



# UXBRIDGE CHARTER



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## ARTICLE 1

### INCORPORATION; SHORT TITLE; POWERS

#### SECTION 1: INCORPORATION

The inhabitants of the Town of Uxbridge 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 Uxbridge.”

#### SECTION 2: SHORT TITLE

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

#### SECTION 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 Uxbridge 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.

The powers of the Town of Uxbridge under this charter are 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 Uxbridge as stated above. Upon the effective date of this act the Town of Uxbridge shall be governed by the provisions of this act. To the extent that the provisions of this act conflict with existing by-laws of the Town of Uxbridge, this act shall govern.

#### SECTION 4: INTERGOVERNMENTAL RELATIONS

Subject to the applicable requirements of any provision of the constitution or statutes of the Commonwealth, the Town of Uxbridge 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.

#### SECTION 5: 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” (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Uxbridge is a member.
- (e) General Laws - The words “General Laws” (used with initial capital letters) 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 Uxbridge.
- (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, however elected or appointed or otherwise constituted.
- (i) Quorum - The word “quorum,” unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies which might then exist.
- (j) Town - The word “town” shall mean the Town of Uxbridge.
- (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 in the town hall on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by by-law.
- (m) Town Officer - The words “town officer” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town.
- (n) Voters - The word “voters” shall mean registered voters of the town of Uxbridge.

## ARTICLE 2

### LEGISLATIVE BRANCH

#### SECTION 1: TOWN MEETING

The legislative powers of the town shall be exercised by a town meeting open to all voters.

#### SECTION 2: MODERATOR

The moderator, elected as provided in Article 3, Section 4, shall preside at all sessions of the town meeting. The moderator may appoint deputy or assistant moderators as needed. The deputy moderator shall serve as acting moderator in the event of the temporary absence or disability of the moderator. The deputy moderator shall have all of the powers of the moderator when presiding at town meeting sessions, but shall have no other powers or duties of the moderator.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the town meeting.

### SECTION 3: FINANCE COMMITTEE

There shall be a finance committee of 7 members of which 4 members shall be appointed by the moderator and 3 members shall be elected by the voters. If an elected position remains open after an election, the moderator shall appoint a member to fill the vacancy until the next annual town election. The term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by by-law. The subject matter of all proposals to be submitted to a town meeting by warrant articles shall be referred to the finance committee by the board of selectmen at the earliest practicable time following their receipt by the board of selectmen. The finance committee shall report the action it recommends be taken on the articles contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Provisions for the format and distribution of such report shall be made by by-law. The finance committee shall have such additional powers and duties as may be provided by general law or by by-law.

### SECTION 4: ANNUAL TOWN MEETINGS

The annual town meetings shall be held on dates fixed by by-law. The annual town meetings shall meet in regular session twice in each calendar year. The first such meeting to be held on a date fixed by by-law, shall be primarily concerned with the determination of matters involving the expenditure of town funds, including but not limited to the adoption of the annual operating budget for all town agencies and for the purpose of electing officers.

The second such meeting, the powers of which shall be deemed to be those of an annual town meeting, except that it shall not include the election of officers or the determination of other matters to be decided by ballots of voters, shall be held during the last four calendar months, on a date fixed by by-law.

### SECTION 5: SPECIAL MEETINGS

Special town meetings may be held in the manner provided by general law.

### SECTION 6: WARRANTS

Every town meeting shall be called by a warrant issued by the board of selectmen 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 of the warrant for every town meeting shall be in accordance with a town by-law governing such matters.

### SECTION 7: INITIATION OF WARRANT ARTICLES

(a) Initiation - The board of selectmen shall receive at any time petitions addressed to it which request the submission of any matter to the town meeting and which are filed by: (1) any elected town officer, or (2) any multiple member body either elected or appointed acting by a majority of its members. The selectman shall insert in the warrant for the annual town meeting all subjects the insertion of which shall be requested of them in

writing by ten or more registered voters of the town and in the warrant for a special town meeting all subjects the insertion of which shall be requested of them by one hundred registered voters or by ten percent of the total number of registered voters of the town whichever is the lesser. The selectmen shall call a special town meeting upon request in writing of 200 registered voters or of twenty percent of the total number of registered voters of the town, whichever is the lesser as provided by General Law.

