HOUSE DOCKET, NO. 3614 FILED ON: 3/2/2011

HOUSE . . . . . No. 3256

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act amending the charter of the town of Eastham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sarah K. Peake	*4th Barnstable*
Daniel A. Wolf	
	☐ *[District]*
	☐

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HOUSE . . . . . No. 3256

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 3256) of Sarah K. Peake and Daniel Wolf (by vote of the town) for legislation to make certain changes in the charter of the town of Eastham. [Local Approval Received.] [Municipalities and Regional Government].

The Commonwealth of Massachusetts

An Act amending the charter of the town of Eastham.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection B of section 2-8 of the charter of the town of Eastham, on file in the office of the archivist of the commonwealth as provided by section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words “to new voters at time of registration,” .

SECTION 2. Subsection E of section 3-4 of said charter is hereby amended by striking out, in line 1, the word “All” and inserting in place thereof the following words:- Unless otherwise specified,

SECTION 3. Subsection G of section 3-8 of said charter is hereby amended by striking out, in each instance they appear, the words “school committee” and inserting in place thereof in each instance, the following words:- Eastham Elementary School Committee .

SECTION 4. Said section 3-8 is hereby further amended by striking out subsection H and inserting in place thereof the following subsection:-

H. At least one representative shall be elected to the Nauset Regional School Committee for a term of three years. Any terms shall be arranged so that they will expire in different years.

SECTION 5. Said section 3-8 is hereby further amended by striking out subsection I and inserting in place thereof the following subsection:-

I. There shall be a board of library trustees of 5 members, elected for 1- or 2-year overlapping terms at an annual election.

SECTION 6. Paragraph (5) of subsection C of section 4-3 of said charter is hereby amended by striking out the words “Prepare and present to the board of selectmen” and inserting

in place thereof the following words:- Prepare and present simultaneously to the board of selectmen and the finance committee.

SECTION 7. Subsection C of section 4-5 of said charter is hereby amended by inserting after the word “action” the following word:- shall.

SECTION 8. Said charter is hereby further amended by striking out section 5-2, and inserting in place thereof the following section:-

Section 5-2. Organizations and Procedures.

A. Each multi-member body shall act in accordance with the particular charge adopted for it by the board of selectmen, subject to any state law requirements.

B. In addition, all multi-member bodies shall:

1. Organize annually at the first meeting of the fiscal year.

2. Elect a chairperson, clerk, and any other necessary officers.

3. Adopt rules of procedure and voting.

4. Establish that a quorum, which is by statute a majority of committee members, must be present at all meetings.

5. Maintain minutes and all other records of proceedings, copies of which shall be a public record and shall be filed with the town clerk within 5 days of approval of the minutes.

6. Report to the board of selectmen annually.

7. Submit a report for inclusion in the annual report.

8. Conduct all meetings in accordance with the open meeting provisions of the General Laws. C. Each appointed body shall consist of an odd number of members who shall be appointed for 3-year overlapping terms unless otherwise specified in the charge to that body.

D. No member shall be appointed for more than 3 consecutive full terms. After reaching maximum service, an individual may be reappointed after 1 year elapses.

E. No member may be appointed to more than 3 committees or multi-member bodies.

F. Any person duly appointed or elected to any office or multi-member body shall take up the duties of the office immediately upon the date specified by statute or as soon as such person shall have been sworn to the faithful performance of those duties by the town clerk.

G. The absence without appropriate explanation of any member of an appointed body from 3 consecutive meetings may serve to vacate the office. The decision to recommend that the

office be vacated shall be made by majority vote of the multi-member body. After such majority vote the chairperson of the body shall advise the appointing authority forthwith. Upon receipt of such a recommendation, the appointing authority shall vote on whether to declare a vacancy. For any vacancy created in this manner, the appointing authority shall fill the vacancy in accordance with the General Laws and this charter.

H. A compensated town employee may serve on a multi-member body, with the exception of the finance committee, provided such body shall have no administrative responsibility over any such employee.

SECTION 9. Subsection F of section 6-1 of said charter is hereby amended by inserting, after the word "Selectmen", the following words:- and Finance Committee, simultaneously,

SECTION 10. Said charter of the town of Eastham is hereby further amended by striking out section 6-2 and inserting in place thereof the following section:-

Section 6-2. Action on Proposed Budget.

