

CHARTER COMMITTEE MEETING
MINUTES OF THE MEETING – MONDAY FEBRUARY 28, 2022

CALL TO ORDER

- **Chairman Raymond called the meeting to order on Monday February 28, 2022 at 6:00 p.m.**
- *Present:* Chairman Jeff Raymond; Acting Clerk Frank Piscitelli; Members: Paul Concemi, Scott Despres, Jen O’Connell, Charles Cooper, and Lenny Mort; Town Manager Sean Hendricks (Ex-Officio).
- *Absent:* None
- *Others:* Selectmen Christopher Naff

APPROVAL OF MINUTES

- **Member Concemi made a motion to accept minutes from the meeting on February 7, 2022.**
- **Chairman Raymond – Seconded**
- **Vote: Unanimous; Motion Passes.**

GROUND RULES

- **Chairman Raymond reminded all members of the ground rules for the meeting**

TIMELINE

- **Brief review of the remaining timeline for the Committee**
- March 4, 2022 is the date the work of the Committee needs to be submitted to the Town Manager to meet needs of scheduling a public hearing and allow for time to place the proposed changes on the warrant for Town Meeting.
- Committee proposals will be presented to the Board of Selectmen at the first meeting in March.
- A public hearing on the proposed changes is required before Town Meeting.

TOWN MANAGER SCREENING COMMITTEE

- **Chairman Raymond – Proposes a procedural fix to prevent conflicts of interest.**
- **Motion to Amend (iv):** *“Employees who directly or indirectly report to the town manager, as defined by the organizational chart, or who are employed by the Town of Millbury under a collective bargaining agreement negotiated by the Town Manager, are prohibited from serving on this committee”*
- **Member Despres – Second for Discussion**
- Town Manager Hendricks– Change would include all town employees
- Member O’Connell – Should include spouses of town employees
- Member Cooper – Not in favor of change.

- Member Despres – Okay with prohibition on Department heads, but need people who understand how government operations work.
- Town Manager Hendricks – Does it include appointed volunteers under the organizational chart? The person with a conflict is the first person to recognize and ask for clarification.
- Member O’Connell – By excluding employees town employees, the emotion is taken out of the debate.
- Member Piscitelli – Rather than an outright prohibition, language could be included to check with the ethics commission prior to appointment.
- **Vote: In Favor** – Chairman Raymond, Member Concemi, Member Mort, Member O’Connell, and Member Piscitelli. Opposed – Member Cooper.
- **5 (In Favor) – 1 (Opposed); Motion Passes.**

REPORT TO BOS

- **Chairman Raymond showed the Committee the preliminary draft report to BOS to this point. Includes motions passed, rational section, and recommendations to BOS for by-law changes. A rational section will be included only for BOS Report.**
- Article I – Housekeeping/Cosmetic > Started with sections with minor changes (cosmetic, language, grammar, etc.)
- Article II – Changes which bring the Charter in line with best practices under Law
- Article III – Charter Review Committee Appointments
- Article IV – Town Manager Screening Committee
- Article V – Article 8
- Article VI – Planning Board: Elected to Appointed
- Article VII - Compensation

ARTICLE 8

- **Town Manager and BOS Appointments**
- Town Manager Hendricks – List is too long; Council on Aging reduce from 11 members to 7 members. Change Highway Surveyor, Public Works Manager, and Town Engineer to list of TM appointments
- Report of the Finance Committee from proposal prior move from Article 6-6 to Article 6-7
- Discussed the positions on the list that have become Appointed Officials
- Board of Fire Engineers – Remove Administrative Assistant from Auxiliary Staff

ARTICLE 3-7

- **Member Concemi – Researched Planning Board and potential changes.**
- Town of Sutton has a hybrid board: Five (5) members, three (3) elected (1 each year) and two (2) appointed, with one (1) alternate (appointed by TM)
- Best of both worlds
- How it Would Help: Accountability, Longevity, and Bigger Pool of Candidates
- Town of Ipswich Study (2019) – Elected vs. Appointed: Final say is Town Meeting. Ultimately the Charter Review Committee is only presenting a proposed change, it is up to Town Meeting to decide if it is right for the town.

