

**PROPOSED CHARTER  
TOWN OF SAUGUS, MASSACHUSETTS**

**Preamble**

We, the people of the Town of Saugus, County of Essex, Commonwealth of Massachusetts, in order to form a more effective, efficient, and orderly format for our local government, to establish and define the powers, duties, and responsibilities of separate legislative and executive branches, to insure responsibility and accountability of elected and appointed governing officials, to enable effective citizen participation in their government, to preserve a healthy environment and secure the benefits of home rule and self-government, in accordance with Article LXXXIX of the amendments to the Constitution of the Commonwealth of Massachusetts, do hereby ordain, establish, and adopt this home rule charter for the Town of Saugus, Commonwealth of Massachusetts.

**ARTICLE 1  
INCORPORATION; SHORT TITLE; DEFINITIONS**

***SECTION 1-1: INCORPORATION***

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

***SECTION 1-2: SHORT TITLE***

This instrument shall be known and may be cited as the Saugus Home Rule Charter, 2009.

***SECTION 1-3: DIVISION OF POWERS***

The administration of the fiscal, prudential, and municipal affairs of Saugus, with the government thereof, shall be vested in an executive branch headed by a select board, a legislative branch consisting of a town assembly and an administrative service headed by a town manager. Except as otherwise provided in this charter, the legislative branch shall not exercise any executive or administrative function, the executive branch shall not exercise any legislative or administrative function and the administrative service shall not exercise any legislative or executive function.

***SECTION 1-4: POWERS OF THE TOWN***

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or in the general laws of the Commonwealth, it is the intention and the purpose of the voters of Saugus through the adoption of this charter to secure for themselves and for their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

***SECTION 1-5: CONSTRUCTION***

The powers of the Town of Saugus under this charter are to be construed liberally in favor of the town, and the specific mention of any particular power is not intended to limit the general powers of the town as stated in section 1-4.

***SECTION 1-6: INTERGOVERNMENTAL RELATIONS***

Subject only to express limitations in the constitution or general laws of the Commonwealth, Saugus 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 the Commonwealth or any agency or political sub-division thereof, or with the United States government or any agency thereof.

***SECTION 1-7: ETHICAL STANDARDS***

Elected and appointed officers and employees of the Town of Saugus are expected to demonstrate, by their example in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards, to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and appointed officers and employees of the Town of Saugus are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officers and employees of the Town of Saugus shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

***SECTION 1-8: DEFINITIONS***

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

- (a) **Charter** - The word "charter" shall mean this charter and includes any amendment to it hereafter adopted.
- (b) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, or condition which necessitates immediate action or response, and which is expressly recognized and defined in a written statement issued by the officer, multiple member body, or agency declaring the emergency.
- (c) **Full Assembly, Full Multiple Member Body, Full Select Board** - The words "full assembly", "full multiple member body", or "full select board" shall mean the entire authorized complement of the town assembly, school committee, or other multiple member body notwithstanding any vacancy which might exist.
- (d) **general laws** - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, or to a class of two or more cities and towns of which Saugus is a member.
- (e) **General Laws** - The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (f) **Initiative Measure** - The words "initiative measure" shall mean a measure proposed by voters through the initiative process provided under this charter.
- (g) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of

general circulation within Saugus, with either a weekly or daily circulation.

- (h) **Majority Vote** - The words "majority vote" when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules.
- (i) **Measure** - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which the town assembly might adopt.
- (j) **Multiple Member Body** - The words "multiple member body" shall mean any board, commission, committee, sub-committee, or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the town assembly, select board, or school committee.
- (k) **Organization or Reorganization Plan** - The words "organization or reorganization plan" shall mean a plan submitted by the town manager which proposes a change in the organization of the administrative structure of the town government, or to change the way in which a municipal service, or services, are delivered. Such plan may be complex and consist of many parts, or it may be simple and brief.
- (l) **Policy** - The word "policy" shall mean a course of action, guiding principle, or procedure considered expedient, prudent, or advantageous adopted by the select board (or other elected multiple member body) for the express purpose of and intended to influence and determine decisions, actions, and other matters by administrative personnel serving under the select board (or other elected multiple member body): The general principles by which the municipal government is guided in the direction and management of public affairs.
- (m) **Quorum** - The word "quorum" shall mean a majority of all members of a multiple member body unless some other number is required by law or by ordinance.
- (n) **Recall** - A process for the removal of an elected officer from office, by the voters, before the term for which such person has been elected has expired.
- (o) **Referendum Measure** - The words "referendum measure" shall mean a measure adopted by the town assembly that is protested by voters under the referendum procedures of this charter.
- (p) **Resident** - A person who lives in a place within the town of Saugus, with an intention to establish domicile or permanent residence in Saugus, as distinguished from a visitor or transient; time is not as important as intent.
- (q) **Taxpayer** - A person who receives and pays a property tax bill from the town of Saugus.
- (r) **Town** - The word "town" shall mean the town of Saugus.
- (s) **Town Agency** - The words "town agency" shall mean any multiple member body, any department, division, or office of the town of Saugus.
- (t) **Town Bulletin Boards** - The words "town bulletin boards" shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the

bulletin boards at any other locations as may be designated town bulletin boards by the town assembly.

- (u) **Town Website** - The words "town website" shall mean a collection of web pages, images, videos, or other digital assets, maintained or managed by the town, or any other similar electronic presence, freely accessible by the public at all times.
- (v) **Voters** - The word "voters" shall mean registered voters of the town of Saugus.

## ARTICLE 2 LEGISLATIVE BRANCH

### **SECTION 2-1: COMPOSITION, TERM OF OFFICE**

- (a) **Composition** - There shall be a town assembly consisting of twenty-seven members which shall exercise the legislative powers of the town. Twenty of these members, to be known as precinct assemblors, shall be nominated and elected by and from the voters in their precincts, two such assemblors to be elected from each of the ten precincts into which the town is divided, as provided in section 7-2. Six of these members, to be known as assemblors-at-large, and an assembly president, shall be nominated and elected by and from the voters of the town at large.
- (b) **Term of Office** - The term of office for assemblors-at-large shall be for three years. At each annual town election, two assemblors-at-large shall be elected to serve for a term of three years. The term of office for all precinct assemblors shall be for two years. One precinct assemblor shall be elected from each precinct at each annual town election.

The terms of office of town assemblors shall begin on the first business day following their election, and shall expire when their successors have been qualified.

**Eligibility** - Any voter shall be eligible to hold the office of assembly president or assemblor-at-large. A precinct assemblor shall at the time of election be a voter of the precinct from which elected; provided, however, if any precinct assemblor shall during the term of office remove to another precinct in the town, such office shall be deemed vacant and the balance of the unexpired term, if any, shall be filled in the manner provided in section 2-10. If an assemblor-at-large or a precinct assemblor moves out of town during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-10.

### **SECTION 2-2: ASSEMBLY PRESIDENT**

- (a) **Election and Term** – An assembly president shall be elected by and from the voters of the town at large for a term of three years.
- (b) **Powers and Duties** – The assembly president shall preside at all meetings of the town assembly, regulate its proceedings, and decide all questions of order. The assembly president shall appoint all members of all committees of the town assembly, whether special or standing. The assembly president shall appoint the chair of each committee of the town assembly from among the members of the town assembly elected at large. The assembly president shall have the same powers to speak and vote upon all measures coming before the assembly as any other member of the town assembly; provided, however, before speaking on an

issue the president shall designate the vice-president, or some other assemblor, to preside while the president is speaking. The assembly president shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by other vote of the town assembly.

- (c) **Assembly Vice-President** - The members of the town assembly shall elect from among its members an assembly vice-president who shall serve as acting president during the temporary absence or disability of the assembly president until a successor is chosen following the next annual town election. The powers of an acting assembly president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence or disability and no others.

### **SECTION 2-3: PROHIBITIONS**

- (a) **Holding Other Office or Position** - No member of the town assembly shall hold any town office, position, or employment. No former member of the town assembly shall hold any compensated appointed office, position, or employment for which a salary or other emolument is payable from the town treasury until one year following the date on which such former member's service on the town assembly has terminated. This provision shall not prevent a person holding an office, position, or other employment under the town, who has resigned such office or employment or taken a leave of absence in order to serve as a member of the town assembly from returning to the same office or position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the town assembly.

- (b) **Interference with Administration** - Neither the town assembly nor any of its members shall direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of persons in that part of the administrative service of the town for which the town manager is responsible. Except for the purpose of inquiries and investigations pursuant to section 2-7, the town assembly and its members shall deal with the officers and employees serving under the town manager, solely through the town manager, and neither the town assembly nor any member of the town assembly shall give orders or directions to any such officer or employee, either publicly or privately. Violations of this section shall be punished in the manner and to the extent as is provided for such conduct under sections ninety-two and one hundred and seven of chapter forty-three of the General Laws.<sup>1</sup>

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<sup>1</sup> Section 92. Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible. Except for the purpose of inquiry, the city council and its members shall deal with that portion of the service of the city as aforesaid solely through the city manager, and neither the city council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately. Any member of the city council who violates, or participates in the violation of, any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both, and upon final conviction thereof his office in the city council shall thereby be vacated and he shall never again be eligible for any office or position, elective or otherwise, in the service of the city.

Chapter 43, section 107 is identical in its provisions.

**SECTION 2-4: COMPENSATION, EXPENSES**

The members of the town assembly shall serve without a salary or other form of compensation. Subject to appropriation and to prior authorization, the members of the town assembly shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties. All requests for reimbursement shall require verification of expenses incurred by submission of receipts or invoices. Members of the town assembly shall not be considered to be town employees for the purposes of chapter 32B of the General Laws.

**SECTION 2-5: GENERAL POWERS (Residuary)**

Except as otherwise provided by general law, or by this charter, all powers of the town shall be vested in the town assembly which shall provide for their exercise and for the performance of all duties and obligations imposed upon the town by law.

**SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES**

(a) **Exercise of Powers** - Except as otherwise provided by general law, or by this charter, the legislative powers of the town assembly may be exercised in a manner determined by the town assembly.

(b) **Quorum** - The presence of fifteen members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law, or by this charter, the affirmative vote of fifteen members shall be required to adopt any ordinance or appropriation order. The affirmative vote of eighteen members shall be required to constitute a two-thirds vote.

(c) **Rules of Procedure** - The town assembly shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

1. Regular meetings of the town assembly shall be held at the time and place fixed by ordinance.
2. Special meetings of the town assembly shall be held at the call of the assembly president, or, on the call of any eight or more members, by written notice delivered in hand or to the place of business or residence of each member. The notice shall contain a listing of the items to be acted upon. Except in case of an emergency, of which the assembly president shall be judge, such notice shall be delivered at least forty-eight weekday hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the town bulletin boards and on the town's website.
3. All sessions of the town assembly and of every committee or sub-committee thereof, shall at all times be open to the public and to the press, unless another provision is made by law. An accurate account of the proceedings of the town assembly shall be kept, which shall include a record of members present, not present and each vote taken. This account shall be made available with reasonable promptness following each meeting. If requested by any member any vote shall be taken by a roll call. The minutes of any executive session shall be made available forthwith upon the

expiration of the basis on which such executive session was held.

4. A portion of time shall be set aside at every regular meeting of the town assembly to afford the opportunity for residents and taxpayers to address the town assembly.

(d) **Committees** - The town assembly shall establish a finance and audit committee and such other committees as it deems to be necessary, or desirable, to enable it to study and evaluate the matters which come before the town assembly. In establishing committees the town assembly may provide that at least some of the members of at least some of its committees need not be members of the town assembly.

#### **SECTION 2-7: ACCESS TO INFORMATION**

(a) **In General** - The town assembly may, in conjunction with the study of proposed legislation under consideration by it, make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

(b) **Town Officers, Members of Town Agencies, Employees** - The town assembly may require the town manager or any member of a town agency or town employee who is not responsible to the town manager to appear before it to give such information as the town assembly may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the town assembly.

(c) **Town Manager** - The town assembly may require the town manager to provide specific information to it on any matter within the jurisdiction of the town assembly and under the supervision of town manager. The town assembly may require the town manager to appear before it, in person, to respond to written questions made available to the town manager at the time the request to attend is made to provide specific information on the conduct of any aspect of the business of the town. The town manager may bring to such meeting any assistant, department head, or other town officer or employee the town manager may deem necessary to assist in responding to the questions posed by the town assembly.

(d) **Notice** - The town assembly shall give not fewer than seven days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the town assembly seeks information and no person called to appear before the town assembly under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

#### **SECTION 2-8: OFFICERS ELECTED BY TOWN ASSEMBLY**

(a) **Clerk of the Assembly** - The town assembly shall elect a clerk of the assembly, who may be the town clerk, to serve for a term of two years and until a successor is chosen and qualified. The clerk of the assembly shall give notice of its meetings to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be provided by ordinance or by other vote of the

town assembly.

- (b) **Town Auditor** - The town assembly shall choose a town auditor to serve for a term of three years and until a successor is chosen and qualified. The town auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards promulgated by the Comptroller-General of the United States. The auditor shall make periodic reports to the town assembly and to the public in such detail and with such frequency as the town assembly shall by ordinance, rule, or other vote direct. All officials of the town shall cooperate with the town auditor in the performance of this audit function. The town auditor shall have such other powers, duties, and responsibilities as are provided by charter, by ordinance, or by other vote of the town assembly.
- (c) **Other Assembly Employees** - The town assembly may employ other persons within the funds available to it to assist it in carrying out its responsibilities. The assembly may employ attorneys under this section for the purpose of receiving advice and assistance in the preparation and review of legislation, and for no other purpose.
- (d) **Salaries / Compensation** - The officers selected by the town assembly shall receive such salaries or other compensation as may from time to time be provided for such office, by ordinance.

#### **SECTION 2-9: ORDINANCES AND OTHER MEASURES**

- (a) **Emergency Ordinances** - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, is separately voted upon, and receives the affirmative vote of eighteen or more members of the town assembly.

Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

- (b) **Measures, In General** - The town assembly may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders, and loan authorizations, provided that no member of the town assembly shall object; but, if a single member objects, a vote on the measure shall be postponed to the next meeting of the town assembly.