(b) Referral - Forthwith following the receipt of any petition containing a proposed warrant article, the board of selectmen shall cause a copy of the proposal to be emailed to the chair of the finance committee if an email address is on file in the board of selectmen's office and sent by U.S. Mail to the chair if he/she does not have an email address. The chair of the finance committee shall notify the board of selectmen's office of receipt of the proposed article. In addition a copy of the proposed article shall be posted on the town bulletin board, and the board of selectmen shall cause such other distribution to be made of each such proposal as may be required by law or by-law.

(c) Inclusion on Warrant - The board of selectmen shall include on the warrant, for an annual town meeting, the subject matter of all petitions which have been received by it 60 or more days prior to the date fixed by by-law for town meeting to convene, except in emergencies. The board of selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with the board be included after said date, unless the board, by a majority vote, determines the subject matter to be of an emergency nature. Whenever a special town meeting is to be called, the board of selectmen shall give notice by publication in a local newspaper or broadcast through media or medium that provides public notice throughout the town of such intention and shall notify all town agencies of its intention to do so. The board of selectmen shall include in the warrant, for such special town meeting, the subject matter of all petitions which are received at its office on or before the close of the fifth business day following such publication.

## SECTION 8: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS

Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting at which warrant articles pertinent to their agency are or may be acted upon for the purpose of providing the town meeting with information pertinent to all such matters as appear in the warrant for the town meeting.

In the event any town officer, chairperson of a multiple member body, department or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

## SECTION 9: CLERK OF THE MEETING

The town clerk shall serve as clerk of the town meeting, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, this charter, by-law or other town meeting vote.

## SECTION 10: RULES OF PROCEDURE

The town meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all town meetings.

## SECTION 11: GENERAL POWERS AND DUTIES

All legislative powers of the town, except as otherwise provided by law or this charter, shall be vested in the town meeting. The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made in this charter, or by by-law.

### ARTICLE 3

#### ELECTED OFFICERS

##### SECTION 1: IN GENERAL

(a) Elective Town Offices – The town offices to be filled by the voters shall be a board of selectmen, a school committee, a board of health, and a town moderator.

(b) Other Offices Filled at Town Elections – In addition to the town offices enumerated above, members of an Uxbridge housing authority, a board of library trustees, Edward B. Thayer fund trustees, a Blackstone Valley regional vocational school district committee representative, three members of the finance committee, and such other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement shall also be filled by ballot at town elections.

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

(d) Town Election - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.

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

(f) Coordination – Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or of the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(g) Filling of Vacancies

(1) Elected Multiple Member Body - If there is a vacancy in an elected board consisting of two or more members, other than the board of selectmen and finance



committee, the remaining members shall forthwith give written notice of the existence of any such vacancy to the board of selectmen. The board of selectmen with the remaining members or member of such elected board shall fill such vacancy by a joint vote, after one week's notice of the date on which the vote shall be taken until the next town election, at which time the vacancy will be filled by the voters for the remainder of the original term. If such notice is not given within thirty days following the date on which said vacancy occurs the board of selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

(2) Board of Selectmen – If there is a failure to elect or if a vacancy occurs in the office of selectmen, the remaining selectmen may call a special election to fill the vacancy and shall call such special election upon the request in writing of two hundred voters of the town.

## SECTION 2: BOARD OF SELECTMEN

(a) Composition, Term of Office - There shall be a board of selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly equal number of members as is possible shall expire each year.

(b) Powers and Duties – The selectmen shall have and possess all powers it is possible for selectmen to hold under the general laws of the commonwealth which are not specifically assigned to some other office or agency under this charter or by special act of the legislature.