- Member Despres – Never been in favor of changing elected positions to appointed; objection last time was grounded in choosing the BOS as the appointing entity.
- Member Piscitelli – Agrees with Member Despres about changing elected to appointed. In favor of hybrid board.
- Member O’Connell – Mechanics of what positions become appointed. Everyone voted in completes their term.
- Chairman Raymond – Would add planning board to Article 4-2 list of appointments, would be added to Article 7, Section 11.
- Town Manager Hendricks – None of the change in elected officials would change until 2024; articles passed this year are not fully ratified until April of 2023; Chairman Raymond’s language of three year terms, maybe should be 5 years (general); associate member, not alternate.
- Member Concemi – 5 year terms accomplish longevity; one to two years to get up to speed; prevents people from running and blocking one particular project. Sutton the Associate is appointed by the TM.
- Member Cooper – How does changing the compensation of the Planning Board? Would compensation be removed for appointed officials on Planning Board
- Member O’Connell – Currently the Planning Board, Board of Selectmen, and Board of Health are compensated.
- Chairman Raymond – Expressed the hope that a proposed change would not hinge on compensation.
- Selectmen Naff – In favor of continued compensation for the Planning Board (FINCOM too).
- Member Despres – Discussed Associate Members and dual appointment by statute.
- **Motion:** *“There shall be a planning board consisting of five members appointed by the town manager for terms of five years each, so arranged that the term of office of as nearly an equal members as possible shall expire each year”*
- **Vote: Unanimous; Motion Passes; To be presented at Town Meeting as Article VI from Charter Review Committee**

ARTICLE 3, SECTION 1

- **Member Concemi: Planning Board Compensation discussion. Proposes that the “the planning board will be compensated”**
- **Member Cooper – Seconded for Discussion**
- **Motion:** *“Change Article 3-1 to include ‘Elected and appointed town officers”*
- **Member Piscitelli – Seconded**
- **Vote: In Favor** – Member Concemi, Member Mort, Member O’Connell, Member Cooper, and Member Piscitelli. **Opposed** – None. **Abstained** – Chairman Raymond.
- **5 (In Favor) – 0 (Opposed) –1 (Abstained); Motion Passes.**

FINAL REPORT

- **Member Concemi – Motion to allow Chairman to make edits to report discussed at meeting without coming back to the board**
- **Member Piscitelli – Second**
- Final copy to be sent to Committee members

- Incorporated as a document within the minutes.
- **Vote: Unanimous; Motion Passes.**

UPCOMING EVENTS

- Presented at BOS next week (March 2022)
- Public Hearing Request per MGL
- Post Town Meeting Wrap-Up to approve any minutes or handle needs

MEETING DOCUMENTS

(1) Final Report of the Charter Review Committee

NEXT MEETING

- TBD


MEETING ADJORNED

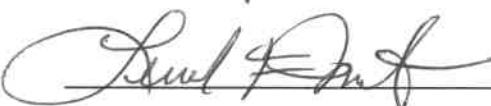
- **Chairman Raymond adjourned the meeting at 8:12 p.m.**

Signed:











Millbury Board of Selectmen
127 Elm Street
Millbury, MA 01527

2 March 2022

cc: Sean Hendricks, Town Manager
Jayne Davolio, Town Clerk
Amy Fleming, Executive Assistant

RE: Charter Review Committee Final Report

Millbury Board of Selectmen,

Section 7-6 of the Millbury Town Charter establishes a Charter Review Committee, designed to review the Millbury Town Charter and "make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable." With submission of this document, the Charter Review Committee completes its final report for the spring 2022 town meeting and provides a series of recommendations for consideration on the pages that follow.

This document reflects the work of many residents of the Town of Millbury over a nearly three-year process marked by a change in town managers and an unprecedented worldwide pandemic. As a result of our study and deliberations, we hereby submit seven warrant articles that propose a variety of changes, both cosmetic and consequential, to improve our charter.