On the first occasion that the question of adopting any measure is put to the town assembly, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town assembly, regular or special. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.

- (c) **Publication** - Every proposed ordinance, appropriation order, or loan authorization, except emergency ordinances as provided in section 2-9(a), shall be

published once in full in a local newspaper, on the town's website, and in any additional manner as may be provided by ordinance, at least seven days before its final passage; provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length more than ten column inches of ordinary newspaper notice print, then in lieu of publication in a local newspaper, copies of the same may be made available at the office of the town clerk, at least ten days before its final passage. Whenever the town assembly provides for publication in this manner, it shall, at least fourteen days before final passage, publish in a local newspaper a general summary of the proposed ordinance, appropriation order, or loan authorization, and a notice stating the times and places at which copies of the proposed ordinance, appropriation order, or loan authorization may be obtained by the public.

Notice of a public hearing to be held concerning every proposed amendment to the zoning ordinance and every proposed loan authorization shall be published in a newspaper of general circulation in Saugus, posted in a conspicuous place in the town hall, and posted on the town's website once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing. The notice shall include the time and place of such public hearing, a description of the subject matter to be considered at the hearing, and the place where texts and maps thereof may be inspected, and by posting such notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of said hearing.

After final passage, the full text of every measure, as voted, shall be posted on the town bulletin boards, the town's website, and otherwise published as may be required by ordinance.

#### ***SECTION 2-10: FILLING OF VACANCIES***

- (a) ***Assemblor-at-Large*** - If a vacancy shall occur in the office of assemblor-at-large during the term for which assemblors-at-large are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of assemblor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of assemblor-at-large at the said election. The town clerk shall certify such candidate to the office of assemblor-at-large to serve until the next annual town election at which time a candidate shall be elected who shall serve for the balance of the then unexpired term, if any.
- (b) ***Precinct Assemblor*** - If a vacancy shall occur in the office of precinct assemblor during the term for which precinct assemblors are elected, it shall be filled in the same manner as provided in section 2-10(a) for the office of assemblor-at-large except that the list shall be of the candidates for the office of precinct assemblor in the precinct in which the vacancy occurs, provided however, if there be no candidate on such list who remains eligible and willing to serve the next highest ranking candidate from among the candidates for election to the assembly at large who is a resident of the precinct in which the vacancy exists shall be

certified and shall serve until the next regular election provided such candidate remains a resident of the precinct, is willing to serve as a precinct assemblor and received votes in the precinct at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of precinct assemblor at the said election.

- (c) ***Filling of Vacancies By Town Assembly*** - Whenever a vacancy shall occur in the office of town assemblor and there is no available candidate to fill such vacancy in the manner provided in section 2-10 (a) or (b), the vacancy shall be filled by a majority vote of the town assembly. Persons elected to fill a vacancy by the town assembly shall serve only until the next regular election at which time the vacancy shall be filled by the person at the annual town election who receives the highest number of votes for the office and who is not then serving as a member of the town assembly; provided, however, that if the person chosen by convention to fill the vacancy is elected at such election such person shall continue to serve for the balance of the term. Persons serving as town assemblors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

### **ARTICLE 3 EXECUTIVE BRANCH**

#### ***SECTION 3-1: SELECT BOARD***

- (a) ***Composition, Term of Office*** - The executive branch shall be headed by a select board consisting of four members and a select board chair, elected for terms of three years each. The terms of office for select board members shall be so arranged that two members shall be elected one year, two members shall be elected the next year, and the select board chair shall be elected the third year.
- (b) ***Powers and Duties in General*** - The executive powers of the town shall be vested in the select board which shall be deemed to be the chief executive office of the town. The select board shall have all of the executive powers it is possible for a select board to have and to exercise. The select board shall serve as the chief policy making agency of the town. The select board shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under the select board and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the select board, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the select board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under the select board.

The select board shall exercise a general supervision over the policy direction of all town agencies, unless otherwise provided by law, by the charter, or by ordinance, but the select board shall have no direct administrative duties or responsibilities. It is expressly recognized that the direction of the administration of all town agencies is the sole responsibility of the town manager. It is also expressly recognized that

the adoption of policies guiding the direction of the administration of all town agencies is the sole responsibility of the select board. To assist the select board in policy formulation and implementation, the town manager shall furnish to the select board chair, forthwith upon request, any information, materials, or otherwise as the select board chair may request and as the needs of the office of select board and the interest of the town may require.

- (c) ***Powers and Duties, Policy Guidelines to be Used in Budget Preparation*** - The select board chair shall schedule one or more meetings of the select board during the month of November for the purpose of formulating policy goals and objectives for the ensuing fiscal year to guide the town manager in the preparation of the annual operating budget and capital outlay program. Subsequent to the receipt of the revenue forecast and fiscal trends projections from the town manager, as provided in section 6-2, the select board shall take up at the setting of goals and the establishment of policies to govern the town manager's preparation of the annual operating budget and capital outlay programs. The guidelines prepared by the select board shall be submitted to the town manager as early as possible, but, in no event later than the fifteenth day of December, annually.
- (d) ***Appointments*** - The select board shall appoint a town manager, not more than twelve constables, a board of registrars of voters and other election officers (but not including the town clerk), a board of appeals, a board of assessors, a board of health, a board of library trustees, a licensing board, a planning board, a conservation commission, and such other members of multiple member bodies the functions of which do not involve direct operating responsibilities, but are primarily policy making, or advisory in nature. The select board shall appoint all persons who are to serve as representatives of the town to the governing or advisory bodies of area, county, regional, or district authorities and where no other provision is made for appointments in the law or agreement establishing any such entity.
- (e) ***Investigations*** - The select board may investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. Copies of the full text of the report of the results of any such investigation shall be placed on file in the office of the select board, the office of the town clerk, in the town library, posted on the town's website, and a report summarizing the results of such investigation shall be printed in the next annual town report.

### **SECTION 3-2: SELECT BOARD OFFICERS**

#### ***(a) Select Board Chair***

1. The select board chair shall cause the charter, the laws, the ordinances and other orders for the government of the town to be enforced, and shall cause a record of all official acts of the executive branch of the town government to be kept.
2. The select board chair shall set the agenda for all meetings of the select board and shall, when present, preside at the meetings, regulate its proceedings, and decide all questions of order; provided, however, the select board chair shall not preside, regulate the proceedings, and decide questions of order on any occasion when the select board is considering what action it will take in connection with any nomination for

appointment submitted by the select board chair.

3. The select board chair shall, by virtue of the office, be a non-voting member of the school committee and shall be entitled, when present, to speak and to otherwise participate in the meeting of the school committee, but shall have no right to vote on any matter coming before the body. The select board chair may, annually, delegate and assign this responsibility to provide liaison between the town-government generally and the school department to another member of the select board.
4. The town manager shall ensure that the select board is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation. In time of public danger or emergency, as determined by the town assembly, the select board chair may, with its consent, temporarily exercise the select board's supervisory powers over the town manager, but such delegation shall not exceed seven days unless the select board shall vote to extend such temporary powers not to exceed another seven days. The select board may extend the period of delegation by successive extensions of not more than seven days each.
5. The select board chair shall be recognized as the official head of the town for all ceremonial purposes and shall be recognized by the courts for the purpose of serving civil process and by the governor for military purposes.
6. The select board chair, or designee, shall represent the town in its relations with other units of government.
7. The select board chair shall annually, on or before October fifteenth, on behalf of the select board, present an annual state of the town message to the town assembly setting out proposed measures to be adopted by the town assembly which, in the opinion of the select board, addresses the problems and opportunities of the town.
8. The select board chair shall, from time to time throughout the year, by written communications, recommend to the town assembly for its consideration such measures as, in the judgment of the select board, the needs of the town require.

**(b) Vice-Chair** - As soon as practicable after the select board members elect have been qualified following each town election, as provided in section 8-8, the select board shall organize by electing one of its members to serve as vice-chair until the next town election.

### **SECTION 3-3: PROHIBITIONS**

**Holding Other Office or Position**  - No member of the select board shall hold any town office, position, or employment. No former member of the select board shall hold any compensated appointed office, position, or employment for which a salary or other emolument is payable from the town treasury until one year following the date on which

such former member's service on the select board has terminated. This provision shall not prevent a person holding an office, position, or other employment under the town, who has resigned such office or employment or taken a leave of absence in order to serve as a member of the select board from returning to the same office or position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the select board.

#### ***SECTION 3-4: COMPENSATION, EXPENSES***

Members of the select board shall serve without a salary or other form of compensation. Subject to appropriation and to prior authorization, the members of the select board members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties. All requests for reimbursement shall require verification of expenses incurred by submission of receipts or invoices. Members of the select board shall not be considered to be town employees for the purposes of chapter 32B of the General Laws.

#### ***SECTION 3-5: FILLING OF VACANCIES***

**(a) Select Board Member** - Whenever a vacancy shall occur in the office of select board member, the vacancy shall be filled by the candidate for election to the select board at the most recent town election who failed to be elected, but received the next highest number of votes, provided such person remains eligible and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of select board member at the said election. Such person shall serve until the next annual town election at which the balance of the unexpired term, if any, shall be filled by the voters.

If no such 'runner-up' candidate exists, the vacancy shall be filled by a joint convention of the remaining members of select board and the at-large members of the town assembly. The select board shall nominate one or more candidates to fill the position and a majority vote of the joint convention shall be required to confirm such nomination. Persons so elected to fill a vacancy on the select board shall serve only until the next regular election at which time the remaining term of office, if any, shall be filled by the voters. Persons serving as select board members under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

**(b) Select Board Chair** - Whenever a vacancy shall occur in the office of select board chair, the vacancy shall be filled by the select board vice-chair who shall serve as chair until the next town election, at which election the balance of the unexpired term, if any, shall be filled by the voters. The vacancy in the office of select board member caused by such action shall be filled as provided in the section above.

#### ***SECTION 3-6: SCHOOL COMMITTEE***

**(a) Composition, Term of Office** - There shall be a school committee consisting of five members elected for terms of three years each. The terms of office of school committee members shall be so arranged that two members shall be elected in one year, two members shall be elected the following year, and the fifth member shall be elected in the following year.

**(b) School Committee Chair** - As soon as practicable after the school committee members elect have been qualified following each town election, as provided in section 8-8, the school committee shall organize by electing one of its members to serve as school committee chair and another one of its members to serve as school committee vice-chair until the next town election. The school committee chair shall preside at all meetings of the school committee, regulate its proceedings, and shall decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by other vote of the school committee. The school committee vice-chair shall serve as chair during the absence or disability of the chair.

**SECTION 3-7: SCHOOL COMMITTEE POWERS AND DUTIES**

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1. To appoint a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of said superintendent, to establish and appoint assistant or associate superintendents (as provided in section fifty nine of chapter seventy-one of the General Laws);
2. To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;
3. To propose and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town assembly.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture, and equipment. The town manager shall provide ordinary maintenance of all school buildings and grounds.

Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board, or committee to which the planning or construction of such new, remodeled, or renovated school building is delegated.

No site for a school building shall be acquired unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school

building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless with the approval of the school committee and the town manager. The town manager shall notify the school committee, in writing, prior to or at the time of each change in plans after work is begun.

### ***SECTION 3-8: FILLING OF VACANCIES***

**School Committee Member** - Whenever a vacancy shall occur in the office of school committee member, the vacancy shall be filled by the candidate for election to the school committee at the most recent town election who failed to be elected, but who received the next highest number of votes, provided such person remains eligible and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of school committee member at the said election. Such person shall serve until the next annual town election at which the balance of the unexpired term, if any, shall be filled by the voters.

If no such 'runner-up' candidate exists, the vacancy shall be filled by a joint convention of the remaining members of school committee and the at-large members of the town assembly. The school committee shall nominate one or more candidates to fill the position and a majority vote of the joint convention shall be required to confirm such nomination. Persons so elected to fill a vacancy on the school committee shall serve only until the next regular election at which time the remaining term of office, if any, shall be filled by the voters. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

### ***SECTION 3-9: PROHIBITIONS***

**Holding Other Office or Position** - No member of the school committee shall hold any town office, position, or employment. No former member of the school committee shall hold any compensated appointed office, position, or employment for which a salary or other emolument is payable from the town treasury until one year following the date on which such former member's service on the school committee has terminated. This provision shall not prevent a person holding an office, position, or other employment under the town, who has resigned such office or employment or taken a leave of absence in order to serve as a member of the school committee from returning to the same office or position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the school committee.

### ***SECTION 3-10: COMPENSATION, EXPENSES***

Members of the school committee shall serve without a salary or other form of compensation. Subject to appropriation and to prior authorization, the members of the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties. All requests for reimbursement shall require verification of expenses incurred by submission of receipts or invoices. Members of the school committee shall not be considered to be town employees for the purposes of chapter 32B of the General Laws.

## ARTICLE 4 TOWN MANAGER

### ***SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM***

The select board shall appoint a town manager to serve for an indefinite term<sup>2</sup> and shall fix the compensation for such person, annually, within the amount appropriated by the town assembly. The appointment of the town manager shall be made by a vote of three or more members of the select board from a list of nominees submitted by a screening committee established by ordinance. The town manager shall be a person especially fitted by education, training, and previous experience in public administration to perform the duties of the office. The town manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications without regard to political affiliation and in accordance with state and federal anti-discrimination laws and regulations.

Specification of an indefinite term does not prevent the select board, in its discretion, from contracting with a town manager for a period of years. While it is recognized that the select board and the town manager may enter into an employment agreement<sup>3</sup>, no such agreement shall provide for a severance payment in excess of an amount equal to the then annual salary established for the position of town manager.

A town manager need not be a resident of the town or of the commonwealth at the time of appointment, but, unless the select board shall, by a majority of its members vote to extend such time or waive such requirement, a residence in Saugus must be established within one year following the date of appointment; failure to establish such residence shall be deemed to be a resignation from the office of town manager.

The town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor actively engage in any other business or occupation during such service, unless such action is approved in advance and in writing by the select board. This restriction does not exclude the town manager's participation in related professional organizations.