A. Within 30 days following the submission of the draft budget to the board of selectmen and the finance committee by the town administrator, the board of selectmen shall adopt its proposed budget, with or without amendments, and submit same with its recommendations to the finance committee.

B. On receipt of the budgets for the Eastham Elementary School Committee, Nauset Regional School Committee and Vocational School Committee, each budget shall be submitted simultaneously to the board of selectmen and the finance committee. The board of selectmen shall, within 30 days of each submission, submit its recommendations of the school committee budgets to the finance committee.

C. Meeting jointly, the board of selectmen and the finance committee shall conduct at least 1 public hearing on the proposed town budget and the school budgets. The board of selectmen and the finance committee may hold additional non-joint public hearings on the budgets, if deemed necessary. The board of selectmen and the finance committee may jointly or separately require the town administrator, any town department, office, board, commission and committee to appear or furnish appropriate financial reports and budgetary information.

D. The finance committee shall vote and issue its printed recommendations and detailed explanations of all financial articles in an annual finance committee report, which shall be made available at least 14 days prior to the scheduled date of the annual town meeting.

E. The board of selectmen shall present the proposed budget to the annual town meeting.

SECTION 11. Section 9-2 of said charter is hereby amended by striking out subsection D and inserting in place thereof the following subsection:-

D. A notice of the availability of the warrant shall be published in a local newspaper at least 14 days prior to any such town meeting.

SECTION 12. Subsection E of section 9-2 of said charter is hereby amended by striking out the words “on or before the day of their publication in a local newspaper” and inserting in place thereof the following words:- at least 14 days prior to any such town meeting .

SECTION 13. Subsection A of section 9-4 of said charter is hereby amended by striking out the words “preferably in public administration,”.

SECTION 14. Section 9-5 of said charter is hereby further amended by striking out subsection A and inserting in place thereof the following subsection:-

A. Search Committee. A search committee consisting of 7 members shall be appointed for 3-year overlapping terms. Three members shall be appointed by the board of selectmen; 2 members shall be appointed by the moderator; and 2 members shall be appointed by the finance committee. The committee shall advise the board of selectmen and the moderator concerning the names and qualifications of residents of the town available to serve on multi-member bodies. The search committee may establish procedures for soliciting candidates for consideration and may consult with town committee members or chairs to assist in determining preferred skills for the individuals to be considered. The search committee shall periodically review all town committee charges. Upon the appointment and qualification of the search committee, the office of search coordinator shall be abolished.

SECTION 15. Subsection J of said section 9-5 is hereby amended by inserting, after the words “seven members” the following words:- and two alternates .

SECTION16. Said section 9-5 is hereby further amended by striking out subsection L and inserting in place thereof the following subsection:-

L. Water Management Committee. A water management committee of 9 members shall be appointed by the board of selectmen for 3-year overlapping terms. Upon the appointment and qualification of the water management committee, the water resources advisory board shall be abolished.

SECTION 17. Said section 9-5 is hereby further amended by striking out subsection N and inserting in place thereof the following 2 subsections:-

N. Capital Projects Committee. Upon any successful votes at town meeting and town election which bonds a municipal project of $500,000.00 or more, there shall be activated a capital projects committee to oversee the management of the project, including the expenditure

118 of funds. The capital projects committee shall consist of 3 voting members and other non-voting
119 members, as follows:

120 (1) A selectman, to be appointed by the board of selectmen (voting member);

121 (2) A member of the finance committee, to be appointed by the finance committee
122 (voting member);

123 (3) The town administrator (voting member); and other non-voting members as may be
124 required by statute or specified by town meeting vote. Should the project not be completed when
125 either the selectman or the member of the finance committee have completed their tenure on
126 those bodies, then the respective body shall appoint a replacement.

127 O. Other. The board of selectmen shall also have the power to appoint some or all
128 members to such other boards, committees, or commissions as may be in existence on the
129 effective date of this charter and for whom no other method of appointment is provided. The
130 board of selectmen shall also appoint the members of such other boards, committees, or
131 commissions as may be hereafter established by General Laws, charter, by-law, town meeting
132 vote, or vote of the board of selectmen.

133 SECTION 18. This act shall take effect upon its passage.