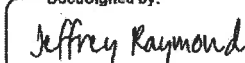
The current membership of the committee, in particular, would like to thank the following former members for their support and their time:

Michael O'Connor (former chair)
Roger Desrosiers
David Cofske

Kaye Peltier (former vice-chair)
Marie Cafferty (passed away in 2021)
Stephen Noonan

Per M.G.L. c. 43B, § 10 (b), the Charter Review Committee requests a public hearing before the Board of Selectmen prior to the next Town Meeting to present these proposed changes to residents of the Town of Millbury.

On behalf of the Charter Review Committee,

DocuSigned by:

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Jeff Raymond, Chair (signed)
Charles Cooper
Leonard Mort
Frank Piscitelli

Paul Concemi, Vice-Chair
Scott Despres
Jennifer O'Connell

CHARTER REVIEW COMMITTEE PROPOSED WARRANT ARTICLES

First Article: Minor and/or Cosmetic fixes:

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 1-7 is amended to remove the following subsection designations while retaining the definitions that follow them as written:
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)
 - (h)
 - (i)
 - (j)
 - (k)
 - (l)
 - (m)
 - (n)
- **Rationale:** The subsection designations in Section 1-7 are unnecessary and create additional work for current and future Town Charter amendments.
- Section 1-7, following the definition of “Voters,” is amended to include the following:
 - *Warrant* - the word “warrant” shall mean an authorization for action.
 - **Rationale:** The word “warrant” has several meanings, and this change clarifies the existing understanding and intention of the term in the charter.
- Throughout the Charter:
 - Instances of “town” within the Town Charter which refer explicitly to the Town of Millbury are changed to “Town” as follows:
 - Section 2-1, “...powers of the Town...”
 - Section 2-11, “All powers of the Town, except...”

- Section 2-11, "...all of the powers of the Town..."
- Section 2-11, "...imposed upon the Town..."
- Section 3-1, (b), "...by ballot at Town elections."
- Section 3-2, (b), "...The executive powers of the Town..."
- Section 3-2, (b), "...chief executive office of the Town..."
- Section 3-2, (b), "...agency of the Town..."
- Section 3-2, (c), "...licensing board for the Town..."
- Section 3-2, (e), "...affairs of the Town..."
- Section 3-2, (e), "...claims against the Town."
- Section 3-6, (b), "...areas within the Town."
- Section 3-7, (b), "...needs of the Town and shall make plans for the development of the Town."
- Section 3-7, (b), "...future growth and development of the Town."
- Section 3-7, (b), "...land within the Town..."
- Section 3-7, "...condition of the Town."
- Section 3-8, "...property of the Town..."
- Section 3-10, "...taxation within the Town."
- Section 4-1, "...appropriated by the Town."
- Section 4-1, "...resident of the Town..."
- Section 4-1, "...the Town government for at least..."
- Section 4-1, "The Town may from time to time..."
- Section 4-2, "...chief administrative officer of the Town..."
- Section 4-2, "...administration of all Town affairs..."
- Section 4-2, (b), "...posted on the Town bulletin board..."
- Section 4-2, (c), "...administration of a Town personnel system..."
- Section 4-2, (c), "...entered into by the Town."
- Section 4-2, (c), "...each Town agency..."
- Section 4-2, (f), "...activities of the Town..."
- Section 4-2, (g), "...needs of the Town..."
- Section 4-2, (h), "...all Town facilities..."
- Section 4-2, (h), "...all Town buildings..."
- Section 4-2, (i), "...operating budget for the Town..."
- Section 4-2, (j), "...property of the Town..."
- Section 4-2, (k), "...including contracts with Town employees..."
- Section 4-2, (l), "...activities of the Town..."
- Section 4-2, (l), "...received by any Town agency..."
- Section 4-2, (l), "...surplus by any Town agency..."
- Section 4-2, (m), "...Town by-laws..."
- Section 4-2, (n), "...other Town agency."
- Section 4-2, (p), "...Town agencies serving..."
- Section 4-2, (q), "...all Town agencies serving..."
- Section 4-2, (q), "...all agencies of the Town."
- Section 5-1, "The organization of the Town..."
- Section 5-1, (a), "...abolish any Town agency..."