The select board chair shall initiate and lead the select board in an annual review of the job performance of the town manager for the purpose of assessing the strengths and weaknesses of the town manager's performance. The job performance review shall be open and public; it shall be based on a written list of performance criteria developed by the select board. Copies of the criteria, with an invitation to submit written comments, shall be available to the public at the office of the town manager and at the select board's office. The select board chair shall submit an evaluation statement to the select board. After due consideration the select board shall adopt a written report of its evaluation. The report shall be a public record and a written summary shall be released to the public.

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<sup>2</sup> INTERPRETATIVE COMMENT: The National Civic League recommends appointment for an indefinite term, stating that “*appointment for an indefinite term is essential to avoid contracting for a specified term or an arrangement which would reduce the discretion of the (appointing authority) to remove a manager.*”

<sup>3</sup> INTERPRETATIVE COMMENT: The National Civic League Model Charter (8<sup>th</sup> edition) in its comment concerning “employment agreements” describes them as follows: *These agreements can cover all aspects of the manager's job, including salary other forms of compensation, duties, performance standards, evaluation, and severance procedures. Employment agreements provide mutual protection for the manager and the local government. However, they are not tenure agreements and do not impede the (appointing authority's) power to remove a manager.* The Saugus Charter Commission accepts this definition.

## **SECTION 4-2: POWERS AND DUTIES**

The town manager shall be the chief administrative officer of the town, directly responsible to the select board for the administration of all town affairs for which the office of town manager is given responsibility by or under this charter. The powers and duties of the town manager shall include 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 ordinance, by vote of the select board, or otherwise.
- (b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions, and employees for whom no other method of selection is provided by this charter or by ordinance, except employees of the school department.

To appoint, and in appropriate circumstances to remove, a town counsel, a harbor master, and a superintendent of public works for terms of office not to exceed three years, subject to the approval of each such appointment by the select board within fifteen days following the date the notice of the proposed appointment is given to the select board. Persons appointed by the town manager to such positions shall be especially qualified by education, training, and experience to perform the duties of the office. Failure by the select board to act to confirm an appointment within the said fifteen days shall be deemed to be a rejection of the proposed appointment.

To appoint, whenever a vacancy exists in the office of town planner, conservation agent, deputy assessor, council on aging director, or health agent, a town planner from a list of three names submitted by the planning board, a conservation agent from a list of three names submitted by the conservation commission, a deputy assessor from a list of three names submitted by the board of assessors, a council on aging director from a list of three names submitted by the council on aging, and a health agent from a list of three names submitted by the board of health; provided, however, that if the town manager is satisfied that three qualified candidates are not available, a lesser number of names may be submitted for a specific vacancy.

All appointments and removal of personnel shall be subject to the provisions of state and federal anti-discrimination laws, collective bargaining agreements, the limitations of existing appropriations, and the town's personnel policies. Notice of all appointments made by the town manager shall be filed with the select board, and copies of the notices of all such appointments shall be posted on the town bulletin board when submitted to the select board.

- (c) To be entrusted with the administration of a town personnel system, including, but not limited to, personnel policies and practices, rules, and regulations, including provisions for an annual employee performance review and collective bargaining agreements entered into by the town. The town manager shall also prepare and keep current a plan establishing the job classification and staffing requirements for each town agency, except the school department.

- (d)** To attend all regular and special meetings of the select board, unless unavailable for reasonable cause, and to have a voice, but no vote, in all of its proceedings.
- (e)** To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the select board, but not less than once in each year, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.
- (f)** To keep the select board fully advised as to the needs of the town and to recommend to the select board and to other town officers and agencies for adoption such measures requiring action by them or by the town assembly as the town manager may consider to be necessary or expedient.
- (g)** To have full jurisdiction over the use of all town facilities and property except property under the control of the school committee or the board of library trustees. All leases, rentals or other proposed commitments to authorize the use of any town property for a period extending for sixty or more days shall be subject to approval by the select board. Failure of the select board to approve any such proposed use within fifteen days following the date notice of such a proposed lease, rental, or other commitment is given to the select board shall be deemed to be a rejection by the select board of the proposal.

The town manager, acting in conjunction with the planning and construction committee established in section 5-4 of this charter, shall be responsible for the preparation of plans and the supervision of work on existing buildings and other facilities or on the construction of new buildings and other facilities, including school and library buildings. The town manager shall maintain and repair school buildings and library buildings.

- (h)** To assist in the preparation, in the manner provided in Article 6, of an annual operating budget for the town and a proposed capital outlay program for the five fiscal years next ensuing.
- (i)** To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee and the library trustees.
- (j)** To negotiate, or cause to be negotiated, all contracts involving any subject within the jurisdiction of the office of town manager.
- (k)** To be the chief procurement officer for the town, as provided in chapter thirty B of the General Laws, responsible for the procurement of all supplies, material and equipment for all departments and activities of the town.
- (l)** To see that all of the provisions of the general laws, the provisions of this charter, town ordinances, other votes of the select board, and votes of the select board which require enforcement by the town manager or officers subject to the direction and supervision of the town manager are faithfully executed, performed or otherwise carried out.
- (m)** To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission, or other town agency

under the control of the town manager, or any other officer, employee, department, board, commission, or other town agency when directed so to do by the select board.

- (n) To answer all questions of the select board or of the town assembly (as provided in section 2-7) which relate to matters over which the town manager exercises any supervision.
- (o) To coordinate the activities of all town agencies serving under the office of town manager with those under the control of other officers and multiple member bodies elected directly by the voters.
- (p) The town manager shall have authority to prosecute, defend and compromise all litigation to which the town is a party and to employ special counsel whenever in the judgment of the town manager, after consultation with the town counsel, such employment is deemed to be advisable. The town manager shall keep the select board informed of the status of the town's legal affairs and all litigation to which the town is a party.
- (q) To perform any other duties as are required to be performed by the town manager by ordinances, administrative code, votes of the select board, or otherwise.

#### ***SECTION 4-3: 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 4-4: ACTING TOWN MANAGER***

- (a) ***Temporary Absence*** - By letter filed with the town clerk, the town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town manager during a temporary absence. During a temporary absence, the select board may not revoke such designation until at least ten successive working days have elapsed, whereupon the select board may, upon the recommendation of the chair of the select board appoint another qualified town administrative officer or employee to serve until the town manager shall return. If no such letter is on file with the town clerk, or if the person designated in such letter is, for any reason, unable to serve, the select board chair, with the approval of the select board, shall designate some suitable person to so serve.
- (b) ***Vacancy*** - Any vacancy in the office of town manager shall be filled as soon as possible, but, pending such regular appointment the select board shall appoint a qualified person to perform the duties of the office on an interim basis. Such temporary appointment may not exceed three months, but, renewals of not more than three months duration may be voted by the select board until a permanent town manager can be hired. Compensation for such person shall be set by the select board.
- (c) ***Powers and Duties*** - The powers of a temporary or interim town manager, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office

or employment but shall not include authority to make any permanent appointments or designations.

***SECTION 4-5: SUSPENSION AND REMOVAL<sup>4</sup>***

If the town manager declines to resign at the request of the select board, the select board may suspend the manager by a resolution approved by the majority of the total membership of the select board. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the town manager. The town manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the select board, by a majority vote of its total membership, may adopt a final resolution of removal. The town manager shall continue to receive full salary until the effective date of a final resolution of removal.

**ARTICLE 5  
ADMINISTRATIVE ORGANIZATION**

***SECTION 5-1: 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 the procedures provided in this article.

The town manager, after consultation with the select board, may from time to time prepare plans of organization or reorganization which establish operating divisions for the orderly, efficient, or convenient conduct of the business of the town. Whenever the town manager prepares such a plan, the select board shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper and on the town's website, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven nor more than fourteen days following said publication. Following such public hearing, the proposal, which the town manager and the select board may have amended, shall be submitted to the town assembly by the select board. An organization or reorganization plan shall become effective at the expiration of sixty days following the date on which the proposal is submitted to the town assembly, unless the town assembly shall, within said sixty days, by a majority vote, vote to disapprove the plan. The town assembly may vote only to approve or to disapprove the plan, and may not vote to amend or to alter it.

An organization or reorganization plan filed under this section may, subject only to express prohibitions in a general law or this charter, reorganize, consolidate, or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency unless this charter specifically so provides.

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<sup>4</sup> INTERPERATIVE COMMENT: This provision is taken directly from the National Civic League's Model Charter (8<sup>th</sup> Edition). The NLC Model Charter is endorsed and recommended by the International City/County Managers Association, the professional association representing municipal managers and administrators.

Every organization or reorganization plan submitted by the select board pursuant to this provision shall contain a proposed ordinance which sets out, in detail, such amendments, insertions, revisions, repeals, or otherwise of existing ordinances as may be necessary to accomplish the desired reorganization. Such reorganization plan and proposed ordinance shall be accompanied by a message of the select board which explains the benefits expected to ensue if the plan is adopted.

Whenever an organization or reorganization plan is submitted to it, the town assembly shall hold one or more public hearings on the proposal, giving notice by publication in a local newspaper and on the town's website, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven nor more than fourteen days following said publication.

***SECTION 5-2: MERIT PRINCIPLE***

All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination, or by other evidence of competence and suitability.

***SECTION 5-3: LAND USE, DEVELOPMENT, AND ENVIRONMENTAL PLANNING***

***(a) Land Use and Development Regulations*** - Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the town assembly shall adopt and may from time to time, by ordinance, amend, revise, or repeal land use and development regulations, including but not limited to an official map and a zoning ordinance.

***(b) Urban Renewal*** - In accordance with applicable provisions of the General Laws, the town assembly may provide for redevelopment, rehabilitation, conservation, and renewal programs.

***(c) Comprehensive (Master) Plan*** -

- 1. Content** - There shall be a master (or comprehensive) plan setting forth in graphic and textual form policies to govern the future physical development of the entire community. Such plan shall cover all of Saugus and all of its functions and services, or it may consist of a combination of plans governing specific functions and services or specific geographic areas.
- 2. Proposals** - The select board shall be responsible for preparing and updating of the master plan for the town of Saugus so that it represents, in so far as possible, an up to date and viable plan to meet Saugus' needs. It shall be a special duty of the select board chair to assure that the master plan is kept current and viable.
- 3. Adoption** - Upon receipt from the select board of a proposed comprehensive plan or a proposed modification of the existing plan, the town assembly shall refer such proposal to the planning board, which shall, within a time specified by the town assembly, report its recommendations thereon. After receipt of the recommendations of the planning board, the town assembly shall hold a public hearing on the proposed comprehensive plan, or the proposed modification thereof, and shall, by resolution, adopt the same with or without amendment. The town assembly may thereafter,

from time to time, by majority vote, amend or otherwise modify the comprehensive plan.

4. **Effect** - The comprehensive plan shall serve as a guide to all future action by the town assembly, the planning board, and the zoning board of appeals concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements. Before acting on any proposed ordinance concerning land use and development regulations, urban renewal, or expenditures for capital improvements, where such ordinance or expenditure involves a matter covered by the comprehensive plan, the town assembly shall refer the proposal to the planning board, which shall, within a time specified by the town assembly and prior to the public hearing on the proposed ordinance, report in writing its recommendations thereon. Upon adopting any such ordinance, the town assembly shall make findings and report on the relationship between the ordinance and the comprehensive plan, and the comprehensive plan shall be deemed to be amended in accordance with such findings and report.

**SECTION 5-4: PLANNING AND CONSTRUCTION OF BUILDINGS AND OTHER FACILITIES**

*(a) Composition, Mode of Appointment and Term of Office* - There shall be a permanent building and other facilities planning and construction committee (which may be referred to as the planning and construction committee) consisting of seven members. The town manager shall serve as the chair of the planning and construction committee. Five of the committee members shall be appointed by the select board for terms of three years each so arranged that the term of two members shall expire each year. In making appointments to the committee, the select board shall seek persons having experience in the fields of architecture, engineering, construction, real estate or law. The seventh member of the committee shall be designated, annually, by the school committee and may be a member of the school committee, or some other voter designated by the school committee.

*(b) Powers and Duties* - The planning and construction of buildings and other facilities committee shall be responsible for monitoring the physical condition of all municipal buildings and other facilities. The committee shall meet from time to time with representatives of municipal agencies to evaluate the need for additions, renovations, or remodeling of any existing building or facility or for the construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the select board in which it shall make recommendations as to the need for any project or projects.

Whenever any construction work on any municipal building or other facility is authorized, the planning and construction of buildings and other facilities committee shall be responsible for all work in connection with the project, including site planning, surveying, engineering studies, architectural plans and specifications, and the supervision of construction.

**SECTION 5-5: BOARD OF LICENSE COMMISSIONERS**

There shall be a board of license commissioners which shall have the power to issue licenses for inn holders or common victuallers, have the powers of a licensing board appointed under section four of chapter one hundred and thirty-eight of the General Laws, and to be the

licensing authority for the purposes of chapter one hundred and thirty-eight and chapter one hundred and forty of the General Laws and which shall have all of the other powers with respect to licenses which prior to the adoption of the home rule charter were exercised by the board of selectmen. The board of license commissioners may grant licenses relating to alcoholic beverages under chapter one hundred and thirty-eight of the General Laws and those licenses under chapter one hundred and forty of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of a licensing authority under said chapters.

The board of license commissioners shall consist of five members. The fire chief and the police chief shall serve by virtue of their offices without additional compensation, and three voters shall be appointed by the select board for terms of three years each, so arranged that the terms expire in different years. No more than two members of the select board may be appointed to serve as members of the board of license commissioners. The select board shall also appoint for terms of two years each, expiring in different years, two alternate members of the board of license commissioners to serve in the event a regular member is unable to sit because of absence, or a conflict of interest, or other disability. The chairman shall designate the member to sit in such instances on a rotating or revolving basis. No person while a member of the board of license commissioners shall have any connection, directly or indirectly, with any business or other activity which requires the issuance of a license, or is otherwise regulated by the licensing board in any form.

