deputy Moderator shall while presiding at Town Meeting sessions have all the powers and duties of the Moderator but shall have no other powers or duties of the Moderator. In the absence of the Moderator and the Deputy Moderator, the Town Clerk will act as Moderator until Town Meeting elects a Temporary Moderator, Article 3, Section 3-4.

The Moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and exercise all the powers and duties given to Moderators under the Constitution and the laws of the Commonwealth. Additional powers and duties may be authorized by this Charter, by Town Bylaw, or by other votes of Town Meeting.

Section 2-3 Committees

- (a) Finance Committee - There shall be a Finance Committee appointed by the Moderator in accordance with the Town Bylaw and the laws of the Commonwealth.
- (b) Capital Planning Committee - There shall be a Capital Planning Committee with members appointed in accordance with the Town Bylaw and the laws of the Commonwealth.

Section 2-4 Annual Town Meeting

The Annual Town Meeting shall be held on such date or dates as may from time to time be fixed by Town Bylaw.

Section 2-5 Special Town Meetings

Special Town Meetings shall be held at the call of the Selectboard at such times as they deem necessary, or desirable to transact the legislative business of the Town in an orderly manner. Special Town Meetings may also be held on the petition of two hundred (200) or more registered voters, in accordance with the procedures made available by the laws of the Commonwealth.

Section 2-6 Warrants

Every Town Meeting shall be called by a Warrant issued by the Selectboard, which shall state the time and place at which the meeting is to convene and, by separate Articles, the subject matter to be acted upon. The publication and posting of the Warrant for every Town Meeting shall be in accordance with MGL and the Town Bylaw.

Section 2-7 Initiation and Inclusion of Warrant Articles

- (a) **Initiation** - The Selectboard shall receive at any time all petitions which request submission of any matter to the Town Meeting, which are filed by any elected Town Official, any multiple member Town Body acting by a majority of its members, any ten registered voters for the Annual Town Meeting or a petition of one hundred (100) voters for a Special Town Meeting.

A registered voter may request at a regular meeting of the Selectboard that a matter be placed on the Town Meeting Warrant in lieu of a written petition. The Selectboard may, at its discretion, accept the request and place it on the warrant under its sponsorship, or it may refuse and request that the matter be submitted by a written petition of the required number of registered voters.

- (b) **Inclusion** - The Selectboard shall include on the Annual Town Meeting Warrant all matters which were submitted in accordance with Town Bylaw for the submission of Articles.

When a Special Town Meeting is to be called, the Selectboard shall give public notice of the Special Town Meeting at a posted Selectboard Meeting and it may cause additional public notice to be given pursuant to the laws of the Commonwealth or Town's Bylaw in any form it deems necessary. Any and all public notices shall include the date of the close of the Warrant. The Selectboard shall include on a Special Town Meeting Warrant the subject matter of all petitions which are received in its office in accordance with the date and time set by the Selectboard for the close of the Warrant.

Section 2-8 Availability of Town Officials

Every Town Agency shall designate at least one representative to attend all sessions of Town Meeting at which Warrant Articles pertinent to that Town Agency are or may be taken up, for the purpose of providing

information to the Meeting pertinent to the Articles. If a person designated as a representative is not a Town resident, they shall notwithstanding, be allowed to speak to provide the meeting with pertinent information.

Section 2-9 Clerk of the Meeting

The Town Clerk shall serve as clerk of the Town Meeting, recording all votes and shall preserve as public records all proceedings of the Town Meeting sessions, give notice of all adjourned sessions thereof, and perform such duties in connection therewith as may be provided by Town Bylaw, this Charter, or the laws of the Commonwealth.

If at a Town Meeting the office of Town Clerk is vacant, the Moderator shall appoint a clerk pro tempore. In the event of the unavoidable absence of the Town Clerk, the Town Clerk shall designate a substitute, if the Town Clerk fails to name a substitute, then the Moderator shall also be empowered to appoint a clerk pro tempore.

Section 2-10 Rules of Procedure

The Town Meeting shall be run in accordance with the accepted edition of the book "Town Meeting Time." Town Meeting may by Town Bylaw, establish and from time to time amend, revise or repeal rules governing Town Meeting. A procedural change would become effective in governing the next Annual and succeeding Town Meetings following the procedural change.

ARTICLE 3

Elected Officials

Section 3-1: In General

(a) Elective Offices - The offices to be filled by the ballot vote shall be the Selectboard, Town Moderator, Town Clerk, Board of Assessors, Board of Health, Planning Board, Board of Water Commissioners, Board of Library Trustees, North Middlesex Regional School Committee Representatives, Cemetery and Parks Commissioners, Recreation Commissioners, Trustees of Soldiers' Memorials, Amanda Dwight Entertainment Fund, Townsend Housing Authority, James H. Tucker Fund and such other regional authorities, districts, or committees as may be required by law of the Commonwealth or local, inter-local or regional agreements.

(b) Eligibility - Any registered voter shall be eligible to hold any elective town office.

(c) Town Election - The Annual Town Election shall be held according to Bylaw.