The board of selectmen shall have the power to enact rules and regulations establishing town policies not otherwise governed by by-law, by this charter, or by statute.

Except as may be authorized by this charter, the selectmen shall deal with all town officers and employees who are subject to the direction or supervision of the town manager solely through the town manager. The selectmen shall not attempt to give orders to such persons, either in public or private.

(c) Licensing Authority - The board of selectmen shall be a licensing board for the town and shall have power to issue licenses and set fees, except as otherwise provided by law and 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 as it may issue as it deems to be in the public interest, and to enforce such conditions and restrictions for which it issues any license.

(d) Appointments - The board of selectmen shall appoint a town manager, to serve for an indefinite term; a town counsel, to serve for an indefinite term; a board of registrars of voters with the necessary technical skills in the operation of the Central Voter Registry/VRIS or any other program as required to accomplish the task, and other election officers in the manner provided by general law; a trust fund commission; a historic cemetery committee; a historical commission; a council on aging; a recreation commission; a cultural arts council; a cable advisory committee. The board of selectmen

may, in addition, from time to time, establish and appoint such study or advisory committees of a temporary nature as it deems necessary or desirable.

(e) Investigations - The board of selectmen may make investigations and may authorize the town manager 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 board of selectmen.

### SECTION 3: SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a school committee consisting of seven members elected for terms of three years each so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties - The school committee shall have all of the powers and duties which are given to the school committees by general laws and it shall have such additional powers and duties as may be authorized by the charter, by by-law, or by other town meeting vote.

The powers of the school committee shall include, but are not intended to be limited to the following:

- (i). to select and to terminate the superintendent.
- (ii). to review and approve budgets for public education in the district.
- (iii). to establish educational goals and policies for the schools in the district with the requirements of law and in accordance with statewide goals and standards established by the board of education.

### SECTION 4: TOWN MODERATOR

(a) Term of Office - There shall be a town moderator elected for a term of three years.

(b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, as provided in Article 2, Section 2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

### SECTION 5: UXBRIDGE HOUSING AUTHORITY

(a) Composition, Term of Office - There shall be an Uxbridge housing authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. Four of these members shall be elected by the voters and the fifth member shall be appointed as provided in the General Laws.

(b) Powers and Duties - The Uxbridge housing authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Uxbridge housing authority shall have such other powers and duties as are assigned to housing authorities by General Law.

## SECTION 6: BOARD OF LIBRARY TRUSTEES

(a) Composition, Term of Office – Six members of the board of library trustees shall be elected for terms of three years each, so arranged that the term of office of an equal number of members shall expire each year.

(b) Powers and Duties - The library trustees shall have the custody and management of the public library and of all property of the town related to the said library. All of the funds of money and property that the town may receive by gift or bequest for the purpose of library support and maintenance shall be administered by the board in accordance with the provisions of any such gift or bequest. The board shall have all of the other powers and duties which have been given to boards of library trustees by general law, by this charter, by by-laws or by town meeting vote.

## SECTION 7: BLACKSTONE VALLEY REGIONAL VOCATIONAL SCHOOL DISTRICT COMMITTEE (UXBRIDGE REPRESENTATIVE)

(a) Composition, Term of Office – The voters shall elect such members of the Blackstone Valley regional vocational school committee for such terms as may be provided under the agreement and laws establishing the same.

(b) Powers and Duties - The members of the Blackstone Valley regional vocational school committee shall, along with members of the committee from other municipalities participating therein, be responsible for the management and supervision of said school according to the agreement and laws governing the same.

## SECTION 8: BOARD OF HEALTH

(a) Composition, Term of Office – There shall be a board of health elected by the voters which shall consist of three members serving for terms of 3 years each so arranged that the term of one member shall expire each year.

(b) Powers and Duties - The members of the board of health shall have the powers and duties which have been conferred upon their office by federal law, general law, this charter, town by-law or by town meeting vote.