***SECTION 5-6: SAUGUS RESIDENCY REQUIRED- MULTIPLE MEMBER BODY***

Any person who is appointed, or reappointed, to any multiple member body of the town shall be a presently domiciled resident of the town. The term of office of any person so serving shall terminate, forthwith, if such person shall establish a residence outside of the town of Saugus.

**ARTICLE 6  
FINANCE AND FISCAL PROCEDURES**

***SECTION 6-1: FISCAL YEAR***

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

***SECTION 6-2: FINANCIAL PROJECTIONS AND ACTUAL RECEIPTS***

- (a) ***Town Manager's Responsibility to Promulgate Financial Projections*** - Annually, on or before the first day of November, the town manager shall prepare and develop preliminary financial projections that include actual revenues and expenditures for the preceding fiscal year, estimated revenues and expenditures for the current fiscal year, projected revenues and expenditures for at least the next three fiscal years, an identification of each factor which the town manager believes is likely to have an impact on the financial condition of the town during such period, revenue trends in state distributions and in local receipts, potential sources of new or expanded revenues, new or expanded cost items, a summary statement of the fiscal condition of the town at the end of each year during the period reported on and a recommendation for actions to be taken to minimize any adverse affects upon the town and to maximize favorable trends. Copies of the report, which shall be a

public record, shall be made available to the public.

- (b) *Distribution of Financial Projections to Policy Makers*** - Annually, on or before the first day of November, the town manager shall distribute copies of the report described above to the select board, the superintendent of schools, the school committee, and the finance and audit committee of the town assembly and shall convene a joint meeting of the same to discuss the report.

Revenue and expenditure projections shall be clearly stated and their basis explained, along with any policies related to the use, retention, or accumulation of any reserves. The report shall provide the basis for the preliminary spending guidelines of the town for the ensuing fiscal year.

- (c) *Notice of Actual Receipts*** - The town manager shall throughout the financial year continuously monitor the anticipated revenues from every source as projected in the annual financial forecast against the national, regional, and local economic conditions; anticipated state actions; actual receipts; and all other sources of information to ascertain if the forecasted amounts are being met, are likely, or unlikely to be met and shall make such modifications and adjustments to the financial forecasts as may be required.

The town manager shall, at least monthly, inform the select board, the superintendent of schools, the school committee, and the finance and audit committee of the town assembly of anticipated trends. If it appears to the town manager that revenue forecasts will not be met, the town manager shall convene a joint meeting of the select board, the superintendent of schools, the school committee, and the finance and audit committee of the town assembly to determine what action must be taken to meet any anticipated shortfall in receipts.

### **SECTION 6-3: FINANCE AND AUDIT COMMITTEE**

- (a) *Composition, Mode of Selection*** - There shall be a finance and audit committee of the town assembly, appointed by the assembly president, which shall consist of nine members. At least five of the members shall always be members of the town assembly, appointed to serve on the committee for the term for which they were elected. The assembly president may also appoint as members of the finance and audit committee, for terms of three years, voters who shall meet specific education, training or experience requirements established by ordinance, or other vote of the town assembly.

- (b) *Powers and Duties*** - The finance and audit committee shall be responsible for reviewing and filing a report, with a recommendation, on the proposed annual operating budget; annual capital improvement program; and any amendments, supplements, and revisions to the operating budget and capital improvement program and every other financial matter which comes before the town assembly. The finance and audit committee shall be the primary interface of the town assembly with the town auditor, or person performing the duties of town auditor, and with the certified public accountant, or firm of such accountants, performing the annual audit as provided in section 6-14.

The finance and audit committee shall have full and complete access to all information involving all aspects of the budget preparation process as it becomes available, including revenue forecasting, preliminary spending

estimates, and the budgets as submitted to the select board and the town assembly. The finance and audit committee shall throughout the year have access to all records and accounts as are necessary to assist it in the performance of its responsibilities.

The finance and audit committee shall file its reports with the town assembly, with recommendations concerning the adoption of the annual town budget, with or without amendments, in such detail and at such time as may be provided by ordinance, rule, or other vote of the town assembly.

#### ***SECTION 6-4: SCHOOL COMMITTEE BUDGET***

***(a) Public Hearing*** - At least twenty-one days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be distributed to the local newspapers and posted on the town's website a general summary of its proposed budget which shall include a consolidated report of proposed expenditures by educational level and program. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes.

The notice shall further indicate the times and places at which complete copies of the proposed budget are available for examination by the public, and it shall indicate the date, time, and place (not less than seven nor more than fourteen days following such publication) when a public hearing will be held by the school committee on the proposed budget. The school committee shall not take its final vote on its proposed budget until all persons present at said meeting who desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.

***(b) Submission to Town Manager*** - The proposed budget adopted by the school committee shall be submitted to the town manager at least twenty-one days before the date the town manager is required to submit a proposed town budget to the town assembly, to allow the town manager sufficient time within which to consider the effect the school department's requested appropriation will have upon the total town operating budget the town manager is required to submit under this article. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment offered to the proposed budget shall be recorded.

#### ***SECTION 6-5: SUBMISSION OF BUDGET AND BUDGET MESSAGE***

On a date fixed by ordinance at least sixty days before the ensuing fiscal year is scheduled to begin, the town manager shall submit to the town assembly a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The proposed operating budget shall be consistent with policy guidelines given to the town manager by the select board. The town manager shall simultaneously provide for the publication in a local newspaper and on the town's website of a notice and a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed

operating budget for the town are available for examination by the public without cost.

**SECTION 6-6: BUDGET MESSAGE**

The town manager's message shall explain the proposed budget both in fiscal terms and in terms of the work programs linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the town's debt position, including factors affecting the ability to raise resources through debt issues; report on the accomplishment of performance standards and goals established in prior budgets; and include such other material as the town manager deems desirable.

**SECTION 6-7: THE BUDGET**

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the town manager deems desirable or the select board may require for effective management and an understanding of the relationship between the budget and the town's strategic goals.

The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures for the preceding fiscal year. It shall indicate in separate sections:

1. The proposed goals, performance standards, and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures, and methods to measure outcomes and performance related goals;
2. Proposed longer term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other high level organization unit when practicable, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and
3. The proposed goals, anticipated income and expense, profit and loss for the ensuing fiscal year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus fund balance carried forward, exclusive of reserves.

**SECTION 6-8: ACTION ON THE BUDGET**

- (a) **Public Hearing** - Forthwith upon its receipt of the proposed operating budget, the finance and audit committee of the town assembly shall provide for the publication of a notice in a local newspaper and on the town's website 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 by the town manager.

- (b) Finance and Audit Committee Review** - The finance and audit committee of the town assembly 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 and audit committee shall provide a consolidated report describing estimated total town revenues and expenditures, by category, for the ensuing fiscal year, including the projected or estimated property tax levy used in calculating the estimated revenue to be raised from the property tax, and with comparable figures for estimated and actual revenues and expenditures for the current fiscal year, as well as actual revenues and expenditures for the preceding fiscal year.

The finance and audit committee may require the town manager, or any other town agency not serving under the jurisdiction of the town manager, 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 Assembly** - The finance and audit committee shall file a written report containing its recommendations for the action to be taken on each line item in the proposed operating budget as submitted by the town manager. When the proposed operating budget for the ensuing fiscal year is before the town assembly for action, the prevailing motion shall be: "*Shall the operating budget be adopted in the amounts as recommended by the town manager?*" The finance and audit committee shall have a right to propose amendments for general town government budget items before any other amendments may be offered, and the school committee shall have a right to offer amendments to the school portion of the operating budget before any other amendments may be offered.

In amending the proposed operating budget, the town assembly may add or increase programs or amounts and may delete or decrease programs or amounts, except expenditures required by law, or for debt service; provided, however, that the net total of all amendments to the proposed budget (the total town budget, as amended) shall not increase the total amount of estimated revenue from all sources as contained in the revenue projections as made in section 6-2.

If the town assembly fails to take any action with respect to any item contained in the proposed town budget prior to June 30<sup>th</sup> in any year, such amount shall, without any action by the town assembly, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

#### **SECTION 6-9: AMENDMENTS AFTER ADOPTION**

- (a) Supplemental Appropriations** - If during or before the fiscal year the town manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the town assembly, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.
- (b) Reduction of Appropriations** - If at any time during the fiscal year it appears probable to the town manager that the revenues or fund balances available will be

insufficient to finance the expenditures for which appropriations have been authorized, the town manager, after consultation with the select board to resolve any policy issues involved, shall report to the town assembly without delay, indicating the estimated amount of the deficit, any remedial action taken by the town manager, and recommendations as to any other steps to be taken. The town assembly shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose, it may by ordinance reduce or eliminate one or more appropriations.

(c) ***Transfer of Appropriations*** - At any time during or before the fiscal year, the town assembly may by resolution transfer part or all of the unencumbered appropriation balance from one department, fund, service, strategy, or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The town manager may transfer funds among programs within a department, fund, service, strategy, or organizational unit and shall report such transfers to the assembly in writing in a timely manner.

(d) ***Limitation; Effective Date*** - No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### ***SECTION 6-10: ALLOTMENTS***

On or before August first of each year, or within ten days after the approval by the town assembly and the town manager of the annual appropriation order for such fiscal year, whichever shall occur later, the town officials in charge of departments or agencies, including the superintendent of schools for the school department, shall submit to the town manager, with a copy to the town clerk, in such form as the town manager may prescribe, an allotment schedule of the appropriations of all categories included in said budget, indicating the amounts to be expended by the department or agency for personnel and for every other budget category during each of the fiscal quarters of said fiscal year, or such shorter time periods as the town manager may prescribe.

Whenever the town manager determines that any department or agency, including the school department, will exhaust, or has exhausted, its quarterly or shorter time period allotment and any amounts unexpended in previous periods, the town manager shall give notice in writing to such effect to the department head, the town counsel, and to the town clerk who shall forthwith transmit the same to the finance and audit committee of the town assembly. Upon such a determination and notice thereof, the town manager shall provide such officers additional reports on at least a monthly basis indicating the status of such accounts.

The town manager, within seven days after sending such notice, shall determine whether to waive or to enforce such allotment. If the allotment for such period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for such period is enforced or not waived, thereafter the department, on a schedule to be approved by the town manager, shall so adjust expenditures to eliminate the deficit. All actions, notices, and decisions provided for in this

section shall be transmitted to the town assembly and the town clerk within seven days.

No expenses earned or accrued, within any department, shall be charged to or paid for such department's or agency's allotment of a subsequent period without approval by the town manager, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages or salaries, or other personnel expenses. If the continued payment of wages or salaries, or other personnel expenses is not approved in a period where a department head has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the Town shall have no obligation to pay such personnel cost or expense arising after such allotment or appropriation has been exhausted.

Nothing in this section shall be deemed to give the town manager any authority over the appropriation made for the school department, other than to take the specific actions described in this section, which are designed to assure that the total sum appropriated for the school department is not exceeded.

**SECTION 6-11: PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATION**

No official of the town, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of section thirty-one of chapter forty-four of the General Laws<sup>5</sup> shall be strictly enforced. Any official who violates the provisions of this section shall be personally liable to the town for any amounts so expended to the extent the town does not recover such amounts from the person to whom such sums were paid.

**SECTION 6-12: CAPITAL IMPROVEMENT PROGRAM<sup>6</sup>**

The town manager shall prepare and submit a five-year capital improvement program to the town assembly no later than three months before the final date for submitting the proposed operating budget. The capital improvement program shall be based on material prepared by the capital improvement program committee established by ordinance (if any). It shall include:

1. a clear and concise general summary of its contents;
2. a list of all capital improvements proposed to be undertaken during the next

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<sup>5</sup> INTERPERATIVE COMMENT: MGL Chapter 44, section 31 provides, in part, as follows:

*No department financed by municipal revenue, or in whole or in part by taxation, of any city or town, except Boston, shall incur a liability in excess of the appropriation made for the use of such department, each item recommended by the mayor and voted by the council in cities, and each item voted by the town meeting in towns, being considered as separate appropriations, except in cases of major disaster...*

<sup>6</sup> INTERPERATIVE COMMENT: The interpretation given by the National Civic League in its Model Charter (8<sup>th</sup> Edition) of the capital improvement program is adopted by the Saugus Charter Commission, as follows:

*The multi-year capital program provisions should compel long-range, goal-oriented, regionally sensitive planning of capital improvements. They should also help develop a meaningful relationship between capital and current operating expenditures. Finally, they should provide adequate time for systematic consideration of capital projects by the assembly.*

*The Model requires that the manager submit the capital program three months prior to the final date for submission of the budget. This gives the assembly an opportunity to review the proposed projects and their cost and the methods of finance before the manager submits the annual budget. Actual capital expenditures are carried each year as the capital outlay section of the current budget. These expenditures may be in the form of direct capital outlays from current revenues or debt service payments. A sixth edition innovation continued in the seventh and eighth editions requires that the capital program include estimated operating and maintenance costs of proposed capital facilities. This forces more realistic projections of expenditures, because sometimes the operating cost of a facility will exceed the amortized annual capital charge. It also discourages neglect of maintenance.*

ensuing five years, with supporting information as to the need for each capital improvement; cost estimates, methods of financing, and recommended time schedules for each improvement; and,

3. 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 6-13: APPROVAL OF WARRANTS***

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 select board shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

#### ***SECTION 6-14: INDEPENDENT AUDIT***

The town assembly, acting through its finance and audit committee, shall provide for an annual outside audit of the books and accounts of the town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The town manager shall annually provide a sufficient sum of money to conduct the audit. The award of a contract to audit shall be made by the finance and audit committee and may be for a term not to exceed three years. The report of the audit shall be filed in final form with the finance and audit committee not later than March first in the year following its award and copies shall be placed on file in the office of the town clerk.