- Section 5-1, (a), "...establish such new Town agencies..."
- Section 5-1, (a), "...assigned to any other Town agency..."
- Section 5-1, (b), "...business of the Town..."
- Section 5-1, (b), "...abolish any Town agency..."
- Section 5-1, (b), "...establish such new Town agencies..."
- Section 5-1, (b), "...voted by the Town..."
- Section 5-1, (b), "...appropriation of one Town agency..."
- Section 5-1, (b), "...particular Town agency..."
- Section 5-1, (b), "...any other Town agency..."
- Section 5-2, "...by-laws of the Town of Millbury."
- Section 6-1, "The fiscal year of the Town..."
- Section 6-2, "...total Town operating budget..."
- Section 6-3, "...proposed Town budget..."
- Section 6-5, "...all Town agencies..."
- Section 6-5, "...financial policies of the Town..."
- Section 6-5, "...summarize the Town's debt position..."
- Section 6-6, "...all Town funds and activities..."
- Section 6-6, (a), "...detailed by Town agency..."
- Section 6-6, (b), "...detailed by Town agency..."
- Section 6-7, (b), "...each Town agency..."
- Section 6-7, (b), "...any other Town agency..."
- Section 6-9, "...chief fiscal officer of the Town."
- Section 6-9, "...payment of Town funds prepared by the Town accountant..."
- Section 6-9, "...payment by the Town treasurer..."
- Section 6-10, "...and records of the Town..."
- Section 6-10, "...of any particular Town agency..."
- Section 6-10, "Audits of the Town's financial books..."
- Section 6-10, "...in the affairs of the Town."
- Section 7-5, "...adopted by any Town agency..."
- Section 7-6, (b), "...of all by-laws of the Town..."
- Section 7-6, (b), "...change in Town by-laws..."
- Section 7-8, "...employee of the Town..." as found in the first paragraph, the second paragraph, and the third paragraph.
- Section 7-8, (b), (c), "...employee of the Town."

- **Rationale:** This provides added clarity as to when "town" refers to "Town of Millbury" as opposed to specific municipal offices or organizations.

- Section 2-3, (b) is amended as follows:
 - (b) *Finance Committee* – There shall be a finance committee the members of which shall be appointed by the moderator. The number of members, 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. 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.
 - **Rationale:** The language as presently written implies that only the “subject matter” of proposed warrant articles should go to the Finance Committee, while the intention and current practice is that all proposed articles are submitted for review.

Second Proposed Article: Updates and Alignment With Best Practices and Current Law

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 3-1, (b) shall be amended to include “or state elections” following the words “town elections”:
 - **Rationale:** The local representative for Blackstone Valley Regional Vocational Technical High School is elected at the statewide elections in the fall, rather than the town election in the spring. This change ensures the election of this representative is aligned with state law and regional practice.
- Section 3-2, (e) shall be amended as follows:

(e) *Investigations* – The board of selectmen may make investigations and may authorize through the police department, the town manager, the town counsel or other appropriate entity 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 and a report summarizing the results of such investigation shall be printed in the next annual town report.

 - **Rationale:** As presently written, this section leaves open the implication that either *only* the Board of Selectmen may investigate, or that *anyone* the Board of Selectmen designates may investigate. This ensures that the appropriate entities are engaged as part of any investigatory process, aligned with current best practices.
- Section 3-8, (a) shall be amended as follows:

(a) There shall be a board of library trustees consisting of six members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

 - **Rationale:** Massachusetts General Law Chapter 78, Section 10, specifies “a board of trustees consisting of any number of persons... divisible by three...”. Changing “seven” to “six” brings Millbury in line with state law.

- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to Article 2.55.030 of the Millbury Municipal Code to reflect this change.
- Throughout the Charter:
 - Instances of “board of selectmen” within the Town Charter which refer to the Town of Millbury are changed to “Select Board” in the following sections:
 - Section 2-3
 - Section 2-5
 - Section 2-6
 - Section 2-7
 - Section 3-1
 - Section 3-2 (including the title)
 - Section 4-1
 - Section 4-2
 - Section 4-4
 - Section 4-5
 - Section 5-1
 - Section 6-4
 - Section 6-5
 - Section 6-6
 - Section 6-8
 - Section 6-9
 - Section 6-10
 - Section 7-6
 - **Rationale:** While the Charter Review Committee acknowledges a previous unsuccessful effort to change the name of the Board of Selectmen to Select Board, it similarly recognizes the increased adoption of the term in the region, the media, and other private organizations since that prior effort.
 - The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect this change.
- Section 7-4 shall be amended as follows:
 - 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 any specific gender identity shall include any and all gender identities.

- **Rationale:** It is the view of the Charter Review Committee that there is no drawback present in adjusting language concerning gender identity to be more inclusive of the current and potential population in town.
- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect this change.

Third Proposed Article: Update to the Charter Review Committee Appointments

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 7-6 shall be amended as follows:
 - Replace the sentence “The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the school committee, and the finance committee shall each designate two persons, and three persons shall be appointed by the town moderator,” with the following:

The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the school committee, the town moderator, and the finance committee shall each designate two persons, and the board of library trustees shall designate one person.

- **Rationale:** As the Board of Library Trustees possess a governing authority similar to the other groups listed in this section, providing that elected board with a selection without increasing or reducing the total number of seats on the committee or the number of seats appointed by multiple-member boards is reasonable.

Fourth Proposed Article: Update to the Town Manager Screening Committee Process

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Remove Section 8-5, (c), in its entirety.
- Article 4 shall be amended as follows:

- The first sentence of Section 4-1 is amended as follows:

The board of selectmen shall appoint a town manager from a list prepared by a screening committee established in SECTION 4-6: TOWN MANAGER SCREENING COMMITTEE.

- The fourth sentence of Section 4-1 is amended as follows:

The town manager shall be a person qualified by education, training and previous experience to perform the duties of the office, as set forth in Millbury Municipal Code Title 2, Section 2.20.010 ("Screening Committee for Selection of Town Manager").

- A new section, SECTION 4-6: TOWN MANAGER SCREENING COMMITTEE, is added to follow Section 4-5, containing the following text:

Within thirty days following notice of a vacancy or resignation of the town manager, a screening committee to evaluate candidates to serve as town manager shall be established. The town manager screening committee shall consist of nine residents who shall be chosen as follows: the Select Board, the school committee, the board of assessors, the finance committee, and the library trustees shall each designate one person, and four persons shall be chosen by the town moderator.

(i) Persons chosen by said agencies may, but need not, be members of the agency by which they are designated.

(ii) Appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the town manager screening committee to be most representative of the demographic and occupational base of the town.

(iii) Members of the Select Board are prohibited from serving on the town manager screening committee.

(iv) Employees who directly or indirectly report to the town manager, as defined by the organizational chart, or who are employed by the Town of Millbury under a collective bargaining agreement negotiated by the Town Manager, are prohibited from serving on the town manager screening committee.

The town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the Select Board the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.

Within thirty days following the date the list of nominees is submitted to it, the Select Board shall choose one of the said nominees to serve as town manager. In the event the Select Board shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the town manager.

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

- **Rationale:** These changes: 1) place the Town Manager Screening Committee in its proper and expected location in the charter, 2) ensure that members of the Board of Selectmen/Select Board (who ultimately hire the Town Manager) do not also exercise undue weight in the selection process, 3) replace the non-existent Personnel Board with the Board of Library Trustees for purposes of selecting a member (as the Town Manager/Acting Town Manager is currently responsible for this appointment), 4) make explicit the prohibition of those with relevant conflicts of interest surrounding their employment with the Town or with town

agencies, and 5) specifies that members of the committee should be residents of the Town of Millbury.

- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect this change.