## SECTION 9: OTHER ELECTED OFFICERS

Powers and Duties – All other elected officers shall have the powers and duties which have been conferred upon their offices by general law, by this charter, by by-laws or by town meeting vote.

## SECTION 10: RECALL OF ELECTED OFFICIALS

- (a) Application – An official who holds an elected town office and has more than 6 months remaining in the official’s term of office may be recalled from the office by the voters in the manner provided in this section.
- (b) Recall Petitions – A recall affidavit, signed by not less than 50 voters in each of the precincts into which the town is divided, shall be filed with the town clerk and shall contain the name of the official whose recall is sought. The board of registrars of voters shall, not more than 7 days after the filing of the affidavit, certify the names of voters whose signatures are affixed to the affidavit. Not more than 7 days after the certification, the town clerk shall issue petition blanks demanding the recall by notifying the 10 voters who have been identified as the lead petitioners or, if no such lead petitioners have been identified, then the first 10 voters named on the affidavit of the availability of the petition blanks . The town clerk shall keep printed petition blank forms available. The petition blanks shall be addressed to the board of selectmen and shall contain the typewritten or printed names of the first 10 voters named on the petition blanks or the 10 voters who were otherwise identified as the lead petitioners, as applicable. The petition blanks shall demand the election of a successor to the office and shall be dated and signed by the town clerk by hand or electronically. A copy of the petition blanks shall be entered into the record book to be kept in the office of the town clerk.
- The recall petitions shall be returned to the office of the town clerk not more than 14 days after the date they are issued and shall be signed by not less than 20 per cent of the qualified voters of the town as of the date that the affidavit was filed with the town clerk. Not more than 5 days after the recall petitions have been returned to the office of the town clerk, the town clerk shall submit the petitions to the board of registrars of voters who shall, not more than 5 days after receiving the petitions, certify the names of the voters who signed the petitions.
- (c) Recall Elections – If the petitions are certified by the board of registrars of voters as having a sufficient number of voter signatures, the town clerk shall immediately submit the petitions and the certification thereof to the board of selectmen. Upon receipt of the certified petitions, the board of selectmen shall immediately give written notice of the petitions to the official whose recall is sought. If the official does not resign from office within 7 days after delivery of the notice, the board of selectmen shall order a special election. The special election shall be held not less than 64 days nor more than 90 days after the election is ordered . If a regular annual town election is to be held not less than 64 days nor more than 90 days after the date of the certification, the recall election shall be held in conjunction with that election and not at a special election. If a vacancy occurs in the position from which the official is being recalled after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
- (d) Nomination of Candidates – An official whose recall is sought shall be a candidate to succeed to the same office unless the official requests otherwise. If the official requests otherwise in writing, the town clerk shall place the name of the official on the ballot without nomination. Unless otherwise provided in this section, the nomination of other

candidates, the publication of the warrant for the recall election and the conduct of the election shall be in conformity with the laws relating to town elections generally.

(e) Propositions on the Ballot –

(1) Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of official)

Against the recall of (name of official)

Adjacent to each proposition shall be a place to vote for that proposition.

(2) After the propositions shall appear the word “candidates” and the names arranged alphabetically.

(3) If a majority of the votes cast is in favor of the recall and not less than 25 per cent of the total number of qualified voters as of the date of the most recent town election have participated in the recall election, the official shall be deemed to be recalled. If the official is recalled, the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

(f) Officeholder – The official whose recall is sought shall continue to hold office and perform the duties of the office until the recall election. If not then recalled, the official shall continue in office for the remainder of the unexpired term, subject to recall as provided in subsection (g).

If the official is recalled, the office shall be deemed vacant upon the certification of the election results and the candidate who receives the highest number of votes shall then serve for the balance of the unexpired term.

(g) Repeat of Recall Petition – No recall affidavit shall be filed:

(i) against an official within 6 months after taking office; and

(ii) in the case of an official previously subject to a recall election and not recalled by such election, until not less than 6 months after the election at which the recall was submitted to the voters.