### **ARTICLE 7**

#### **ELECTIONS, FREE PETITION, INITIATIVE, REFERENDUM AND RECALL**

##### ***SECTION 7-1: TOWN ELECTIONS***

- (a) ***Date of Town Election*** - The regular town election shall be held annually, during April, on the Wednesday following the state holiday, Patriot's Day.
- (b) ***Hours of Town Elections*** - At every election held in the town, unless state law provides otherwise, the polls shall open at 7 o'clock AM and close 8 o'clock PM. Persons who are 'in-line' at the polling place, at 8 o'clock PM. shall be permitted to vote, notwithstanding the closing time.
- (c) ***Signatures Required for Nomination***<sup>7</sup> - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be as follows: for the office of select board member, school committee member, or assemblor-at-large, not fewer than fifty signatures; provided, however, not more than fifteen such signatures shall be from any one precinct; for the office of assembly president or select board chair, not fewer than one hundred signatures; provided, however, not more than twenty such signatures

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<sup>7</sup> INTERPERATIVE COMMENT: The per precinct limit of signatures established in this section is for the purpose of attaining some geographical distribution of nominating signatures and applies only to the number of signatures to be counted in meeting the minimum number of signatures necessary for nomination. Once the minimum number of signatures necessary for nomination has been reached, additional signatures from each precinct shall be counted towards the total number of signatures gathered on behalf of the candidate.

shall be from any one precinct; for the office of precinct assembler, not fewer than ten signatures all of which shall be of voters from the precinct from which such candidate for precinct assembler seeks election.

- (d) **Ballot Position** - The order in which names of candidates appear on the ballot for each office shall be determined, by a drawing, by lot conducted by the town clerk in the presence of such candidates, or their representatives, as may choose to attend such drawings.
- (e) **Information to Voters** - If a candidate is an elected incumbent of the office, against the candidate's name shall appear the phrase "candidate for re-election."
- (f) **Other Officers to be Elected at Town Elections** - In addition to the town officers who are to be elected under articles two and three of this charter, members of the Saugus Housing Authority shall be elected, as provided in General Law c. 121 B, section 5, and as modified by chapter 756 of the Acts of 1967; and such other members of regional authorities or districts as may be established by statute, inter-local agreement, or otherwise, may also be elected at town elections.
- (g) **Limitations** - No person may be a candidate for more than one office on the same election ballot.

#### **SECTION 7-2: PRECINCTS**

The town assembly shall provide for a decennial division of the territory of the town into precincts in accordance with the provisions of section six of chapter fifty-four of the General Laws. The town assembly shall from time to time, but at least once in each ten years, review such precincts to ensure their uniformity in number of inhabitants, consistent with applicable law. Unless another number is required by general law, the town shall be divided into ten precincts.

#### **SECTION 7-3: APPLICATION OF STATE LAWS**

Except as expressly provided in the charter and authorized by statute, all town elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of special and regular elections, the submission of charter amendments and other propositions, the counting of votes, and the declaration of results.

#### **SECTION 7-4: FREE PETITION**

- (a) **Individual Petitions, Action Discretionary** - The town assembly shall receive all petitions which are addressed to it which request the enactment of a measure and are signed by ten or more voters and shall, within forty-five days following its receipt of such petition, in its discretion, take such action with regard to each such petition as it deems necessary and appropriate.
- (b) **Group Petitions; Action Required** - The town assembly shall hold a public hearing and act by taking a vote on the merits of every petition which is addressed to it which requests the enactment of a measure and which is signed by at least fifty voters. The hearing shall be held by the town assembly, or by a committee or subcommittee thereof. The town assembly shall vote on the merits of the petition not later than three months after the petition is filed with the town clerk.
- (c) **Public Hearings** - Hearings on two or more petitions filed under this section may

be held at the same time and place. The town clerk shall mail notice of the public hearing to the ten petitioners whose names first appear on each petition at least seven days before the hearing. Notice by publication in a local newspaper, including posting on the town's website and town bulletin boards at least seven days prior to all such hearings, shall also be made, and shall be at public expense. No hearing shall be required to be held upon any one subject more than once in any given twelve month period notwithstanding the filing of additional petitions during such period.

**SECTION 7-5: CITIZEN INITIATIVE MEASURES**

- (a) **Commencement** - Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the assembly. The petition shall be addressed to the town assembly, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least fifty voters. The petition shall be accompanied by an affidavit signed by ten voters and containing their residential addresses stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. One such petitioner shall be designated as clerk.
- (b) **Referral to Town Counsel** - The clerk of the assembly shall, forthwith following receipt of each such proposed petition, deliver a copy of the petition to the town counsel. The town counsel shall, within fifteen days following receipt of a copy of the petition, in writing, advise the town assembly whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the town assembly. If the opinion of the town counsel is that the measure is not in proper form, the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town counsel shall also be mailed to the person designated as clerk of the petitioners' committee.
- (c) **Submission to Town Clerk** - If the opinion of the town counsel is that the petition is in a proper form, the town clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town counsel, together with the names and addresses of the first ten voters who signed the originating petition. Within ten days following the date the blank forms are issued by the town clerk, the petitions shall be returned and filed with the town clerk signed by at least five percent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition, there shall also appear the street and number of the residence of each signer.

Within ten days following the filing of the petition, the board of registrars of voters shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent town election. The town clerk shall attach to the petition a certificate showing the results of the examination of the registrars of voters and

shall return the petition to the clerk of the assembly. A copy of the certificate of the board of registrars of voters shall also be mailed to the person designated as clerk of the petitioners' committee.

- (d) **Action on Petitions** - Within thirty days following the date a petition has been returned to the clerk of the assembly, and after publication in accordance with the provisions of section 2-9(c), the town assembly shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the town assembly fails to act with respect to any initiative measure within thirty days following the date the measure is received by it, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the assembly shall promptly give notice of that fact to the person designated as the clerk of the petitioners' committee, by certified mail.
- (e) **Supplementary Petitions** - Within five days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk of the assembly, but only by persons constituting the original petitioners' committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent town election. If the number of signatures to such supplemental petition is found to be sufficient by the registrars of voters, the town assembly shall call a special election to be held on a date fixed by it not less than thirty-five nor more than ninety days following the date of the certificate of the town clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other town election is to be held within one hundred and twenty days following the date of the said certificate, the town assembly may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.
- (f) **Publication** - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper and on the town's website not less than seven nor more than fourteen days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the town clerk and on the town's website.
- (g) **Form of Question** - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

**Shall the following measure which was proposed by an initiative petition take effect?**

*(Here insert a fair, concise summary prepared by the petitioners, and approved by the town counsel.)*

YES NO

**(h) Time of Taking Effect** - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, the number of votes cast in support of the measure is equal to fifteen percent, or more, of the total number of voters as of the date of the most recent town election.

**SECTION 7-6: REFERENDUM PETITION; EFFECT ON FINAL PASSAGE**

If within ten days after the final passage of any measure a petition signed by voters equal in number to at least five percent of the total number of voters, and addressed to the town assembly protesting against such measure or any part thereof taking effect, is filed with the town clerk, the said measure shall thereupon and thereby be suspended from taking effect. The town assembly shall immediately reconsider such measure or part thereof. If such measure or part thereof is not entirely rescinded, the town assembly shall submit the said measure, by the method herein provided, to a vote of the voters, either at the next regular town election or at a special election which may, in its discretion, be called for the purpose. The measure or part thereof shall forthwith become null and void if a majority of the voters voting on the same at such election vote in the negative; provided, however, the number of votes cast in opposition to the measure or part thereof is equal to fifteen percent, or more, of the total number of voters as of the date of the most recent town election.

A petition as described in this section shall be termed a referendum petition and section 7-5 shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

**SECTION 7-7: MEASURES NOT SUBJECT TO INITIATIVE AND REFERENDUM**

Measures which include the following subject matter shall not be subject to initiative and referendum procedures:

1. revenue loan orders;
2. appropriations for the payment of debt or debt service;
3. internal operational procedures of the town assembly;
4. emergency measures;
5. the town budget as a whole or the school committee budget as a whole;
6. appropriation of funds to implement a collective bargaining agreement;
7. procedures relating to election, appointment, removal, discharge, or any other personnel action;
8. an appropriation of fifty thousand dollars, or less; and
9. proceedings providing for the submission or referral of a matter to the voters at an election.

**SECTION 7-8: SUBMISSION OF PROPOSED MEASURE TO VOTERS**

The town assembly may, of its own motion, submit to a vote of the voters for adoption or rejection at a general or special town election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

**SECTION 7-9: MEASURES WITH CONFLICTING PROVISIONS**

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

**SECTION 7-10: RECALL OF ELECTED OFFICE HOLDERS**

- (a) **Application** - Any holder of an elected office in the town, with more than six months remaining in the term of office for which the officer was elected, may be recalled there from by the voters of the town in the manner provided in this section. No recall petition shall be filed against an officer within six months after taking office.
- (b) **Recall Petition** - A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, provided that the affidavit is signed by at least two hundred and fifty voters for any officer elected at large and signed by at least fifty voters from the precinct represented for a precinct assemblor.

The town clerk shall thereupon deliver to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be issued by the town clerk, with signature and official seal attached thereto. They shall be dated, addressed to the town assembly, and contain the names of all the persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought, and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least fifteen percent of the voters of the town for any officer elected at large and signed by at least fifteen percent of the voters of the precinct for a precinct assemblor.

The town clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall, within five working days, certify thereon the number of signatures which are names of voters.

- (c) **Recall Election** - If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the town assembly within five working days. The town assembly shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than thirty and not more than forty-five days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within sixty days after the date of the certificate, the town assembly shall postpone the holding of the recall election to the date of such other election.

If a vacancy occurs in said office after a recall election has been ordered, the

election shall not proceed as provided in this section.

(d) **Office Holder** - The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled in accordance with the provisions of this charter for filling vacancies in such office. A person chosen to fill the vacancy caused by such recall shall hold office until the next regular town election, at which election the balance of the unexpired term, of any, shall be filled by the voters for the then unexpired term of the officer recalled.

(e) **Ballot Proposition** - The form of the question to be voted upon shall be substantially as follows:

"**Shall** [here insert the name and title of the elective officer whose recall is sought] **be recalled?**"    **Yes**                    **No**

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled, provided the number of votes cast in support of the recall is equal to twenty percent, or more, of the total number of voters as of the date of the most recent town election.

(f) **Repeat of Recall** - In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least ninety days after the election at which the officer's recall was submitted to the voters of the town.

(g) **Office Holder Recalled** - No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within two years after such recall or such resignation.

## **ARTICLE 8 GENERAL PROVISIONS**

### ***SECTION 8-1: CHARTER REVISION OR AMENDMENT***

This charter may be replaced, revised, or amended in accordance with any procedure made available by Article LXXXIX of the amendments to the constitution of the commonwealth and any laws of the commonwealth enacted to implement said constitutional amendment.

### ***SECTION 8-2: SEVERABILITY***

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

### ***SECTION 8-3: RULES OF INTERPRETATION***

The following rules shall apply when interpreting the charter:

(a) **Specific Provisions to Prevail** - To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific

provision shall prevail.

- (b) **Number: Singular or Plural** – Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular.
- (c) **Computation of Time** - In computing time under the charter, if seven days or fewer, only business days (not including Saturdays, Sundays, or legal holidays) shall be counted; if more than seven days, every day shall be counted; provided, however, if the last day of the period so computed would fall on a Saturday, Sunday, or a legal holiday the period shall end at five o'clock P.M. on the first business day following such Saturday, Sunday, or legal holiday.

#### **SECTION 8-4: REMOVAL OR SUSPENSION**

- (a) **Excessive Absence, Member of Multiple Member Body** - If any person appointed to serve as a member of a multiple member body shall fail to attend four or more consecutive meetings, or one-half or more of all of the meetings of such body held in one twelve-month period, the remaining members of the multiple member body may, by 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. A copy of any such vote which is adopted shall, forthwith, be delivered to the office of the town clerk.
- (b) **Removal and Suspension, Generally** - Any appointed town officer or member of a multiple member body, not subject to the provisions of the state civil service law, whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good 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 town officer or member of a multiple member body 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 conterminous with removal and shall not interfere with the rights of the officer or member under the removal procedure given below.

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

1. A written notice of the intent to remove and a statement of the cause or causes for removal shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.
2. Within five days following delivery of such notice, the officer or member of a multiple member body of the Town may request a public hearing before the appointing authority 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.

**SECTION 8-5: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency shall be placed on file in the office of the town clerk and posted on the town's website and shall be available for review by any person who requests such information at any reasonable time. Except in case of an emergency, no rule or regulation adopted by any town agency shall become effective until five days following the date it is so filed.

**SECTION 8-6: PERIODIC REVIEW OF CHARTER AND ORDINANCES**

(a) **Review of Ordinances** - Not later than the first day of July, at five year intervals, in each year ending in a five or in a zero, the select board and town assembly shall provide for a review to be made of the ordinances of the town for the purpose of preparing a proposed revision or recodification of the same, without substantive change. Such review shall be made by a special committee to consist of nine members who shall be chosen as follows: the town assembly shall designate five persons who may, but need not, be members of the town assembly, and the select board shall designate four persons to the committee. Vacancies shall be filled in the manner of original appointment.

The special committee, which shall be referred to as the ordinance review committee, shall file its report with the clerk of the assembly, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the assembly agenda for action before the fifteenth day of June in said year and, if not so scheduled by the clerk of the assembly, the matter shall come before the assembly for action at its next meeting held following the said fifteenth day of June. No other business shall be in order until such report has been acted upon by roll call vote.

The review of town ordinances shall be under the supervision of the town counsel or special counsel appointed for that express purpose. A revision, recodification, or republication of the ordinances shall be made at five year intervals. Copies of the revision, recodification, or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction.

In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

(b) **Review of Charter** - The committee established to review town ordinances shall also consider proposed revisions to the town charter. The committee shall hold at least one open, public hearing at which the public will be afforded the opportunity to comment on the existing charter and to make comments or suggestions concerning ways in which the charter might be changed.

**SECTION 8-7: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER BODIES**

(a) **Meetings** - All multiple member bodies of the town, whether elected, appointed, or otherwise constituted, shall meet regularly at such times and places as they

may by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple member body shall be held on the call of the chair or by one third of the members thereof by written notice delivered in hand or to the place of residence of each member at least forty-eight weekday hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the said notice shall also be posted on the town bulletin boards and on the town's website. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public and the media.