(d) Compensation - Elected town officials shall receive such compensation for their services as may be appropriated annually for such purpose.

(e) Coordination - Notwithstanding their election by the registered voters, the town officers named in this section shall be subject to the call of the Selectboard at reasonable times for consultation, conference and discussion on any matter relating to their respective offices.

(f) Filling of Vacancies

(1) Multiple Member Bodies - If there is a vacancy in a body consisting of two (2) or more members, other than the Selectboard and unless under the terms of a will or other trust where some other provision is made, the remaining members shall immediately give written notice to the Selectboard and in addition to the public by posting the vacancy and its description on the town bulletin board and utilizing the official notice posting method under the Open Meeting Law, each for at least ten (10) days. A notice of five (5) business days shall be posted of a joint meeting between the Selectboard and the remaining members of the body to fill the vacancy. The appointment will be made by vote and carried by a simple majority. This appointment will run until the next town election.

If notice is not given within thirty (30) days following the date of the vacancy, after a notice of five (5) business days the Selectboard shall fill the vacancy without participation of the remaining members of the multiple member body.

(2) Selectboard - If there is a failure to elect or a vacancy occurs and six (6) months or more will elapse before the next annual town election, the remaining members of the Selectboard shall, forthwith, call a special election to fill the vacancy. If a vacancy occurs and more than three (3) months but less than six (6) months will elapse before the next annual town election the Selectboard may call a special election, however, upon receipt by petition of two hundred (200) or more registered voters of Townsend the remaining members of the Selectboard will forthwith call a special election.

(g) Recall Election Procedures - Recall elections shall be conducted as provided pursuant to Chapter 27 of the Acts of 1995 and the laws of the Commonwealth not in conflict therewith.

Section 3-2 Selectboard

(a) Composition and Term of office

A Selectboard, three members elected for three (3) years each, arranged so that the term of one (1) member expires each year.

The composition of the Board may change from three (3) to five (5) members as determined by a two-thirds vote of an Annual Town Meeting, provided that such vote is ratified by the voters of the Town at the next Annual Town Election. A five (5) member Board would have three (3) year overlapping terms, so arranged that as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties

The executive powers of the Town shall be vested in a Selectboard, which shall be deemed the chief executive office of the Town. The Selectboard shall have all of the executive power possible to have and to exercise in accordance with the Constitution, and the laws of the Commonwealth, and by the Charter and the Bylaws of the Town of Townsend. These powers shall also be extended to any trusts granted to the Selectboard. The Selectboard shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all Town Agencies serving under it and, in conjunction with other elected multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all Town Agencies into harmony. Nothing in this section shall be construed to authorize any member of the Selectboard, nor a majority of such members, to become involved in the day-to-day administration of any Town Agency, including direction or supervision of department heads and staff. It is the intention of this provision that the Selectboard shall act through the adoption of policy guidelines that are to be implemented by officers and employees appointed by or under its authority. The Selectboard shall assign a liaison to each multiple member body.

(c) Licensing Authority

The Selectboard shall be a licensing authority for the Town and shall have power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license it may issue as it deems to be in the public interest, and to enforce all laws, rules and regulations relating to all businesses for which it issues any licenses.

(d) Appointment Authority

(1) Town Employees - The Selectboard shall appoint Town employees as provided by statute or Charter.

(2) Multiple Member Bodies - The Selectboard shall appoint multiple member bodies as provided by statute or Charter.

(3) Other Appointments - The Selectboard shall appoint other multiple member bodies the functions of which do not involve direct operating responsibilities, but which are primarily policy making or advisory in nature or required by law. Unless some other provision is expressly made by law, the Selectboard shall also appoint other individuals who are to serve as representatives of the Town to the governing or advisory bodies of area, regional, or district authorities. Personal

contracts hereunder shall be limited to three (3) years; provided, however, that all such contracts shall be subject to applicable provisions of the Massachusetts General Laws, which shall control.

(e) Investigations

The Selectboard may make investigations and may authorize the Town Administrator to investigate the affairs of the Town and the conduct of any Town Agency including any doubtful claims against the Town. The report of the results of such investigation shall be placed on file in the office of the Selectboard and a report summarizing the results of such an investigation shall be printed in the next annual Town Report.

(f) Screening Committee

Unless otherwise specified by Town Bylaw, there shall be a Screening Committee to support the transparent selection of candidates for the following positions:

- Town Administrator
- Police Chief
- Fire Chief

The Screening Committee shall be appointed by the Selectboard and include any number and combination of qualified professionals, town residents and town employees.

Section 3-3 Moderator

(a) Composition and Term of Office

A Moderator elected for a three (3) year term.

(b) Powers and Duties

The Town Moderator shall have the powers and duties given that office by the laws of the Commonwealth, the Charter, Town Bylaw, Regional Agreement, or other Town Meeting vote.