Fifth Proposed Article: Updates and Fixes for Article 8

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 8-1 is deleted in its entirety, and Article 7 is amended to add the following text after Section 7-10:

SECTION 7-11: CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

- **Rationale:** The Charter Review Committee has a limited scope: the Town Charter. It has not specifically reviewed the bylaws, nor was it made aware of any transitional laws that may still be in effect and thus would fall under this provision. This change retains the intended transitional provision of Section 8-1, but places it in 7-11 as a general provision in service to eliminating Section 8 in its entirety, creating no functional change to the charter itself.
- Section 8-2 is deleted in its entirety.
 - **Rationale:** All relevant officers and agencies under this section are now governed by this charter, and the section is no longer necessary.
- Section 8-3 is deleted in its entirety.
 - **Rationale:** All relevant officers and agencies under this section are now governed by this charter, and the section is no longer necessary.
- Section 8-4 is deleted in its entirety.
 - **Rationale:** All relevant records and property under this section are now governed by this charter, and the section is no longer necessary.
- Except for subsection (c) per the previous proposed warrant article, Section 8-5 is amended as follows:
 - Subsection (a) is deleted in its entirety
 - Subsection (b) is deleted in its entirety

- a sewer commission to consist of three members
- a parks commission to consist of five members
- a youth commission to consist of seven members
- a cultural council to consist of five members, appointed annually, in accordance with Massachusetts General Law
- a Millbury cable television commission to consist of five members appointed annually
- a development and industrial commission to consist of five members
- an emergency management director and related emergency management personnel
- a capital budget committee to consist of seven members
- an inspector of buildings
- a wire inspector
- an inspector of gas appliances and gas fittings
- a plumbing inspector
- an animal control officer
- 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
- an Asa Waters Mansion Task Force to consist of seven members
- all other officers, department heads, and employees for whom no other method of selection is provided.

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 of members as possible shall expire each year.

- Section 4-2 subsection (r) is amended to read as subsection (s)

- **Rationale:** Portions of Section 8-5 subsection (d) as stated above currently consist of duplicative, misplaced, and/or out-of-date information. This proposed change, writ large, is intended to reflect the intention of the charter.

In addition, these edits remove the non-existent personnel board from the list of appointments, change the name of "dog officer" to "animal control officer" in reflection of present and updated duties, change the name of "highway surveyor" to "public works manager," deletion of police chief as reflected by Massachusetts General Law and the removal of the police

chief position from civil service, and updates and generalizations of certain references to Massachusetts General Law where appropriate. With the exception of the removal of the personnel board and the words “of several officers,” there are no functional changes, as amended, to the powers or duties outlined in the present charter.

- Section 6-7 is amended to add the following as subsection (d):

Reports of the Finance Committee – The report of the finance committee shall be printed and copies shall be made available at least seven days before the town meeting 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.

- **Rationale:** This subsection within Section 8-5 is in the wrong place, and this moves it to the proper section.
- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect these changes, as numerous bylaws may point directly to places in Section 8.

- Section 6-7 is amended to add the following as subsection (e):

Time for Submission of Proposed Operating Budgets – For the purposes of section 6-2(b), section 6-3 and section 6-4, 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.

- **Rationale:** This subsection within Section 8-5 is in the wrong place, and this moves it to the proper section.

- Article 8 is amended to read as follows:
 - The title of Article 8 of the charter shall be renamed "ARTICLE 8: APPOINTED OFFICIALS."
 - The proposed Article 8 consists of the following sections:

SECTION 1 – IN GENERAL

Powers and Duties – All appointed board members and officials contained within this Article shall have the powers and duties which have been conferred upon their offices by general law, by this charter, by by-laws or by other town meeting vote.

SECTION 2 – BOARD OF FIRE ENGINEERS

(a) *Appointment of the Board of Fire Engineers* – The Select Board shall appoint five qualified persons to serve for a term of one year as a Board of Fire Engineers in accordance with M.G.L. 48 § 45, Article 3, Section 2(d) of this Charter, and Millbury Municipal Code Title 2, Section 2.85.010. The Board of Engineers shall have the powers and duties authorized by statute, under this Charter, and Millbury Municipal Code Title 2 Sections 2.80 and 2.85

(b) *Power to Appoint*

(1) Firefighters – The Board of Fire Engineers shall, on an annual basis, appoint firefighters for a term of one year, from July 1st until June 30th of the subsequent calendar year. The board of engineers may appoint such firefighters to the engines, hose, ladder, rescue, or other apparatus and constitute such companies for securing property endangered by fire, as they deem expedient, in conformity with all applicable laws, bylaws, rules and regulations, as set forth in Millbury Municipal Code Title 2, Section 2.85.010.