- (b) **Rules and Journals** - Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record, and for the convenience of the public, certified copies shall be placed on file in the office of the town clerk, and in the main branch of the public library. An electronic copy shall be posted on the town's website. In case of any dispute concerning any such record, the official copy shall always be deemed to be the copy kept by the clerk of the multiple member body.
- (c) **Voting** - If requested by any member, any vote of any multiple member body shall be taken by a call of the roll, and the vote of each member shall be recorded in the journal; provided, however, if the vote is unanimous, only that fact need be recorded.
- (d) **Quorum** - A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. Unless some other provision is made by law, by ordinance, or by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to adopt any vote representing an exercise of the powers of the multiple member body.
- (e) **Citizen Input** - Every multiple member body shall set aside some portion of time at every meeting to enable voters and residents to address the body and to comment on proposals coming before it, and it may make reasonable rules regulating the time for speaking and the conduct of speakers.

#### **SECTION 8-8: OATH OF OFFICE OF ELECTED TOWN OFFICERS**

The select board members-elect, assemblors-elect, and school committee members-elect, shall, on the first business day following the annual town election, meet and be sworn to the faithful discharge of their duties. The oath may be administered by the town clerk, or by a judge of a court of record, or by a justice of the peace. A certificate that said oath or oaths have been taken shall be entered in the journal of the town assembly.

In case of the absence of any elected official on said day, the oath of office may, at any time thereafter, be administered to such person who for any reason shall not have taken the oath on the day named. A certificate of each oath subsequently taken shall be entered in the journal of the town assembly.

After the oath has been administered to the assemblors-elect and the assembly president, the town assembly shall meet to organize by electing from among their number a person to serve as the vice-president, as provided in section 2-2. If the assembly president is unable to preside during such election, the assembly member senior in years of service on the

town assembly shall preside during such election. If two or more members are equally senior in years of service on the town assembly, the member senior both in years of service and age shall preside. The vice-president shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations.

After the oath has been administered to the select board members-elect and the select board chair, the select board shall organize by electing from among their number a person to serve as the vice-chair, as provided in section 3-2(b). If the select board chair is unable to preside during such election, the member senior in years of service on the select board shall preside during such election. If two or more members are equally senior in years of service on the select board, the member senior both in years of service and age shall preside. The vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations.

After the oath has been administered to the school committee members-elect, the school committee shall organize by electing from among their number a person to serve as the chair and a person to serve as the vice-chair, as provided in section 3-6(b). The member present senior in years of service on the school committee shall preside during such election. If two or more members are equally senior in years of service on the school committee, the member senior both in years of service and age shall preside. The chair and the vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations.

#### ***SECTION 8-9: CERTIFICATE OF ELECTION OR APPOINTMENT***

Every person who is elected, including those elected by the town assembly, or appointed to an office of the town, shall receive a certificate of such election or appointment from the town clerk. Except as otherwise provided by law, every person who is elected, including those elected by the town assembly, or appointed to an office of the town, before performing any act under such appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties of office. A record of such oath shall be kept by the town clerk.

#### ***SECTION 8-10: ENFORCEMENT OF CHARTER PROVISIONS***

It shall be the duty of the select board to see that the provisions of the charter are faithfully followed and complied with by all town agencies and town employees. Whenever it appears to the select board that any town agency or town employee is failing to follow any provision of this charter, the select board shall, in writing, cause notice to be given to such agency or employee directing compliance with the charter. If it shall appear to the town assembly that the select board itself is not following the provisions of the charter, it shall, by resolution, direct the attention of the select board to those areas in which the assembly members believe there is a failure to comply with charter provisions.

The procedures made available in chapter two hundred and thirty-one A<sup>8</sup> of the General Laws may be used to determine the rights, duties, status, or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

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<sup>8</sup> INTERPERATIVE COMMENT: The provisions of General Laws chapter 231A, section 2 **Controversies to which declaratory judgment procedure is applicable**, is as follows:

*The procedure under section one may be used to secure determinations of right, duty, status or other legal relations under deeds, wills or written contracts or other writings constituting a contract or contracts or under the common law, or a charter, statute, municipal ordinance or by-law, or administrative regulation, including determination of any question of construction or validity thereof which may be involved in such determination. (emphasis added)*

### ***SECTION 8-11: NOTICE OF VACANCIES***

Whenever a vacancy shall occur in any town office or in the employment of the town, or, when by reason of a retirement, or resignation, or the expiration of a fixed term, or otherwise a vacancy can be anticipated, the town manager, select board, or other appointing authority shall forthwith cause public notice of such vacancy or impending vacancy to be publicly posted on the town bulletin boards and on the town's website for not less than ten days. Each such notice shall contain a brief description of the duties of the office or position and shall indicate a list of necessary or desirable qualifications for the office or position. Any person who desires to be considered for an appointment to fill such vacancy may, within ten days following the date the notice is posted, or such longer period as may be indicated in such announcement, file with the appointing authority a statement setting forth with reasonable clarity and specificity, the qualifications of such person for such appointment. No permanent appointment to fill any position shall be effective until at least fourteen days have elapsed following such posting to permit the reasonable consideration of all such applicants. This section shall not apply to positions covered under the civil service law and rules or if in conflict with the provisions of a collective bargaining agreement.

A list of appointments made pursuant to such notices shall be maintained in the office of the town clerk, on the town's website, and posted on the town bulletin boards in proximity to the place where the notice of vacancy, or impending vacancy, had been posted. It shall be the duty of the appointing authority to file such notice with the town clerk at the time the appointment is made.

### ***SECTION 8-12: PUBLIC FORUMS***

- (a) ***Scheduled Meetings*** – The select board shall convene at least two open, public forums, annually, for the purpose of providing an opportunity for the public to bring matters to the attention of the elected and appointed officers of the town.

One such forum shall be held in the fall, during the last week of October, and shall primarily focus on the delivery of services by the town, and one such forum shall be held in the spring, during the last week in April, and shall primarily focus on budgeting and other spending matters.

The select board chair shall preside, regulate the proceedings, and decide all questions of order. All elected and appointed officials of the town shall be invited to attend in order to be available to respond to questions raised by the public and to hear comments, criticisms, and suggestions made with respect to areas within the scope of the responsibilities of such elected and appointed officials.

The forum shall be held in a place convenient for the public and at least two weeks notice shall be given by newspaper advertisement, on the town's website, and such other methods as are deemed to be necessary or desirable. The notice shall state the date, time, and place at which each forum will be held and the subjects to be discussed.

- (b) ***Meetings on Petition of Voters*** - The select board shall call public forums upon the receipt of a written request setting forth the purpose, or purposes for which such meeting is to be called, and signed by three hundred or more voters. The select board chair shall preside and regulate the proceedings of such meetings. The select board, in conjunction with the town manager, shall cause the attendance

of town officials and employees as may be necessary to respond to the issues and concerns raised by the voters in their petitions.

**SECTION 8-13: ANNUAL REPORT OF THE TOWN**

An annual report which contains a general summary of the activities of all town agencies shall be published within one hundred and twenty days following the close of each fiscal year. The annual report shall contain reports by the select board, the town assembly, the town manager, the treasurer, the school committee, the board of library trustees, and such other town agencies as may be required by ordinance to provide such reports.

**SECTION 8-14: ELECTRONIC PUBLICATION**

In every case where, under any provision of this charter, publication of notice is required by posting in one or more places, or by publication in a newspaper of general circulation, or otherwise, the same notice shall be made available to the public by posting on the town's website, or by any other similar electronic means freely accessible by the public at all times, and by posting on the town's cable access television channels. Such notice shall be posted as soon as possible, but never for a period shorter than the minimum number of days as may otherwise be required by law, by the charter, by ordinance, or by rule or regulation.

It is the intention of this provision that the actions taken, or proposed to be taken, by town agencies shall always be known to the town's voters and inhabitants to the greatest extent possible. It is recognized when this section is being drafted that publication on the town's website and posting on the town's cable access television channels are efficient and effective methods of reaching a large number of town voters and residents. It is the intention of this section that future technology be employed as it becomes available to further enhance voter awareness of and understanding of municipal issues.

**SECTION 8-15: DECLARATION OF EMERGENCY**

Any town agency which declares an emergency, as defined in section 1-8 (b) shall, forthwith, cause a copy of the written declaration recognizing and defining the emergency to be placed on file in the office of the town clerk and by posting on the town's website.

**ARTICLE 9  
TRANSITIONAL PROVISIONS**

**SECTION 9-1: CONTINUATION OF EXISTING LAWS**

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

In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

**SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION**

All town agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have

been transferred and assumed by another town agency.

### **SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY**

All records, property, and equipment whatsoever of any town agency, or part thereof, the powers and duties of which are assigned in whole or in part to another town agency, shall be transferred forthwith to such agency.

### **SECTION 9-4: EFFECT ON OBLIGATIONS, TAXES, ETC.**

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the town before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

### **SECTION 9-5: TIME OF TAKING EFFECT**

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

- (a) All town officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter, until such time as some other provision is made in accordance with the schedule established in this section or under some other provision of the home rule charter.
- (b) The first town election to elect officers under this charter shall be held on the first Wednesday after the third Monday in April in the year following the year in which this charter is adopted. (April 21, 2010)

At the said election, the term of office of the member of the board of selectmen who as a candidate for the office of selectman at the most recent town election received the lowest number of votes shall be terminated. The office of select board chair shall be filled at the said election for a term of three years.

The terms of office of the two members of the board of selectmen who placed third and fourth in the number of votes received at the election held in November 2009 shall expire on the first business day following the town election held in April 2011 and the terms of office of the two members of the board of selectmen who placed first and second in number of votes received at the election held in November 2009 shall expire on the first business day following the town election held in April 2012.

All of the members of the town assembly as provided in article 2 of this charter shall be elected. The two candidates for the office of assembler-at-large who receive the highest number of votes shall be declared elected to a three year term, the two candidates for the office of assembler-at-large who receive the next highest number of votes shall be declared elected to a two year term, and the two candidates for the office of assembler-at-large who receive the next highest number of votes shall be declared elected to a one year term.

The candidate in each precinct who receives the highest number of votes for the

office of precinct assemblor shall be declared elected to a two year term and the candidate in each precinct who receives the next highest number of votes for the office of precinct assemblor shall be declared elected to a one year term.

At the said election, the term of office of the two members of the school committee who as candidates for the office of school committee member at the most recent town election received the lowest number of votes shall be terminated. Two candidates shall be elected to the office of school committee member for terms of three years, expiring on the first business following the town election in 2013.

The two candidates for the office of school committee member who received the highest number of votes at the election held in November 2009 shall be deemed to have been elected to a term expiring on the first business day following the town election in 2012.

The term of office of the candidate who received the third highest number of votes at the election held in November 2009 shall expire at the town election held in April 2011 and a successor shall be elected to the school committee for a term expiring on the first business following the town election in 2014.

Thereafter as the terms of office of elected officers expire successors shall be elected for the respective terms of office as are specified in this charter.

Upon the qualification of the officers elected at said election, and after their organization as provided in charter section 8-8, the powers of the town under this charter shall take full effect.

- (c) The powers, duties, and responsibilities of the town manager as provided in Article 4 of this charter shall take effect upon the qualification of the town officers as provided in (b), above. The incumbent town manager shall continue to serve in such office under the new charter, subject to removal, as provided in said charter.
- (d) Not later than ninety days following the election at which this charter is adopted, the select board shall appoint seven persons to be a committee to begin a review of the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. If possible, at least two of the persons appointed to the committee shall have been members of the Saugus Charter Commission. The committee shall submit a report, with recommendations, to the select board at least seven days prior to the date of the town election held in the year following the year in which this charter is adopted. The review shall be conducted under the supervision of the town counsel, or, by special counsel appointed for that express purpose.
- (e) It is the intention of the charter commission in assigning all policy making responsibility to the select board (*inter alia*) to resolve a question which has arisen from time to time in Saugus, regarding the operation of the water and sewer functions within the public works department. The charter commission believes the language it has used in section 3-1(b) should be construed to recognize the select board as the policy maker for water and sewer functions and services. Specifically, it is our intention that the select board shall be responsible for setting the rates and charges payable for both sewer and water services and is the authority empowered

to adopt, and from time to time to amend, water and sewer regulations, including procedures to be followed in relation to abatements.

- (f) The charter commission is responsive to the suggestion which has been directed to it that the same restrictions and prohibitions which apply to elected officers in its proposed charter should apply as well to the members of the Saugus Charter Commission. The applicable provision, found in charter section 2-3 for the Assembly, 3-3 for Select Board members, and 3-9 for School Committee members, is as follows:

***No former member of the Saugus charter commission shall hold any compensated appointed town office or town employment until one year following the date on which such member's service on the charter commission has terminated.***

- (g) The number of persons appointed to serve as constables in Saugus shall never exceed one such constable for each two thousand inhabitants. No person currently holding an appointment as a constable on the date this charter is adopted shall be refused renewal of such appointment, unless for cause. It is the intention of this provision that the number of constables appointed in the town will be reduced by attrition. All future appointments of new constables shall be limited to residents of the town of Saugus.
- (h) The provisions of sections 2-4, 3-4, and 3-10 shall not apply to any person currently holding elective office, such persons may continue to receive the same group insurance benefits they have been receiving. It is the intention of sections 2-4, 3-4, and 3-10 that the limitation and restriction shall apply to all persons hereafter elected to office in the town of Saugus.
- (i) The position of town accountant which has heretofore existed in Saugus shall, after the assumption of power and authority by the select board and town assembly, be divided into two separate and distinct functions. The powers of the office which are associated with auditing, including those described in sections fifty and fifty-three and of chapter forty-one of the General Laws, shall be assigned to the office of town auditor established by section 2-8(b) of the home rule charter. The remaining powers of a town accountant having to do with the regular payment of bills and invoices submitted by municipal agencies, including those described in sections fifty-one, fifty-two, fifty-four A, fifty-six, fifty-seven, and fifty-eight of chapter forty-one, shall be exercised by a person in the executive branch under the title 'town accountant'.