Section 3-4 Town Clerk

(a) Composition and Term of Office

A Town Clerk elected for a three-year term

(b) Powers and Duties

The Town Clerk shall be the keeper of vital statistics for the Town. The Town Clerk shall be the custodian of the Town Seal, shall administer the oath of office to all persons elected or appointed to any Town office and shall issue such licenses and permits as are required By-law to be issued by the Town Clerk. The Town Clerk shall supervise and manage the conduct of all elections and all other matters relating to elections. The Town Clerk shall be the clerk of Town Meeting, keep its records and in the absence of the Moderator and the Deputy Moderator shall preside pending the election of a temporary Moderator by Town Meeting vote. The Town Clerk shall have such other powers and duties as given by the laws of the Commonwealth, the Charter, Town Bylaws and by other Town Meeting vote.

Section 3-5 Assessors

(a) Composition and Term of Office

A Board of Assessors consisting of three members elected for a three (3) year term each, arranged so that one (1) term expires each year.

(b) Powers and Duties

The Board of Assessors shall have all the powers and duties given to Boards of Assessors by the laws of the Commonwealth, the Charter, Town Bylaw or by other Town Meeting vote.

Section 3-6 Board of Health

(a) Composition and Term of Office

A Board of Health consisting of three members elected for a three (3) year term each, arranged so that one (1) term expires each year.

(b) Powers and Duties

The Board of Health shall be responsible for the formulation and enforcement of rules and regulations concerning public health. The Board shall have all the powers and duties given to Boards of Health under the laws of the Commonwealth, the Charter, Town Bylaw or other Town Meeting vote.

Section 3-7 Planning Board

(a) Composition and Term of Office

A Planning Board consisting of five members elected for a five (5) year term each, arranged so that the term of one (1) member expires each year.

(b) Powers and Duties

The Planning Board shall have all the powers and duties given to Planning Boards by the laws of the Commonwealth, the Charter, Town Bylaw or other Town Meeting votes.

Section 3-8 Water Commissioners

(a) Composition and Term of Office

A Board of Water Commissioners consisting of three (3) members elected for a three (3) year term each, arranged so that the term of one (1) member expires each year.

(b) Powers and Duties

The Board of Water Commissioners shall have all the powers and duties as defined by special agreement voted on September 16, 1933, pursuant to Chapter 391 of the Acts of 1920 and the laws of the Commonwealth not in conflict therewith, as well as those set forth in M.G.L. c. 41, Section 69B, accepted by the Town by vote at the Town Meeting on May 9, 2017.

Section 3-9 Library Trustees

(a) Composition and Term of Office

A Board of Library Trustees consisting of five (5) members elected for three (3) year overlapping terms, so arranged that the terms of as nearly equal number of members as possible shall expire each year.

(b) Powers and Duties

The Board of Library Trustees shall be responsible for the governance of the free public library. The Board of Library Trustees, in accordance with the provisions of the gift or bequest shall administer all money and property that the Town may receive for library purposes by gift or bequest. The Board of Library Trustees shall have all the powers and duties given to Library Trustees by the laws of the Commonwealth, the Charter, Trust Agreements, Town Bylaw or other Town Meeting vote.

Section 3-10 North Middlesex Regional School Committee

(a) Composition and Term of Office

The composition and term of office of members of the North Middlesex Regional School Committee shall be defined in accordance with the North Middlesex Regional School District Agreement, as amended.

(b) Powers and Duties

The North Middlesex Regional School Committee members shall have all the powers and duties as defined by Regional Agreement, as amended.

Section 3-11 Cemetery and Parks Commission

(a) Composition and Term of Office

Three commissioners elected for a three (3) year term each, arranged so that the term of one (1) member expires each year.

(b) Powers and Duties

- (1) As Cemetery Commissioners they shall have general charge of and superintendence of all the public burial grounds within Town and of any lands set aside by the Town for Cemetery purposes. The Cemetery Commissioners shall have all the powers and duties given to Cemetery Commissioners by the laws of the Commonwealth, and any additional powers or duties as provided by the Charter, By-law, Trust Agreements, or other Town Meeting vote.
- (2) As Park Commissioners they shall have general charge and superintendence of all public parks. They may improve and make rules and regulations for Public Parks. The Parks Commissioners shall have all the powers and duties given to Parks Commissioners by the laws of the Commonwealth, by Charter, Trust Agreements, Town Bylaw or other Town Meeting vote.

Section 3-12 Recreation Commission

(a) Composition and Term of Office

A Recreation Commission consisting of five (5) members elected for a three (3) year term each, arranged so that the terms of as nearly an equal number of members shall expire each year.

(b) Powers and Duties

The Recreation Commission shall be responsible for the development, operation, scheduling and coordination of recreation programs for the town. The Commission shall have all the powers and duties as may be provided by the laws of the Commonwealth, the Charter, Town Bylaw or other Town Meeting vote.

Section 3-13 Trustees of Soldiers' Memorials

(a) Composition and Term of Office

A committee consisting of five (5) positions elected for a three (3) year term each, consisting of three (3) veterans and two (2) non-veterans, arranged so that the terms of as nearly an equal number of members shall expire each year.

