SENATE DOCKET, NO. 2252 FILED ON: 6/6/2012

SENATE . . . . . No. 2295

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

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 Plymouth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	☐ *[District]* ☐
Viriato Manuel deMacedo	*1st Plymouth*
Thomas J. Calter	*12th Plymouth*

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By Ms. Murray, a petition (accompanied by bill, Senate, No. 2295) of Therese Murray, Viriato Manuel deMacedo and Thomas J. Calter (by vote of the town) for legislation to amend the charter of the town of Plymouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

An Act amending the charter of the town of Plymouth.

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. Section 1 of Chapter 358 of the acts of 2004 is hereby amended by inserting before section 1 of the charter of the town of Plymouth the following preamble:-

We, the people of the town of Plymouth, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment of the constitution of the commonwealth, do hereby adopt the following home rule charter for this town.

All elected and appointed town officials, town employees and volunteers agree when taking an oath of office to serve or accepting a job offer for the town of Plymouth to strictly adhere to this home rule charter in the course of conducting their duties.

SECTION 2. Said section 1 of said chapter 358 is hereby amended by striking out section 2-2-3 and inserting in place thereof the following section:-

2-2-3 The Town Clerk shall serve as clerk of the representative town meeting. The Town Clerk shall cause notice of all meetings to be posted in the Town Hall, in the Town's libraries, and posted on the Town's website. The Town Clerk shall mail copies of the notice to the place of residence of all representative town meeting members, citing the place, date, and time of the meeting.

SECTION 2. Said section 1 of said chapter 358 is hereby further amended by striking out section 2-4-7 and inserting in place thereof the following section:-

2-4-7 In the event that the advisory and finance committee fails to comply with the provisions of section 2-12-2 of this charter, the scheduled representative town meeting shall convene and then adjourn to a date that would allow the advisory and finance committee to make

copies of its detailed written report available to representative town meeting members and voters 14 days prior to that date, except that two-thirds of the representative town meeting members in attendance may vote to waive the 14 day requirement of Section 2-12-2.

SECTION 3. Said section 1 of said chapter 358 is hereby further amended by striking out section 2-5-3 and inserting in place thereof the following section:-

2-5-3 A representative town meeting member who removes from the town shall cease to be a town meeting member and a representative town meeting member who removes from the precinct from which the representative was elected to another precinct may serve only until the next annual town meeting. The town clerk may also declare the seat vacant if the registrars of voters, pursuant to sections 47B, 48 and 49 of chapter 51 of the General Laws or any other applicable law, determine that the representative town meeting member is illegally or incorrectly registered to vote in that precinct.

SECTION 4. Said section 1 of said chapter 358 is hereby amended by striking out section 2-11-3 and inserting in place thereof the following section:-

2-11-3 Each precinct chairperson shall arrange for the posting of notices of caucus meetings in town hall and on the town's website. Each such caucus meeting shall be conducted in accordance with section 20 of chapter 30A of the General Laws, the open meeting law.

SECTION 5. Section 2-12-1 of said section 1 of said chapter 358 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

2-12-1 An advisory and finance committee of 15 members shall be appointed by the moderator for 3-year overlapping terms. There shall be no more than 3 members from each precinct of the town; provided, however, that in the event that the number of incumbent members from a particular precinct increases due to redistricting or the change in residency of that member or another, no incumbent member need be removed, and may serve out their respective terms. The advisory and finance committee shall choose from its members a chairperson and fill the other offices as it may create. The moderator may fill any vacancy by appointment and the term of that appointment shall be for the remainder of the unexpired term of the person causing the vacancy.

SECTION 6. Said section 1 of said chapter 358 is hereby further amended by striking out section 2-12-2 and inserting in place thereof the following section:-

2-12-2 The advisory and finance committee shall conduct 1 or more public hearings on the proposed operating and capital budget and shall issue its recommendations in a detailed written report and shall mail copies to town meeting members postmarked not later than 14 days prior to the scheduled date of the representative town meeting and make copies available to voters at least 14 days prior to the scheduled date of the representative town meeting. In

preparing its report, the committee may require any town department, board or office to furnish it with appropriate financial reports and budgetary information. If the advisory and finance committee has failed to consider a warrant article, the representative town meeting may consider that article, provided that two-thirds of the representative town meeting members in attendance vote to do so. The vote shall not be taken unless the article has been presented to the advisory and finance committee.