The annual salary of the town auditor appointed by the town assembly pursuant to charter section 2-8(b) shall initially be established at twenty-five thousand dollars with a proviso the amount provided for such office shall never be less than one-half the amount provided for the highest paid town financial officer. The town assembly may, in lieu of expending such appropriation as a salary, expend the said appropriation as a consultant account, paying the certified public accountant, or firm of such accountants, retained to provide the annual audit pursuant to section 6-14 from such account to provide periodic financial auditing and oversight services to it throughout the fiscal year, or, in its discretion, the finance and audit committee may engage another certified public accountant, or firm of such accountants, to

perform the audit function.

- (j) Until such time as the town assembly acts to amend, revise, or repeal any of the provisions which follow, or the procedures involved, the following shall have the force of a town ordinance.

**Section 0-100: Town Manager Screening Committee**

*Whenever a vacancy shall occur in the office of town manager, a screening committee shall be established for the purpose of soliciting, receiving, and evaluating applications for the position of town manager. The screening committee shall consist of five persons who shall be chosen as follows: the select board shall designate two members; the town assembly, the finance and audit committee, and the school committee shall each designate one member. Persons chosen by the said agencies may, but need not, be members of the agency by which they are designated.*

*Not more than fourteen days following the notice of the vacancy, or pending vacancy, 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 candidates for the office. The committee shall proceed, notwithstanding the failure of any town agency to designate its representatives.*

*The sum of \$1,500 shall forthwith be credited to an account established for the committee for the purpose of meeting its anticipated expenses, which may include secretarial services, advertising, printing and mailing, consultant services, and other related costs. Additional sums as needed shall be provided.*

*The screening committee shall review all applications that are received by it, screen all such applicants 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 ninety 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. The select board shall, within twenty days following the date of receipt of the list of nominees, choose one candidate from the list to fill the position of town manager.*

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

- (k) Until such time as the town assembly acts to amend, revise, or repeal any of the provisions which follow, or the procedures involved, the following shall have the force of a town ordinance.

**Section 0-200: Qualifications of Town Manager:**

*In addition to the qualifications as stated in section 4-1, candidates for the office of town manager shall have not less than the following specific qualifications:*

1. *at least an earned bachelor's level degree from a recognized, accredited*

*college or university;*

2. *have served full time for at least eight years in progressively more responsible positions in municipal administration and as the chief administrative officer of a city or town (under any title) for not less than three years.*

- (l) The select board shall have authority to adopt measures which have the force of transitional provisions of this charter in order to clarify, confirm, or extend any provision of the charter in order that the transition may be made in the most expeditious and the least contentious manner possible.
- (m) As soon as practical, but no later than ninety days after the first select board chair and members of the town assembly have been elected and taken the oath of office, the select board shall appoint and call together for an initial meeting the members of the board of license commissioners established in section 5-5 of this charter. The terms of office of the incumbent selectmen as members of the board of license commissioners shall forthwith be terminated and successors shall be appointed to the three regular seats and the two alternate positions established in section 5-5. No more than two members of the select board may be appointed to any of these positions.
- (n) Within eighteen months following the adoption of this charter, the town manager shall prepare a comprehensive plan of organization of the town government administrative structure in the form of a proposed administrative code provision in accordance with section 5-1 of this charter.

The town manager when preparing such comprehensive plan shall consider, but shall not be bound in the preparation of such plan, to the following departments:

1. a department of municipal finance;
2. a department of human resources;
3. a department of conservation and natural resources;
4. a department of planning and economic development.

The town manager may organize such departments incorporating functions, services, and agencies into such departments as deemed appropriate. The town manager may appoint department heads or act as the department head.

- (o) Until such time as the town assembly may vote to amend, revise, or repeal in whole, or in part, any of its provisions the following shall have the force of a town ordinance:

**Section 0-300: Standing Committees, Established**

*There shall be six standing committees of the town assembly: a standing committee on finance and audit; a standing committee on public services; a standing committee on buildings and improvements; a standing committee on land use and planning; a standing committee on public safety and public health; and a standing committee on legal affairs and ordinances.*

**Section 0-301: Appointment of Members of Standing Committees**

*Each of the standing committees of the town assembly shall be chaired by a member of the town assembly elected at large, who shall be appointed by the*

*president of the town assembly to serve during the term for which elected. Each member of the town assembly shall be appointed to serve on at least one of the committees so established. In the event of the prolonged inability of any one member to attend meetings of a standing committee, the president of the town assembly may appoint an alternate member to serve on the committee until the regular member can attend such meetings.*

**Section 0-302: Assignment of Matters to Standing Committees**

*Unless an objection is made by any member, the president shall refer all new business, communications, petitions, and orders to the standing committees, as follows:*

**1. Committee on Finance and Audit**

*Budget review and transfers, policy oversight and review, capital improvement planning, the purchasing function. Matters relating to trust funds, appropriations, transfers of funds, authorization to spend funds, loans, options, pensions, salaries, audits, taxes, revaluation, user fees, betterment assessments, contracts, acceptance of grants, overall operating budget review, utility petitions, and other matters affecting the finances of the town. Supervision of the town audit function, including an annual town audit and periodic examination of town financial affairs. Matters relating to the sale or lease of municipal-owned property.*

**2. Committee on Public Services**

*Capital improvement programming, policy oversight and review of other matters relating to the school department, the public library, the youth and recreation department, veterans services, the health department, cemetery department, any regional services, and the Saugus Housing Authority. Matters relating to traffic rules and regulations, street acceptance, layout, relocation, and discontinuance of public ways.*

**3. Committee on Buildings and Improvements**

*Policy oversight and review of all matters relating to existing town owned buildings and grounds, including ordinary maintenance, renovations, repairs and upgrades, and additions, replacements, and new construction.*

**4. Committee on Public Safety**

*Policy oversight and review, and other matters relating to the fire department, police department, emergency medical services, emergency preparedness, and utility petitions.*

**5. Committee on Land Use and Planning**

*Matters relating to zoning change petitions, sign permits, lodging houses and dormitory licenses, licensing of automobile dealers, licensing of taxis, and all other licenses except those under the jurisdiction of the Board of License Commissioners. Policy oversight and review of the department of planning and development, planning board, zoning board of appeals, historic commission, historic district commission, conservation commission. Matters relating to the zoning map, comprehensive planning,*

*open space planning, and maintenance of conservation land.*

**6. Committee on Legal Affairs and Ordinances**

*Review and make recommendations regarding all claims and legal settlements referred to the assembly by the town counsel; Ongoing oversight and review of all ordinances of the town, recommending changes as appropriate and drafting new ordinances and amendments as necessary; Matters relating to the legal status of items previously passed by another committee; Charter review committees, charter amendment proposals, and matters relating to Home Rule petitions to the General Court.*

**Section 0-303: Investigations and Reports by Standing Committees**

*The standing committees of the town assembly shall investigate and report to the town assembly on all matters within their respective jurisdictions, which shall be referred to them by the town assembly. They may have charge of the expenditure of special appropriations when so ordered by the town assembly.*

(p) Town Administrative Organization - Until such time as a different form of organization shall be provided, in accordance with the provisions of this charter, the following outline of the administrative organization of the town as it is presently constituted shall continue to be operative, but appointments shall be made as hereafter provided:

Accountant, Town	Town Manager
Affordable Housing Trust	Select Board
Aging, Council on	Select Board
Animal Control Officer	Town Manager
Appeals, Board of	Select Board
Assessors, Board of	Select Board
Building Inspector	Town Manager
Cable TV Commission	Select Board
Cemetery Commissioners	Select Board
Civil Defense Dept.	Town Manager
Clerk, Town	Town Manager
Conservation Commission	Select Board
Constables	Select Board
Contributory Retirement Board	General Laws c. 32, §20, 4, (b)
Electrical Inspector	Town Manager
Fire Chief	Town Manager
Handicap Access Commission	Select Board
Harbor Management & Planning Comm.	Town Manager
Harbormaster	Town Manager*
Health, Board of	Select Board
Historic Commission	Select Board
Insect Pest Control Superintendent	Town Manager
Insurance Committee	Select Board
Parking Clerk	Town Manager
Planning Board	Select Board
Police Chief	Town Manager

Plumbing & Gas Inspector	Town Manager
Public Works, Superintendent of	Town Manager*
Public Education and Government Access	Select Board
Registrars of Voters	MGL c. 51, § 15
Scholarship Committee	Select Board
School Building Committee	Select Board
Town Counsel	Town Manager*
Town Manager	Select Board
Town Treasurer	Town Manager
Tree Committee	Select Board
Tree Warden	Town Manager
Treasurer/Tax Collector	Town Manager
Veterans Agent	Town Manager
Weights & Measures, Inspector of	Town Manager
Youth & Recreation Commission	Select Board

*\*Indicates the approval of the select board is required*

- (q) All legislative business necessary for the orderly conduct of the town shall continue to be conducted by the representative town meeting members elected at the town election at which this charter is adopted until the full powers of the town assembly become operative on the first business day following the election of its members. On the said first business day following the town election in 2010 the terms of office of all members of the representative town meeting shall be terminated and the said representative town meeting shall thereafter cease to exist. All of its powers, duties, and responsibilities shall devolve upon the town assembly.
- (r) The town assembly shall immediately following its election proceed forthwith to adopt temporary rules governing the conduct of the meetings of the town assembly and shall make provision for its full assumption of the powers, duties, and responsibilities which will devolve upon it under this charter including, but not limited to the taking of the following steps:
1. It shall provide for a review of the report filed by the committee pursuant to section 9-5 (d) and a review to be made of all existing by-laws, rules, and regulations of the town, with a view to bringing them into conformity with the provisions of this charter.
  2. It shall provide for the adoption of permanent rules governing the bringing of matters before the town assembly for action, the establishment of standing committees and such other related matters as seems necessary and desirable.
  3. Not later than the last day of June in the second year following the year in which the charter is adopted (June 30, 2011), the assembly shall adopt a codification of ordinances containing all of the pre-existing by-laws of the town which are appropriate for continuation as ordinances and such new ordinances as may be necessary or desirable. The codification may be adopted by reference, by enacting an ordinance referring to a document in existence, and for the convenience of the voters with certified copies on file in the office of the town clerk and at the main branch of the public

library.

All proposed ordinances introduced after the approval of the code shall be adopted as amendments, additions, or deletions to the code and by reference thereto.

- (s) Notwithstanding any other provision of this charter which might be construed to the contrary, it is not expected that the select board, town assembly, and town manager will be able to begin at once to exercise every power and every function which devolves upon the said offices under this charter. It is recognized that it is in the best interests of the town of Saugus that such assumption and change from existing practices will be phased in on a gradual basis as the select board, town assembly, and town manager are able to adopt ordinances, promulgate rules and regulations, and take such other actions as are necessary to implement the provisions of this charter which establish new duties and responsibilities on such officers
- (t) Not later than thirty days following the date of the ratification of this charter by the voters, the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of Saugus a copy of the vote ratifying this charter and the following petition for the enactment of a special law applicable to Saugus in the following form:

AN ACT EXCEPTING SAUGUS FROM CERTAIN PROVISIONS OF THE  
CIVIL SERVICE LAW

*Be it enacted, etc.*

For the purpose of classifying positions under the civil service law and rules, Saugus, notwithstanding the provisions of a home rule charter establishing its form of government, shall continue to be governed by the provisions of section fifty-two of chapter thirty-one of the General Laws and not by the provisions of section fifty-one of said chapter thirty-one.

Nothing in this act shall be construed to affect the civil service status of any person currently covered by such law and rules.

This act shall take effect upon its passage.

The general court may make changes in the draft legislation proposed herein provided the intention that the provisions of the civil service law as it relates to towns shall continue to be applicable to Saugus remains intact.

- (u) The provision in section 4-2(b) the second paragraph, providing for the periodic appointment of the superintendent of public works by the town manager subject to the confirmation by the select board, shall not take effect during the tenure of the incumbent superintendent, but his successor shall be chosen in accordance with the provisions of the section.
- (v) The provisions of chapter 756 of the acts of 1967 governing the election of members of the Saugus Housing Authority is hereby recognized, confirmed, and continued. Two members of the Saugus Housing Authority shall be elected at the town elections held in odd numbered years for terms of four years each, to fill the expiring terms of office. The two terms of office which are scheduled to expire at the town election held in November 2011 shall expire instead at the town election held in April 2011 and the two terms of office which are scheduled to expire at the town election held in November 2013 shall expire instead at the town election held

in April 2013. Thereafter, as the terms of office expire, successors shall be elected for terms of four years each, expiring on the first business day following the town election.

**SECTION 9-6: DISPOSITION OF SPECIAL LAWS**

- (a) *Special Laws Retained* - The following special laws providing for the incorporation of the town of Saugus and establishing and defining its**

**boundaries are hereby expressly retained and made a part of the town's charter:**

1815, C.108-AN ACT TO INCORPORATE THE SECOND PARISH IN THE TOWN OF LYNN INTO A SEPARATE TOWN BY THE NAME OF SAUGUS; 1841, C. 30-AN ACT TO SET APART OF CHELSEA TO SAUGUS; 1901, C.407-AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWN OF LYNNFIELD AND SAUGUS; AND 1933, C.298-AN ACT ANNEXING A PART OF THE TOWN OF SAUGUS TO THE TOWN OF WAKEFIELD; and the following special law providing an exception to the provisions of General Laws chapter 121B for the manner of choosing members of the Saugus Housing Authority, is hereby expressly retained and made a part of the town's charter: 1967, C.756-AN ACT PROVIDING THAT THE TERMS OF OFFICE OF THE ELECTED MEMBERS OF THE HOUSING AUTHORITY OF THE TOWN OF SAUGUS SHALL BE FOUR YEARS.