(b) Powers and Duties

The Trustees of Soldier's Memorials shall have all the powers and duties as may be provided by the laws of the Commonwealth.

Section 3-14 Amanda E. Dwight Entertainment Fund

(a) Composition and Term of Office

Three Trustees elected for a three (3) year term each, arranged so that the term of one (1) member expires each year.

(b) Powers and Duties

The Trustees of the Amanda E. Dwight Trust shall have all the powers and duties as defined by the Amanda E. Dwight Trust Agreement as established by the town on September 29, 1928.

Section 3-15 Townsend Housing Authority

(a) Composition and Term of Office

There shall be a Townsend Housing Authority the composition of which is in accordance with MGL.

(b) Powers and Duties

The Housing Authority shall make studies of the housing needs of the Town and shall provide programs to make available low-income housing for families and the elderly of low income. The Housing Authority shall have all the powers and duties given to Housing Authorities by the laws of the Commonwealth.

Section 3-16 James H. Tucker Trust Fund Committee

(a) Composition and Term of Office

There shall be a James H. Tucker Trust Fund Committee consisting of three West Townsend Village residents elected at the Annual Town Meeting.

(b) Powers and Duties

The James H. Tucker Trust Fund Committee shall act in accordance with the bequest for the sole purpose to keep the curbing, gravestones, and monuments in good order, including the installation and maintenance of fencing as necessary.

ARTICLE 4

Town Administrator

Section 4-1 Appointment; Qualification; Term

The Selectboard shall appoint a Town Administrator for a term of up to three (3) years, which term or portion thereof may be renewed. With the exception of the limit on term described directly above, notwithstanding any other provision of this charter to the contrary or any other requirements of local, state or federal law to the contrary the terms affecting the appointment, termination of appointment, renewal or non-renewal of such appointment shall be set forth and subject to a mutually agreed upon contract. Nothing contained in this section shall grant tenure to the Town Administrator. The Selectboard shall fix the compensation for such person, annually, within the amount appropriated by the Town. The Town Administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town Administrator shall be a person especially fitted by education, training and or previous experience in public administration to perform the duties of the office as outlined in the job description. Education requirements include a minimum of a Bachelor's Degree (Master's preferred) with sufficient experience administering similar sized communities (Commonwealth of MA preferred).

The Town Administrator need not be a resident of the Town at the time of appointment or at any time during the period of such service. The Town Administrator shall not have served in an elective position in Town government for at least twelve months prior to appointment. The Town may from time to time establish, by Town Bylaw, such additional qualifications as seem necessary and appropriate. The Town Administrator shall not hold any other public office in Townsend except as allowed by MGL.

Annual Review: The Selectboard shall provide for an annual review of the job performance of the Town Administrator which shall, at least in summary form, be a public record. This review shall reflect the Town Administrator's performance of duties as listed in the approved job description and goals and objective developed by the Selectboard.

Section 4-2 Powers and Duties

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Selectboard for the administration of all Town affairs for which the office of Town Administrator is given responsibility by or under this Charter. The words "chief administrative officer" shall refer to the person responsible for administrative management of governmental operations. The powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of Town Administrator is given authority, responsibility or control by this Charter, by Town Bylaw, by Town Meeting vote, or by vote of the Selectboard as consistent with Massachusetts General Laws.
- (b) To see that the personnel policies and practices, rules and regulations are equally administered for all Town employees. If a union or other employment contract differs from the general policies, the Town Administrator shall see that these are administered according to the collective bargaining agreement or contract, respectively, with the exception of the Town Administrator's contract which will be overseen and administered by the Selectboard.

- (c) To attend all regular and special meetings of the Selectboard, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all proceedings.
- (d) To keep the Selectboard fully advised at a public meeting or in writing as to the needs of the Town and all Town Agencies, all applicable state and federal agencies and to make appropriate recommendations to the Selectboard of actions required to address matters of concern.
- (e) To prepare the budgets which fall directly under the Selectboard. To oversee the budgets for the Town Agencies which fall directly under the Selectboard, and in addition the Town Administrator will present to the Selectboard the budgets of elected Town Agencies and the Capital Plan in such a manner that the Selectboard have an understanding of the total budget. The Town Administrator will also work with other Town Agencies, including but not limited to the Finance Committee, the Accountant, the Assessor and the Treasurer, to develop a plan for the funding of appropriations.
- (f) To be the chief procurement officer for the town, in accordance with Massachusetts General Laws, and to appoint such assistance procurement officers as provide in Massachusetts General Laws.
- (g) To see that all of the provisions of the Laws of the Commonwealth, this Charter, Town Bylaw, other votes of Town Meeting, and votes of the Selectboard which require enforcement by the Town Administrator or other officers subject to the direction and supervision of the Town Administrator, are faithfully executed, performed or otherwise carried out.
- (h) To inquire, at any time, into the conduct and operation of any office or the performance of any Town Agency officers or employees under the jurisdiction of the Selectboard.
- (i) To attend all sessions of all Town Meetings and to be prepared to answer all questions raised by voters which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.
- (j) To coordinate the activities of all Town Departments serving under the Town Administrator and the office of the Selectboard with those under the control of other officers and multiple member bodies elected directly by the registered voters. For this purpose, the Town Administrator shall have the authority to require the persons so elected, or their representatives, to meet with the Town Administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all Town Agencies.
- (k) To perform any other duties that are required to be performed by the Town Administrator by Town Bylaws, Administrative Code, Charter, vote of the Town Meeting or votes of the Selectboard.
- (l) Work with the Selectboard to develop long-range goals and objectives for the Town, including keeping the board informed on the long-range needs of the Town and proactively suggesting best practices for the Town. The words "best practices" shall mean procedure(s) that have been shown by research and/or experience to produce optimal results and that are generally established as standard(s) suitable for widespread adoption.