(2) Administrative Staff, Associate and Auxiliary Members – The Board of Fire Engineers shall be the appointing authority for Associate, and Auxiliary staff including, but not limited to positions such as: Associate, Auxiliary, Explorer, or Junior Firefighters, Ladies Auxiliary Members, etc.

SECTION 3 – CHIEF OF POLICE

The position of Chief of Police is appointed under Massachusetts General Laws, Chapter 278 of the Acts of 2012, and Millbury Town Charter Article 3, Section 2(d), with additional duties, regulations, and responsibilities set forth in Millbury Town Code Title 2, Section 2.65.

(a) *Appointment of the Chief of Police* – The position of Chief of Police in the Town of Millbury shall be exempt from Chapter 31 of the General Laws and shall be appointed, by the Board of Selectmen, in accordance with this Charter [Massachusetts General Court, Chapter 278 of the Acts of 2012].

(b) Power to Appoint

(1) *Police Officers* – The Chief of Police shall be the appointing authority for the police officers of the police department in the Town of Millbury, subject to Chapter 31 of the General Laws, if applicable [Massachusetts General Court, Chapter 278 of the Acts of 2012]. The term police officers, as written in this Charter, shall be inclusive of all ranks of sworn officers in the department.

(2) *Administrative Staff* – The Chief of Police shall be the appointing authority for non-sworn administrative staff including, but not limited to positions such as: Administrative Assistants, Analysts, Clerks, Dispatchers, Interns, etc.

(c) *Rules, Regulations, & Operations* – The Chief of Police may adopt rules and regulations for the department, with notice to the town manager and the Board of Selectmen, and shall be in charge of the operations of the department [Massachusetts General Court, Chapter 278 of the Acts of 2012].

(d) *Administrative Oversight* – The Police Chief shall be subject to administrative oversight of the Town Manager and to general policy determinations of the Board of Selectmen and the by-laws of the town [Massachusetts General Court, Chapter 278 of the Acts of 2012; Millbury Municipal Code Title 2, Section 2.65]

- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect these changes.

- **Rationale:** With the changes in state law since the previous review of the town charter, the Charter Review Committee recognized the need to account for positions appointed via a process established by state statute. This new Article 8 accounts for the recent changes and provides flexibility for future additions as needed.

Sixth Proposed Article: Updates to the Selection of the Planning Board

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Article 7 is amended as follows:
 - A new section, SECTION 7-12: EXISTING OFFICIALS, is added to follow Section 7-11, with the following text:

Elected and appointed town officials who hold office at the time of the adoption of this charter, or any amendment thereto, shall continue to serve until their term of office expires or until removed for cause.
- Section 3-1, (b) shall be amended to remove the words “planning board.”
- Article 3-7, (a), is amended as follows:

(a) *Composition, Term of Office* – There shall be a planning board consisting of five members appointed by the town manager for terms of five years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

 - **Rationale:** As the Town of Millbury continues to grow, and with additional requirements regarding housing and development activities put in place by the commonwealth, it is critical that the Planning Board possesses the professional qualifications and/or demonstrates the proper demeanor and ability necessary to serve in such a role. Other towns in Central Massachusetts, including Auburn and Shrewsbury, have successfully transitioned to an appointed Planning Board, and it is the sense of the Charter Review Committee (after significant deliberation) that Millbury do the same.

Seventh Article: A Fix to Language Concerning Compensation

The Charter Review Committee proposes the following amendment to the Millbury Town Charter:

- Section 3-1, (e) is amended as follows:

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

- **Rationale:** While not every elected or appointed board or committee in the Town of Millbury are compensated, many are. This amendment aligns the charter with current practice, and ensures that those town officers in question are eligible for the compensation appropriated by town meeting.