SECTION 2. This act shall take effect upon its passage.

#### ARTICLE 4

#### TOWN MANAGER

SECTION 1: APPOINTMENT; QUALIFICATION; TERM

The board of selectmen shall appoint the town manager to serve at the pleasure of the board and who shall be the chief administrative officer of the town. The town manager shall be appointed on the basis of demonstrated executive and administrative ability. The town manager shall be a person deemed to be qualified by education, training and previous experience to perform the duties of the office.

The town manager is responsible to the people of Uxbridge and is charged with providing for the efficient, effective and economical operation of all governmental agencies and personnel under the control and supervision of the town manager.

The town manager shall attend and shall be a non voting active participant in meetings of the board of selectmen.

A town manager need not be resident of the town or of the Commonwealth. The town manager shall not have served as a member of the board of selectmen in the town government for at least twelve months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and proper.

The town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless such action is approved in advance and in writing by the board of selectmen.

The board of selectmen shall provide for an annual review of the job performance of the town manager which shall, at least in summary form, be a public record.

## SECTION 2: POWERS AND DUTIES

The powers and duties of the town manager 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 manager is given authority, responsibility or control by this charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise. In furtherance of these duties, the town manager may inquire, at any time, into the conduct or performance of duties of any officer or employee, department, board, commission or other town agency.

(b) To appoint a town accountant; a town treasurer/collector; a town clerk; an assessor; a police chief; a fire chief; a superintendent of public works; an emergency management director and related emergency management personnel; a conservation commission; an industrial development committee; a capital planning committee; an inspector of buildings; a wire inspector; an inspector of gas appliances and gas fittings; a plumbing inspector; a sealer of weights and measures in accordance with the civil service law and rules; a parking clerk; a right-to know coordinator; a veteran's services director, veteran's agent, veteran's graves officer and burial agent; a dog officer; a zoning board of appeals; a tree warden; and a planning board.

All of the above appointees shall have all of the powers and duties which have been given to them by general law, by this charter, by by-laws or by other town meeting vote.

Unless otherwise provided all appointments made by the town manager shall be for a term of three years, appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms as possible shall expire each year.

(c) To appoint, to remove, subject to applicable statutory provisions or collective bargaining agreements, all department heads, officers, members of boards and commissions and employees for whom no other method of selection or removal is provided by this charter or by law. Copies of the notices of all such appointments shall be posted on the town bulletin board.

(d) To administer a town personnel system, including, but not by way of limitation, personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.

(e) To fix, subject to appropriations, the compensation of all officers and employees appointed by the town manager unless such compensation is otherwise fixed.

(f) To be responsible for the maintenance and repair of all town buildings and facilities placed under the town manager's control by this charter, by by-law, by vote of the town or otherwise.

(g) To negotiate all contracts involving any subject within the jurisdiction of the office of town manager, including contracts with town employees, involving wages, hours, and other terms and conditions of employment.

(h) To be responsible for the purchase and disposal of all supplies, materials and equipment for all departments and activities of the town unless otherwise provided by statute or by-law.

(i) To reorganize, consolidate or abolish, in the manner provided in Article 5, Section 1(a), town agencies serving under the supervision of the town manager, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(j) To coordinate the activities of all town agencies serving under the office of town manager and the office of board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town manager shall have authority to require the persons so elected, or their representatives, to meet with the town manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town.

(k) To perform any other duties as required to be performed by the town manager by by-laws, administrative code, votes of the town meeting, or votes of the board of selectmen, or otherwise.

### SECTION 3: DELEGATION OF AUTHORITY

The town manager 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 manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town manager.

### SECTION 4: ACTING TOWN MANAGER

- (a) Temporary Absence - By letter filed with the town clerk, the town manager with the approval of the board of selectman shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town manager during a temporary absence.
- (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen in the manner provided in Article 4, Section 1, but, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen.