Section 4-3: Delegation of Authority

The Town Administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of Town Administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Administrator.

Section 4-4: Interim Town Administrator

- (a) Vacancy: A vacancy in the office of town administrator shall be filled as soon as possible by the Selectboard, but, pending permanent appointment by the Selectboard, the Selectboard shall appoint a qualified person to perform the duties of the Town Administrator on a temporary basis. The Interim Town Administrator shall have all the duties and responsibilities of the Town Administrator. In the case of vacancies, the qualifications and educational requirements as described in 4-1 shall be maintained unless waived by the Selectboard. Compensation for such person shall be set by the Selectboard.

ARTICLE 5

Administrative Organization

Section 5-1 Administration of Government

The organization of the town into operating agencies for the provision of services and the administration of the government shall be accomplished through either of the methods provided in this article.

(a) By-laws - Subject only to express prohibitions in a general law or the provisions of this Charter, the Town Meeting may, by Town Bylaw, reorganize, consolidate, create, merge, divide or abolish any Town Agency, in whole or in part; establish such new Town Agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular Town Agency may be discontinued, or unless this charter specifically so provides, assigned to any other.

(b) Administrative Code - The Town Administrator, after consultation with the Selectboard, may from time to time prepare and submit to the Town Meeting plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town. Whenever the Town Administrator prepares such a plan the Selectboard shall hold one (1) or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven (7) nor more than fourteen (14) days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date of adjournment of the Town Meeting at which the proposal is submitted unless the town shall, by a majority vote, vote to disapprove the plan. The Town Meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The Selectboard may, through the administrative code, and subject only to express prohibitions in a general law, or this Charter, reorganize, consolidate or abolish any Town Agency, in whole or in part; establish such new Town Agencies as is deemed necessary to the same extent as in provided in section 5-1 (a), above, for by-laws; and for such purpose transfer the duties and powers, and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one Town Agency to another; provided, however, that no function assigned by this Charter to a particular Town Agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

Section 5-2 Publication of Administrative Code and Personnel Plan

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of the By-laws of the Town of Townsend. The personnel and staffing plan as prepared by at the Selectboard shall be published annually in the town report.

Section 5-3 Removals and Suspensions

Any appointed officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement or employment contract, which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for Cause. The term Cause shall include, but not be limited to the following: incapacity or inability to perform the duties of the position, other than temporary illness; inefficiency; incompetence the inability to complete assignments in a timely manner on a routine basis in accordance with principals of reasonable care; neglect, namely failure to perform the duties of the position in a reasonably competent manner or failure to satisfy performance standards; chronic absenteeism, insubordination, conduct unbecoming the office, gross negligence, willful misconduct, willful dereliction of duty, embezzlement, fraud against the Town, or conviction of a felonious act in office. Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen (15) days. Suspension may be simultaneous with removal process and shall not interfere with the rights of the individual under the removal procedure given below.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered in hand, or by registered mail or certified mail, return receipt requested, to the last known address of the person sought to be removed.
- (b) Within five (5) days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing to be convened within thirty (30) days of the request, unless extended by agreement, at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
- (c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing, between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescinded of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Notwithstanding any other provision of this Charter to the contrary or any other requirements of local, state or federal law to the contrary, a decision not to renew any employment contract or appointment for a fixed term shall not be construed as a dismissal, require a hearing, or trigger the removal procedures required by this section.

This section shall not be applicable to any appointed officer, member of a multiple member body or employee of the town covered by civil service, a collective bargaining agreement or employment contract. In that case, notwithstanding any other provision of this charter to the contrary or any other requirements of local, state or federal law to the contrary, the requirements of civil service collective bargaining agreement or employment contract shall prevail and govern the process and requirements for suspension, removal or non-renewal.

Section 5-4 Procedures Governing Multiple Member Bodies

(a) Meetings

All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairman or by one-third of the members thereof by suitable written notice delivered to the residence or place of business of each member at least forty-eight hours in

advance of the time set. A copy of the said notice shall also be posted on the town bulletin board(s). Special meetings of any multiple member body shall also be called within one (1) week after the date of at the filing with the Town Clerk of a petition signed by at least fifty (50) voters and which states the purpose or purposes for which the meeting is to be called.