SECTION 7. Said section 1 of said chapter 358 is hereby further amended by striking out section 3-6-2 and inserting in place thereof the following section:-

3-6-2 The department of public works shall be responsible for:

(a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm drains, bridges and other public way related structures;

(b) the maintenance, repair and cleaning and custodial services of all buildings and grounds owned or leased by the town;

(c) the development and maintenance of all cemeteries, parks and recreation facilities;

(d) snow and ice removal;

(e) providing for and supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of the same;

(f) the supervision, care and replacement of trees;

(g) the design, construction, operation and maintenance of all water and sewer facilities;

(h) other functions as the town manager assigns; and

(i) the master planning of all infrastructure elements under their jurisdiction including, but not limited to, public roadways, sidewalks, stormdrains, bridges, cemeteries, parks and recreation facilities, solid waste and waste water facilities all of which shall be coordinated and consistent with the comprehensive master plan provided for in section 14-4 of chapter 3.

SECTION 8. Said section 1 of said chapter 358 is hereby further amended by striking out section 3-14-8 and inserting in place thereof the following section:-

3-14-8 The planning board shall appoint an open space committee comprised of 9 persons to act in an advisory capacity to the planning board and the representative town meeting with respect to the preservation of natural open space and to assist the community preservation committee in fulfilling its duties under the Community Preservation Act. Five members shall be appointed by the planning board, 2 by the selectmen and 2 by the conservation commission.

SECTION 9. Said section 1 of said chapter 358 is hereby further amended by striking out sections 3-16-1 and 3-16-2 and inserting in place thereof the following 2 sections:-

3-16-1 The board of selectmen shall appoint a building committee which shall consist of 9 members. The committee shall have among its members 1 member of the planning board, a registered professional engineer or architect, an attorney, a person employed in the construction industry or a related trade or occupation, 2 members of the school committee and 3 other residents. Members of the committee shall be appointed for 3-year overlapping terms.

3-16-2 Upon the request of the town manager or a department head, the building committee shall meet with various town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the board of selectmen and the representative town meeting and the school committee when applicable. Whenever this work is authorized by the representative town meeting, the building committee shall be responsible for the oversight of all work relating thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

SECTION 10. Said section 1 of said chapter 358 is hereby further amended by striking out section 4-2-1 and inserting in place thereof the following section:-

4-2-1 No representative town meeting member or elected town official representing the entire town shall hold simultaneously any other elected town office other than member of a charter commission. Any person who holds multiple offices in violation of this section shall promptly inform the town clerk as to which office that person will vacate. Election to any county, state or federal office other than county charter commission shall be deemed to be an event disqualifying an elected town official, including, but not limited to, representative town meeting member, from continuing in an elected town office.

SECTION 11. Said section 1 of said chapter 358 is hereby further amended by striking out section 5-6-3 and inserting in place thereof the following section:-

5-6-3 Within 5 days after receipt of the petition the town clerk shall determine whether the petition contains a sufficient number of signatures. If there is a sufficient number of signatures, the town clerk shall inform the board of selectmen, who, with the town clerk, shall provide for a referendum to be held between 35 and 90 days after that determination.

SECTION 12. Said section 1 of said chapter 358 is hereby further amended by inserting after section 6-2-1 the following 2 sections:-

6-2-2 All multi-member board and committee appointments made under this charter shall be for a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12

month period, shall be deemed to have resigned from the appointed position. Thereafter, the position shall be considered vacant for all purposes.

6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by a vote of the appointing authority, as defined in the establish process developed by the appointing authority.

SECTION 13. Said section 1 of said chapter 358 is hereby further amended by striking out section 7-6-1 and inserting in place thereof the following section:-

7-6-1 At least once in every 5 years, a special committee shall be appointed by the town moderator to review this charter and to make a report, with recommendations, to the representative town meeting concerning any proposed amendments which the committee may determine to be necessary or desirable.