### SECTION 5: REMOVAL AND SUSPENSION

The board of selectmen by the affirmative votes of three or more members may terminate and remove, or suspend, the town manager from office in accordance with the following procedure:

- (a) Board members shall not be eligible to vote under this provision until in office for a minimum of one year.
- (b) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of at least three of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith.
- (c) Within five days after receipt of the preliminary resolution the town manager may request a hearing by filing a written request for such hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than thirty days after the request is filed nor earlier than twenty days. The town manager may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided the same is received at its office more than forty-eight hours in advance of the hearing.
- (d) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of three of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the town manager, if the town manager has not requested a hearing; or,



within ten days following the close of the hearing if the town manager has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of said time, forthwith resume the duties of the office.

The town manager shall continue to receive a salary until the effective date of a final resolution of removal.

The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the board of selectmen.

## ARTICLE 5

### ADMINISTRATIVE ORGANIZATION

#### SECTION 1: ORGANIZATION OF TOWN AGENCIES

The organization of the town into operating agencies for the provision of services and the administration of the government may 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 by-law, 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 assigned to any other town agency, unless this charter specifically so provides.

(b) Administrative Code - The town manager may from time to time prepare and propose plans of organization or reorganization for the orderly, efficient or convenient conduct of that portion of the business of the town for which the town manager is responsible by or under this charter.

Whenever the town manager prepares such a plan the town manager and the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper or broadcast through media or medium that provides public notice throughout the town, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than fourteen 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 board of selectmen for its final review.

An organization or reorganization plan submitted by the town manager shall become effective at the expiration of thirty days following the date of its submission to the board of selectmen unless the board of selectmen by a vote of a majority of its members has sooner voted to approve or to reject it.

## SECTION 2: PUBLICATION OF ADMINISTRATIVE CODE AND STAFFING PLAN

For the convenience of the public, the administrative code and any amendment thereto shall be printed as an appendix to the by-laws of the town of Uxbridge.

## ARTICLE 6

### FINANCE AND FISCAL PROCEDURES

#### SECTION 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 another period is required by general law.

#### SECTION 2: SCHOOL COMMITTEE BUDGET

(a) Public Hearing - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any variations from the current budget. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The school committee shall take its vote on its proposed budget after the public hearing.

(b) Submission to Town Manager - The budget as adopted by the school committee shall be submitted to the town manager within the time fixed by the town manager in accordance with Article 6, section 6(d) to enable the town manager to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this article.

#### SECTION 3: ELECTED OFFICIALS' BUDGETS

The budgets as prepared by all elected officials shall be submitted to the town manager within the time frame fixed by the town manager, in accordance with Article 6, Section 6(d).

#### SECTION 4: SUBMISSION OF BUDGET AND BUDGET MESSAGE

Within the time fixed by the town manager, before the town meeting is to convene in its annual session, the town manager, after presentation to the board of selectmen, shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town manager shall simultaneously provide for the publication in a local newspaper or broadcast through media or medium that provides public notice throughout the town a general summary of the proposed budget. The summary shall

specifically indicate any variations from the current operating budget. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

#### SECTION 5: BUDGET MESSAGE

The budget message of the town manager shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the town manager deems desirable, or the board of selectmen may reasonably require.

#### SECTION 6: THE BUDGET

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate:

- (a) Proposed expenditures for current operations during the ensuing fiscal year detailed by town department and position in terms of work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town department, and the proposed method of financing each such capital expenditure; and
- (c) Estimated surplus revenue and unencumbered funds at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

General long-term debt group of accounts and a statement of general long-term debt that shall include: inside and outside debt limit, date of bond, maturity year, rate of interest, amount of original issue, bonds outstanding at end of current fiscal year, and bonds outstanding at end of proposed budget year.