(b) Agendas

Before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted as required by law

(c) Rules and Minutes

Each multiple member body shall determine its own rules and order of business unless otherwise provided by this Charter or by-law and shall provide for keeping minutes of its proceedings. These rules and minutes shall be public records, and copies shall be placed on file in the office of the Town Clerk and for the convenience of the public, kept available for public inspection in the office of the Town Clerk.

(d) Voting

Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the minutes, provided, however, that if the vote is unanimous only that fact need be recorded.

(e) Quorum

A majority of the members of the multiple member body then in office shall constitute a quorum, except where otherwise provided by law, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body.

(f) Filling of Vacancies

Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the Selectboard appointing authority. If, at the expiration of forty-five days (45) days following the delivery of such notice, the Selectboard appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members. The Town Clerk and the Selectboard appointing authority shall be notified in writing when the vacancy is filled.

(g) Composition of Multiple Member Bodies

All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

Section 5-5 Notice of Vacancies

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten (10) days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications, to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen (14) days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

Section 5-6 Loss of Office, Excessive Absence

If any person appointed to serve as a member of a multiple member body shall fail to attend four (4) or more consecutive meetings, or one-half or more of all meeting of such body held in one (1) calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten (10) days prior to the

date said votes is scheduled to be taken the body has given in hand, or mailed, by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

Section 5-7 Terms of Office

With the exception of employees covered by personal service contracts or union contracts and notwithstanding any other provision of this Charter which might appear to be to the contrary, whenever a person after having served for an initial term of years in a full time appointed town office is reappointed to the same office to succeed themselves, such reappointment shall be for an indefinite term not subject to further periodic reappointment, but subject to removal and or suspension in accordance with the procedures in section 5-3 of this Charter.

ARTICLE 6

Finance and Fiscal Procedures

Section 6-1 Fiscal Year

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June, unless the laws of the Commonwealth require another period.

Section 6-2 Submission of Budget and Budget Message

Within the time fixed by Town Bylaw, before the Annual Town Meeting is to convene, the Town Administrator, after approval of the Selectboard, shall submit to the Finance Committee a proposed operating budget for the Town Agencies for which the selectmen are responsible for the ensuing fiscal year with an accompanying budget message and supporting documents. Additionally, elected officials shall submit to Town Administrator, the Selectboard and the Finance Committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents.

Section 6-3 Budget Message

The budget message of the Selectboard shall explain the budget for all Town Agencies.

Section 6-4 The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. The presentation of the budget shall utilize modern concepts of fiscal presentations required by Massachusetts General Law and Department of Revenue regulations so as to furnish maximum information and the best financial control.

Section 6-5 Approval of Warrants

The Selectboard shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the Town Accountant in accordance with the provisions of the laws of the Commonwealth shall be submitted to the Town Administrator for review.

ARTICLE 7

General Provisions; Definitions; Periodic Review

Section 7-1 Charter Changes

This Charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and by statutes enacted to implement the said constitutional provisions.

Section 7-2 Severability

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

person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-3 Specific Provisions to Prevail

To the extent that any specific provisions of this charter shall conflict with any provisions expressed in general terms, the specific provisions shall prevail.

Section 7-4 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; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

Section 7-5 Rules and Regulations

A copy of all rules and regulations adopted by any Town Agency shall be filed in the office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any Town Agency shall become effective until ten days following the date it has been so filed in the office of the Town Clerk.

Section 7-6 Periodic Review, Charter and By-laws

- (a) Charter Review - At least once in every ten (10) years, the Selectboard shall establish a special committee to consist of nine (9) members for the purpose of reviewing this Charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The Committee shall consist of nine (9) members appointed as follows; the Selectboard, the Planning Board, the Council on Aging and the Board of Library Trustees, shall each appoint one (1) person, the Finance Committee shall appoint two (2) persons and three (3) persons shall be appointed by the Town Moderator. Persons appointed by the said Town Agencies may, but need not, be members of the Town Agency by which they are appointed. The Committee shall meet to organize forthwith following the final adjournment of the Annual Town Meeting.
- (b) Bylaw Review - The Selectboard shall at five (5) year intervals, in each year ending in three (3), or in eight (8), cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all bylaws of the town which shall be presented to the Town Meeting for reenactment at the Annual Town Meeting in the year following the year in which the said committee is appointed. The said committee in its final or in an interim report shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with town counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the Town Meeting, copies of the revised by-laws shall be forwarded to the Attorney General of the Commonwealth per MGL for approval and they shall be otherwise published, all as required by the. Copies of the revised by-laws shall be made available for distribution to the public.

Section 7-7 Continuation of Government

All Town Agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town Agency in accordance with the provisions of this Charter.