- (b) *Special Laws Retained, in Part* - The following special laws providing special financing authority which the town might not otherwise have under the General Laws are, insofar as they contain any such special authority, specifically retained and made a part of the town's charter; provided, however, the powers granted, if any, are to be exercised in accordance with the town's home rule charter:**

1873, C.160-AN ACT TO RELIEVE THE TOWN OF SAUGUS OF A PORTION OF THE EXPENSE OF REPAIRING A CERTAIN HIGHWAY AND BRIDGE; 1912, C.188-AN ACT RELATIVE TO SURPLUS INCOME OF THE WATER DEPARTMENT OF THE TOWN OF SAUGUS; 1985, C.643-AN ACT AUTHORIZING THE ESTABLISHMENT OF A WATER SYSTEM IMPROVEMENT FUND IN THE TOWN OF SAUGUS; 1988, C.145-AN ACT ESTABLISHING A CERTAIN FUND FOR THE CONSTRUCTION AND REHABILITATION OF SEWERAGE SYSTEMS IN THE TOWN OF SAUGUS; 1995, C. 226-AN ACT RELATIVE TO THE ESTABLISHMENT OF A DEBT SERVICE RESERVE FUND FOR THE TOWN OF SAUGUS

- (c) *Special Laws Retained, in Part* - The following special laws providing special borrowing authority which the town might not otherwise have under the General Laws are, insofar as they contain any such special authority, specifically retained and made a part of the town's charter; provided, however, the powers granted, if any, are to be exercised in accordance with the town's home rule charter:**

1895, C. 98-AN ACT TO AUTHORIZE THE TOWN OF SAUGUS TO INCUR INDEBTEDNESS

BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES; 1905, c.297-AN ACT TO AUTHORIZE THE TOWN OF SAUGUS TO INCUR INDEBTEDNESS FOR THE CONSTRUCTION OF SCHOOLHOUSES AND THE ACQUISITION OF LAND THEREFORE; 1914, c.133-AN ACT TO AUTHORIZE THE TOWN OF SAUGUS TO MAKE AN ADDITIONAL WATER LOAN; 1991, c.313-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO BORROW MONEY TO FUND CERTAIN PAYMENTS.

***(d) Special Laws Specifically Repealed*** - The following special laws, were adopted for a single, specific purpose which has either now been accomplished, or the time for action has now expired. If the act contemplated has been exercised, the actions authorized and completed are hereby ratified and confirmed and the results of those actions are continued insofar as the same may be necessary, but in all other respects the special acts herein listed are repealed:

1891, c.296-AN ACT TO LEGALIZE AND CONFIRM A VOTE OF THE TOWN OF SAUGUS APPROPRIATING MONEY FOR THE PURPOSE OF DEDICATING A SOLDIER'S MONUMENT; 1906., c. 431-AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF SAUGUS; 1916, c.234-AN ACT TO AUTHORIZE THE TOWN OF SAUGUS TO PAY A SUM OF MONEY TO THE WIDOW OF ARTHUR L. WILLIAMS; 1922, c. 62-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO PAY A PENSION TO JUSTIN E. MANSFIELD; 1923, c. 22-AN ACT PLACING UNDER THE CIVIL SERVICE LAW THE OFFICE OF CHIEF ENGINEER OF THE FIRE DEPARTMENT OF THE TOWN OF SAUGUS; 1927, c. 22 AN ACT AUTHORIZING THE TOWN OF SAUGUS TO ACQUIRE, USE AND MAINTAIN CERTAIN LAND IN THE CITY OF REVERE FOR PARK AND PLAYGROUND PURPOSES; 1931, c.318-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO PAY A SUM OF MONEY TO THE CHAHPAHWEE CAMP FIRE GIRLS; 1934, c. 57-AN ACT AUTHORIZING THE TAKING BY EMINENT DOMAIN OF LAND WITHIN THE LIMITS OF FOSTER STREET IN THE TOWN OF SAUGUS AS A SITE FOR A FIRE AND POLICE STATION BUILDING; 1936, c.258-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO PENSION PETER A. FLAHERTY, A MEMBER OF ITS POLICE FORCE; 1943, c.507-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO ACQUIRE AND PRESERVE THE OLD IRON WORKS HOUSE, SO CALLED, LOCATED IN SAID TOWN, AND PROVIDING FOR THE FINANCING THEREOF BY SAID TOWN, THE COMMONWEALTH AND ASSOCIATIONS OR INDIVIDUALS; 1947, c.341-AN ACT REQUIRING THE SUBMISSION FOR ACCEPTANCE BY THE VOTERS OF THE TOWN OF SAUGUS AT A SPECIAL TOWN MEETING OF AN ACT CHANGING THE REPRESENTATIVE TOWN MEETING FORM OF GOVERNMENT IN THE TOWN OF SAUGUS AND COMBINING THEREWITH A TOWN MANAGER FORM OF GOVERNMENT; 1952, c.324-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONVEY TO THE EAST SAUGUS IMPROVEMENT ASSOCIATION, INC. A PORTION OF THE FREDERICK STOCKER PLAYGROUND IN SAID TOWN; 1952, c.330-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO PAY A SUM OF MONEY TO HAZEL C. MORRISON; 1952, c.332-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO PAY A SUM OF MONEY TO M. PEARL PETERSON; 1954,c. 592-AN ACT AUTHORIZING THE PLACING OF THE OFFICE OF TOWN ENGINEER OF THE TOWN OF SAUGUS UNDER THE CIVIL SERVICE LAWS AND PROVIDING LIFE TENURE FOR THE INCUMBENT; 1956, c.668-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO PAY A SUM OF MONEY TO THE MASSACHUSETTS NATIONAL GUARD; 1957, c.130-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO SELL AT

PUBLIC AUCTION A CERTAIN PARCEL OF LAND DESIGNATED AS PINE PARK; 1963, C.283-AN ACT TO ASCERTAIN THE WILL OF THE VOTERS OF THE TOWN OF SAUGUS RELATIVE TO A CHANGE IN THE PRESENT FORM OF GOVERNMENT; 1964, C.50-AN ACT PROVIDING LIFE TENURE FOR JOHN THOMAS RAICHE, INCUMBENT OF THE OFFICE OF TOWN CLERK OF THE TOWN OF SAUGUS; 1972, C.628-AN ACT PROVIDING THAT CERTAIN QUESTIONS RELATIVE TO GROUP LIFE AND HEALTH INSURANCE FOR PRESENT AND RETIRED EMPLOYEES OF THE TOWN OF SAUGUS SHALL BE PLACED ON THE BALLOT TO BE USED IN SAID TOWN AT THE BIENNIAL STATE ELECTION IN THE CURRENT YEAR; 1980, C.192-AN ACT RELATIVE TO THE FUNDING OF SALARIES PAYABLE DURING THE MONTHS OF JULY AND AUGUST TO TEACHERS AND OTHER PROFESSIONAL EMPLOYEES OF THE SCHOOL DEPARTMENT IN THE TOWN OF SAUGUS; 1986, C.596-AN ACT TO AUTHORIZE THE TOWN OF SAUGUS TO BORROW A CERTAIN SUM TO SATISFY A JUDGMENT; 1987, C.46-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONVEY CERTAIN LAND; 1987, C. 91-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO GRANT CERTAIN EASEMENTS; 1989, C.301-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO ISSUE AN ADDITIONAL ALL ALCOHOLIC CLUB LICENSE TO THE FOX HILL YACHT CLUB; 1993, C.64-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO ISSUE AN ALL ALCOHOLIC BEVERAGE CLUB LICENSE TO THE SAUGUS ITALIAN AMERICAN CLUB INC.; 1993, C.387-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONVEY CERTAIN OPEN SPACE LAND; 2002, C.254-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONVEY CERTAIN PARCELS OF LAND; 2003, C.104-AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONTINUE THE EMPLOYMENT OF POLICE OFFICER PETER CICOLINI

**(e) *Special Laws Specifically Repealed* – The following charter related special laws which prior to the adoption of the Home Rule Charter, served to constitute the ‘existing charter’ of the town of Saugus, are hereby repealed and the powers, duties and responsibilities of the town, and of its officers and employees, shall be those set out in the home rule charter prepared by the Saugus Charter Commission:**

1886, C.235-AN ACT TO INCORPORATE THE SAUGUS WATER COMPANY; 1911, C. 91-AN ACT TO ESTABLISH A BOARD OF WATER COMMISSIONERS IN THE TOWN OF SAUGUS AND TO AUTHORIZE SAID TOWN TO EXTEND ITS WATER SYSTEM; 1914, C. 36-AN ACT RELATIVE TO THE SCHOOL COMMITTEE OF THE TOWN OF SAUGUS; 1916, C. 85-AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SUPERINTENDENT OF PUBLIC WORKS IN THE TOWN OF SAUGUS AND TO ABOLISH THE WATER BOARD; 1928, C. 55-AN ACT PROVIDING FOR PRECINCT VOTING, REPRESENTATIVE TOWN MEETINGS, TOWN MEETING MEMBERS, A REFERENDUM, AND A MODERATOR TO SERVE FOR A YEAR IN THE TOWN OF SAUGUS; 1933, C.248-AN ACT RELATIVE TO THE TIME OF TAKING EFFECT OF CERTAIN VOTES PASSED AT REPRESENTATIVE TOWN MEETINGS IN THE TOWN OF SAUGUS FOR THE PURPOSES OF REFERENDUM; 1933, C.259-AN ACT RELATIVE TO THE CONSTRUCTION AND OPERATION OF A SYSTEM OF SEWERS AND SEWAGE DISPOSAL BY THE TOWN OF SAUGUS; 1941, C. 35-AN ACT PROVIDING THAT THE SELECTMEN SHALL ACT AS A BOARD OF SEWER COMMISSIONERS IN THE TOWN OF SAUGUS; 1941, C.367-AN ACT RELATIVE TO THE NUMBER OF TOWN MEETING MEMBERS IN THE TOWN OF SAUGUS; 1947, C. 17-AN ACT CHANGING THE REPRESENTATIVE TOWN MEETING FORM OF GOVERNMENT IN THE TOWN OF SAUGUS

AND COMBINING THEREWITH A TOWN MANAGER FORM OF GOVERNMENT; 1951, c. 79- AN ACT CHANGING THE METHOD OF ELECTING SELECTMEN AND MEMBERS OF THE SCHOOL COMMITTEE UNDER THE TOWN MANAGER FORM OF GOVERNMENT IN THE TOWN OF SAUGUS; 1951, c.318- AN ACT FURTHER REGULATING WORK HOURS OF EMPLOYEES OF THE TOWN OF SAUGUS; 1951, c.606-AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL TOWN ELECTIONS IN THE TOWN OF SAUGUS IN ODD-NUMBERED YEARS AND ESTABLISHING THE DATE OF SUCH ELECTIONS; 1952, c.199- AN ACT RELATIVE TO THE VOTE REQUIRED FOR REMOVAL OF THE TOWN MANAGER IN THE TOWN OF SAUGUS; 1953, c. 34-AN ACT RELATIVE TO THE REFERENCE TO THE VOTERS OF CERTAIN VOTES OF THE REPRESENTATIVE TOWN MEETINGS THEREIN; 1954, c.144-AN ACT PROVIDING THAT VACANCIES IN THE FINANCE COMMITTEE IN THE TOWN OF SAUGUS SHALL BE FILLED BY THE MODERATOR; 1966, c. 121-AN ACT PROVIDING THAT THE TERMS OF OFFICE OF THE ELECTED MEMBERS OF THE HOUSING AUTHORITY OF THE TOWN OF SAUGUS SHALL BE FOUR YEARS; 1971, c.28-AN ACT ABOLISHING THE BOARD OF FIRE ENGINEERS OF THE TOWN OF SAUGUS AND PROVIDING FOR THE APPOINTMENT OF A CHIEF OF THE FIRE DEPARTMENT; 1975, c.625-AN ACT RELATIVE TO THE LISTING OF NAMES ON TOWN ELECTION BALLOTS IN THE TOWN OF SAUGUS; 1976, c. 23-AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE OFFICE OF TOWN MEETING MEMBERS IN THE TOWN OF SAUGUS; 1979, c.104- AN ACT RELATIVE TO THE TOWN MANAGER FORM OF GOVERNMENT IN THE TOWN OF SAUGUS; 1981, c.545-AN ACT PROVIDING FOR THE FILLING OF VACANCIES IN THE OFFICE OF SELECTMEN OF THE TOWN OF SAUGUS; 1982, c.395-AN ACT RELATIVE TO THE APPOINTMENT OF THE TOWN MANAGER OF THE TOWN OF SAUGUS; 1982, c.596-AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF SAUGUS; 1984, c.134-AN ACT RELATIVE TO THE NUMBER OF REPRESENTATIVE TOWN MEETING MEMBERS FOR THE TOWN OF SAUGUS; 1984, c.139-AN ACT CHANGING THE ANNUAL DEADLINE FOR THE SUBMISSION OF THE SAUGUS SELECTMEN'S BUDGET RECOMMENDATIONS TO THE FINANCE COMMITTEE ; 1984, c.140-AN ACT RELATIVE TO APPOINTMENTS TO TOWN BOARDS IN THE TOWN OF SAUGUS; 1984, c.141-AN ACT RELATIVE TO THE REPORT OF THE FINANCE COMMITTEE OF THE TOWN OF SAUGUS; 1984, c.142-AN ACT CHANGING THE ANNUAL DEADLINE FOR SUBMISSION OF THE ANNUAL TOWN MANAGER'S ESTIMATES OF EXPENDITURES TO THE SELECTMEN; 1984, c.143-AN ACT RELATIVE TO THE COMMENCEMENT OF THE ANNUAL SAUGUS TOWN MEETING; 1984, c.203 AN ACT RELATIVE TO THE REMOVAL OF THE TOWN MANAGER OF THE TOWN OF SAUGUS;1984, c.229-AN ACT RELATIVE TO THE TOWN CLERK OF SAUGUS; 1986, c.528-AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SAUGUS; 1990, c.669-AN ACT RELATIVE TO THE MEMBERSHIP OF CERTAIN BOARDS OF THE TOWN OF SAUGUS; 1993, c.123-AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SAUGUS; 1999, c. 69-AN ACT RELATIVE TO THE BOARD OF PLAYGROUND COMMISSIONERS IN THE TOWN OF SAUGUS; 2000, c.350-AN ACT RELATIVE TO VACANCIES OF TOWN MEETING MEMBERS IN THE TOWN OF SAUGUS; 2002, c.477-AN ACT RELATIVE TO APPOINTIVE POWERS OF THE BOARD OF SELECTMEN IN THE TOWN OF SAUGUS