- (d) Time for Submission of Proposed Operating Budgets – For the purpose of Article 6-Section 2(b) and Article 6-Section 3 the following shall apply: The town manager shall submit a proposed town operating budget to the finance committee not less than sixty days prior to the date on which the town meeting is to convene in its annual session. The school committee shall submit its proposed operating budget to the town manager at least seventy-five days prior to the date on which the town meeting is to convene in its annual session.

## SECTION 7: ACTION ON THE BUDGET

(a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the finance committee shall provide for the publication in a local newspaper or broadcast through media or medium that provides public notice throughout the town a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(b) Review - The finance committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The finance committee may require the town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) Action by Town Meeting - The finance committee shall file a report containing its recommendations for the action to be taken by the town meeting on each line item in the proposed operating budget, which report shall be available at least seven days before the date on which the town meeting acts on the proposed budget. When the amendments which have been submitted subsequent to its initial filing, is before the town meeting for action it shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

(d) Reports of the Finance Committee – The report of the finance committee shall be printed and copies shall be made available for distribution to every person who shall request a copy thereof at the office of the town clerk, at the public library, and at other places in the town chosen by the finance committee for the convenience of the voters. The reports shall be available at least seven days before the town meeting is to act on any article contained in the warrant for the said town meeting.

## SECTION 8: CAPITAL PLANNING PROGRAM

The town manager shall submit a capital plan to the board of selectmen and the finance committee and hold a public hearing at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by a capital planning committee., The material shall include :

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

#### SECTION 9: APPROVAL OF WARRANTS

The town manager 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 general laws shall be submitted to the town manager. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen alone shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

#### SECTION 10: AUDITS

The board of selectmen shall provide for an independent audit of all financial books and records of the town, whenever it deems an audit of the whole town, or, of any particular town agency, to be necessary.

Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

### ARTICLE 7

#### GENERAL PROVISIONS

##### SECTION 1: CHARTER CHANGES

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

##### SECTION 2: SEVERABILITY

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

##### SECTION 3: SPECIFIC PROVISIONS TO PREVAIL

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

## SECTION 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 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 6: PERIODIC REVIEW, CHARTER AND BY-LAWS

- (a) Charter Review –The board of selectmen shall, at ten year intervals in each year ending in a zero, appoint a special committee to be composed of nine members. Appointments to the committee shall be made as follows: the board of selectmen, school committee, and finance committee shall each designate two members, and the town moderator shall appoint three members, Persons appointed shall not be members of the boards or committees appointing them. Following the final adjournment of the annual town meeting, the committee shall meet to organize forthwith.

Such committee shall be established for the purpose of reviewing this charter and to make a report to town meeting. Such report shall include any proposed amendments to the charter as the committee may determine to be necessary or desirable. The committee shall report to the annual town meeting in the year following its appointment.

- (b) By-law Review - The board of selectmen shall at five year intervals, in each year ending in five, or in zero, cause to be prepared by a special committee appointed by it for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment not later than 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 the 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 for approval, and they shall be otherwise published, all as required by general laws. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

## SECTION 7: 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 chairperson or by one-third of the members thereof by suitably 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 week after the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(b) Agendas - At least forty-eight hours 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 on the town bulletin board. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, as resolution declaring that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.

(c) Rules and Minutes of Meetings - 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 certified copies shall be kept available 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 journal, provided, however, that if the vote is unanimous only that fact need be recorded.

(e) 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 appointing authority. If, at the expiration of thirty days following the delivery of such notice to the appointing authority said 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.

(f) 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 8: REMOVALS AND SUSPENSIONS

Any appointed town 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 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 just cause. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee 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 certified mail, return receipt requested, to the last known address of the person sought to be removed.

(b) Within five days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing 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 and ten 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 and fifteen 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 rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the term for which such person was appointed has expired.

## SECTION 9: 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 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 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 10: LOSS OF OFFICE, EXCESSIVE ABSENCE

If any person appointed to serve as a member of a multiple member body shall fail to attend five or more consecutive regular meetings, or one-half or more of all of the meetings of such body held in one 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 days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.