Section 7 - 8 Definitions

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

- (a) Charter – The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.
- (b) Days – The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) Emergency – The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) General laws – The words "general laws" shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Townsend is a member.
- (e) Laws of the Commonwealth – The words "Laws of the Commonwealth" shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (f) Local Newspaper – The words "local newspaper" shall mean a newspaper of general circulation in the Town of Townsend.
- (g) Majority Vote – The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.
- (h) Multiple Member Body – The words "multiple member body" shall mean any town body consisting of two or more persons and whether styled board, commission committee, subcommittee, or otherwise and however elected or appointed or otherwise constituted.
- (j) Town – The word "town" shall mean the Town of Townsend.
- (k) Town Agency – The words "town agency" shall mean any board, commission, committee, department division or office of the town government.
- (l) Town Bulletin Board – The words "town bulletin board" shall mean the bulletin board at the town hall on which official town notices are posted and those at other locations within which may from time to time be designated as town bulletin boards by by-law, or by vote of the board of selectmen.

SECTION 3. The General Court may make clerical or editorial changes to the Charter only; provided that the Board of Selectmen may, before enactment by the General Court, approve such other changes as reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the Town's petition.

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

all in accordance with the Charter Review Committee's Report to the Board of Selectmen, dated _____, _____; or take any action relative thereto.

SUBMITTED BY: Charter Review Committee

GENERAL BYLAWS AND ADOPTIONS (MAJORITY VOTE)

ARTICLE 15:

To see if the Town will vote to authorize the Board of Selectmen to (i) enter into one or more net metering credit purchase agreements with the owner(s) of solar photovoltaic facilities for periods of up to 20 years, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such net metering credit purchase agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deem to be in the best interests of the Town; or to take any action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 16:

To see if the town will vote to accept Massachusetts General Laws, Chapter 44, Section 55C, and establish a trust to be known as the Townsend Affordable Housing Trust Fund. The purpose of the trust is to provide for creation and preservation of affordable housing in Townsend for the benefit of low and moderate income households and for the funding of community housing, or to take any action in relation thereto.

SUBMITTED BY: Townsend Housing Authority

ARTICLE 17:

To see if the Town will vote to accept Massachusetts General Laws, Chapter 64N, §3, and impose a local sales tax upon the sale or transfer of recreational marijuana by a marijuana retailer operating within the Town at a rate of three (3%) percent of the gross receipts of the vendor from the sale or transfer of recreational marijuana and marijuana products, or take any action in relation thereto.

SUBMITTED BY: Land Use Department

ARTICLE 18:

To see if the Town of Townsend will vote to repeal Chapter 102 of the General Bylaws, entitled "Recycling," in its entirety, and substitute the following new Chapter 102, entitled "Recycling Committee," therefor:

Chapter 102: Recycling Committee

102.1 Administration.

The Recycling Committee by-law shall be administered and supervised by the Townsend Board of Health.

102.2 Recycling Committee Established.

The Recycling Committee (hereafter known as the "Committee"), heretofore established, shall continue in existence to act as advocates for and/or educators of recycling in Townsend.

102.3 Duties and Responsibilities.

The Committee shall serve as facilitator for encouraging the pursuit of recycling in Townsend; shall provide alternative solutions which can contribute to addressing the disposal problems affecting Townsend; and assist the Board of Health with public education concerning recycling and composting, and public events.

102.4 Composition.

The Committee shall consist of three Townsend residents recommended by the Board of Health for appointment by the Board of Selectmen. The term of members will be three years.

Whenever a vacancy occurs in said Committee, said vacancy shall be filled by the appointment of a successor, recommended by the Board of Health and appointed by the Board of Selectmen, to fill out the unexpired term of the person whose office has been vacated.

102.5 Financial Responsibility.

The Committee may raise funds to offset the cost of education and disposal of recyclables in Townsend. Funds may be deposited in a revolving account, if so established pursuant to G.L. c. 44, § 53E½, administered by the Board of Health, and expended for such programs and activities as may be so authorized.

The Committee will submit expenditure requests to the Board of Health for consideration, and if approved, drawn from the aforesaid revolving account without further appropriation.

102.6 Reports.

The Committee shall report on its projects on an annual basis within the Town's annual report, or take any action in relation thereto.

SUBMITTED BY: Board of Health

ARTICLE 19:

To see if the Town will vote to accept G.L. c. 40, § 22D, authorizing the adoption, amendment, alteration or repeal of rules and regulations whereby the chief officer of the Police Department or his or her designee may remove certain vehicles obstructing handicapped ramps, occupying parking spaces designated for the disabled or handicapped, etc.; or take any other action in relation thereto.

SUBMITTED BY: Police Department

ARTICLE 20:

To see if the Town will vote to amend its General Bylaws by adding a new Chapter 113, entitled "Parking," thereto, as follows:

Chapter 113 **Parking**

§ 113-1 **Authority.**

This bylaw is hereby adopted pursuant to G.L. c. 40, §§ 22 and 22A.

§ 113-2 **Definitions.**

EMERGENCY VEHICLES

Vehicles of the Fire Department, vehicles of the Police Department, ambulances, and emergency vehicles of federal, state, and municipal departments or public service corporations when the latter are responding to an emergency in relation to the Police or Fire Departments.

PARKING

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or obedience to an officer or traffic signs or signals, or while making emergency repairs, or if disabled while arrangements are being made to move such vehicle.

PERSON

Any individual, firm, partnership, association, corporation, or other entity.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway including bicycles when the provisions of this bylaw are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks.

§ 113-3 Rules and regulations.

Pursuant to G.L. c. 40, § 22, the Board of Selectmen shall make rules and regulations in furtherance of this bylaw.

§ 113-4 Unofficial signs prohibited.

It shall be unlawful for any person to place or maintain or display upon or in view of any street any unofficial sign, signal, or marking which purports to be or is an imitation of or resembles an official traffic sign, signal, marking, or device, or which attempts to direct the movement of traffic, or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, or marking or cause it to be removed, without notice.

§ 113-5 Obstruction of handicapped spaces and ramps.

No person shall park a motor vehicle in any area designated and posted for use by the handicapped or disabled veterans without handicap vehicle registration plates or a visible handicap placard issued by the Registrar of Motor Vehicles, nor shall any person park in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

§ 113-6 Fire hydrants and fire lanes.

- A. It shall be unlawful to leave any motor vehicle unattended within the limits of any private way furnishing means of access for fire apparatus to any building.
- B. No person shall park any vehicle or leave unattended any vehicle within 10 feet of any fire hydrant.

§ 113-7 Exemptions.

- A. The provisions of this bylaw shall not apply to authorized emergency vehicles as defined in this bylaw while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of such vehicle from the consequences of a reckless disregard for the safety of others.
- B. No penalty shall be imposed upon any disabled veteran or handicapped person whose vehicle bears the distinctive number plate, or displays the special parking identification plate, authorized by G.L. c. 90, § 2, or bears the official identification of a handicapped person issued by any other state, or any Canadian Province, for parking such vehicle on any way for a longer period of time than permitted by this bylaw or by any rule or regulation adopted pursuant to this bylaw.

§ 113-8 Violations and penalties.

- A. The penalty for any violation of this bylaw shall be \$50.00 for each offense; provided, however, that any vehicle violating § 113-5 of this bylaw shall be fined \$100.00 for each offense. Each day a violation exists or continues shall constitute a separate offense.
- B. Any vehicle parked in the following areas in violation of this bylaw may be towed at the request of a police officer and at the owner's expense according to the provisions of G.L. c. 40, § 22D, or G.L. c. 266, § 120D, whichever is applicable:
- (1) in an area designated and posted for use by the handicapped or disabled veterans;
 - (2) in front of a curb ramp designated for use by the handicapped;
 - (3) in an area posted and marked as a fire lane; or
 - (4) in front of a fire hydrant;

or take any other action in relation thereto.

SUBMITTED BY: Police Department

REAL PROPERTY ARTICLES (TWO THIRDS VOTE)

ARTICLE 21:

To see if the Town will vote to authorize the Board of Selectmen to enter into a new twenty (20) year LEASE AGREEMENT with the North Middlesex Regional School District for the Spaulding School located at 1 Whitcomb Street, Townsend, Massachusetts to include the parcel of land referred to as the Fessenden Field and the land upon which the Spaulding School is located, all in conformance with the terms of the North Middlesex Regional School District Agreement; or take any action in relation thereto.

SUBMITTED BY: Board of Selectmen

And you are directed to serve this Warrant, by posting up attested copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET in said Town, at least FOURTEEN (14) days before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

Given under our hands this 7TH day of January, in the year TWO THOUSAND TWENTY.

SELECTMEN OF TOWNSEND



Wayne Miller, Chairman



Don Klein, Vice Chairman

A true copy. ATTEST:

Michelle Dold

CONSTABLE

MIDDLESEX, SS.

RECEIVED
JAN 07 2020

TOWN OF TOWNSEND
TOWN CLERK

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of TOWNSEND by posting up attested copies of the same at: MEMORIAL HALL, 272 MAIN STREET AT THE CENTER, WEST TOWNSEND READING ROOM, 264 DUDLEY ROAD IN WEST TOWNSEND, POLICE STATION, 70 BROOKLINE ROAD, HARBOR FIRE STATION, 41 MAIN STREET AND HARBOR CHURCH, 80 MAIN STREET AT LEAST **FOURTEEN (14) DAYS** BEFORE THE DATE OF THE MEETING, AS WITHIN DIRECTED.

Constable of TOWNSEND

Michelle Dold
SIGNATURE

LOCATION	TIME	MONTH	DAY	YEAR
MEMORIAL HALL	<u>10:00</u>	<u>1</u>	<u>7</u>	<u>2020</u>
HARBOR FIRE STATION	<u>10:35</u>	<u>1</u>	<u>7</u>	<u>2020</u>
WEST TOWNSEND READING ROOM	<u>10:10</u>	<u>1</u>	<u>7</u>	<u>2020</u>
POLICE STATION	<u>10:20</u>	<u>1</u>	<u>7</u>	<u>2020</u>
HARBOR CHURCH	<u>10:30</u>	<u>1</u>	<u>7</u>	<u>2020</u>