

**TOWN OF LONGMEADOW**

**HOME RULE CHARTER**

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## **PREAMBLE**

We, the people of the Town of Longmeadow, adopt this charter to create a governing framework that provides for delivery of town services in a way that is accountable, efficient, collaborative and responsive to the residents of the town and that continuously enhances our town assets and resources.

## **ARTICLE 1**

### **EXISTENCE AND AUTHORITY**

#### **Section 1-1 Incorporation**

The inhabitants of the Town of Longmeadow, within the territorial limits established by law, shall continue to be a body corporate and politic under the name “Town of Longmeadow.”

#### **Section 1-2 Short Title**

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

#### **Section 1-3 Division of Powers**

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a select board. The legislative powers shall be exercised by an open town meeting.

#### **Section 1-4 Powers of the Town; Intent of the Voters**

It is the intent and the purpose of the voters of the Town of Longmeadow, through the adoption of this charter, to secure for the town all of the powers possible to secure under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

#### **Section 1-5 Interpretation of Powers**

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

#### **Section 1-6 Intergovernmental Relations**

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or function.

## ARTICLE 2

### LEGISLATIVE BRANCH

#### **Section 2-1 Open Town Meeting**

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

#### **Section 2-2 Presiding Officer**

A moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be given to moderators under the constitution and general laws of the Commonwealth, by this charter, by by-law, or by other vote of the town meeting.

#### **Section 2-3 Clerk of the Meeting**

The town clerk shall serve as clerk of the town meeting, give notice of all its adjourned sessions, record its proceedings, and perform such additional duties in connection with it as may be provided by general law, by this charter, by by-law, or by other town meeting vote. Such records shall be made available in the office of the town clerk for examination by the public as provided for by the Massachusetts Public Records Law and shall further be made available in printed form and on the town web site.

#### **Section 2-4 Time of Meetings**

The town by-laws control when the annual town meeting shall convene. Special town meetings shall be convened at such times as may be called by the select board, or by petition of registered voters as provided by law, or at such other time or times as may be provided by by-law of the town.

#### **Section 2-5 Rules of Procedure**

- (a) The conduct of the town meeting shall be governed by Town Meeting Time and such other rules and procedures as, from time to time, may be adopted by town meeting vote.
- (b) There shall be a standing rules committee of five voters appointed by the town moderator for terms of three years, so arranged that as nearly an equal number of terms as possible shall expire each year. The rules committee shall recommend to the town moderator a set of rules for the conduct of the business of the town meeting and may propose amendments to the by-laws pertaining to the time and date and format of town meeting. This summary of the rules shall be published in the warrant.

## **Section 2-6 General Powers and Duties**

All powers of the town shall be vested in the town meeting, except as otherwise provided by law or by this charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

## **Section 2-7 Warrants and Articles**

The select board shall issue a warrant calling for every town meeting. The warrant shall state the date, time and location at which the meeting is to convene and it shall state, by separate articles, the subject matter to be acted upon.

## **Section 2-8 Publication of Warrants**

- (a) Following receipt by the select board of any subject for a town meeting warrant article, initiated by petition or by the select board, the town clerk shall post a copy of such subject on the town bulletin board and otherwise distribute as may be provided by by-law. The town clerk shall make additional copies available in printed form and on the town web site.
- (b) Upon closing of a warrant for any special town meeting, or for the annual town meeting, the select board shall, in addition to the posting of such warrant articles as required by general law, prepare a summary description of the intent of each article on the warrant and arrange to distribute both the summary description and the warrant in printed form and to post them on the town web site, within two weeks of its closing.
- (c) The select board shall distribute the summary description and the warrant for the annual town meeting to each household not later than two weeks prior to the beginning of the town meeting.

## **Section 2-9 Referendum Procedures on Town Meeting Votes**

- (a) **Effective Date of Final Votes:** No final vote of a town meeting on any warrant article, except: (1) a vote to adjourn or dissolve or; (2) votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year or; (3) votes for the temporary borrowing of money in anticipation of revenue or; (4) a vote declared by preamble, by a two-thirds vote of the town meeting, to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town; or (5) any final vote that failed to be approved at town meeting, that would have required, by general law or town by-law, a super majority vote at town meeting; shall take effect until after five days from the dissolution of the town meeting. If a petition seeking a referendum vote on any article is not filed with the select board within the said five days, the votes of the town meeting shall then take effect.

- (b) **Non-Final Votes** - Any article disposed of by a vote to lay on the table or to postpone indefinitely, or by other dilatory vote, shall be deemed to have been rejected in the form in which it was presented or amended.
- (c) **Referendum Petition** - If within said five days a petition signed by not less than three percent of the voters, containing their names and addresses, is filed with the select board requesting that any question, not yet operative, as defined in (a) above be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. Upon the petition's being certified by the registrars of voters, the select board shall, within ten days after the filing of such petition, call a special election that shall be held within thirty-five days after issuing the call, for the purpose of presenting the question or questions to the voters. If, however, a regular or special town election is to be held within sixty days following the date the petition is filed, the select board may put the question, or questions, to the voters at that same election.
- (d) **Referendum Election** - All votes upon any question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the town meeting shall be reversed unless at least twenty percent of the voters participate in the election.
- (e) **Format of Questions** - Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the town meeting, as appears in the records of the clerk of the meeting.
- (f) **Changing the Referendum Procedure** - The percentage of voters enabling the valid filing of a referendum petition and/or the percentage of voters who must participate in the election at which the referendum is on the ballot may be changed by town by-law.

## **Section 2-10 Finance Committee**

- (a) There shall be a finance committee of seven voters of the town appointed for a term of three years, so arranged that as nearly an equal number of terms as possible shall expire each year. The members of the finance committee shall be appointed by a committee of three consisting of the moderator, the then-current-chair of the finance committee and the town's finance director.
- (b) The finance committee shall be an advisory committee to the town meeting and shall have those powers and duties given to finance committees under the general laws, except as may otherwise be provided for in this charter. The finance committee shall have jurisdiction over the reserve fund, shall conduct long range fiscal planning and advise on fiscal policy, and shall further perform those duties assigned to it in article seven of this charter, assigned by by-law, and as may be voted by town meeting.

- (c) No officer of the town or member of any board, commission or other committee of the town, whether elected or appointed, and no town or school employee, shall be a member of the finance committee.

## **ARTICLE 3**

### **ELECTED OFFICES AND BOARDS**

#### **Section 3-1 General Provisions**

- (a) **Elective Offices** - The offices to be filled by the voters shall be the select board, school committee, planning board, moderator, and housing authority and such members of regional authorities or districts as may be established by statute or inter-local agreement.
- (b) **Eligibility** - Any voter shall be eligible to hold any elective town office, but no person holding any elective town office shall simultaneously hold any other elective town office.
- (c) **Nomination Procedures** - The number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall be as prescribed by general law, or town by-law, and certified by the registrars of voters.
- (d) **Election** - The regular election of town officers shall be held annually on a date fixed by by-law.
- (e) **Compensation** - Elected town officers shall receive for their services such compensation as may annually be voted and provided for that purpose by appropriation.

#### **Section 3-2 Select Board**

- (a) **Composition; Term of Office** - There shall be a select board consisting of five members elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.
- (b) **Powers and Duties** - The executive powers of the town shall be vested in the select board. The select board shall have the powers and duties given to boards of selectmen under the constitution and general laws of the Commonwealth, except those powers and duties assigned by this charter to the town manager, and shall have such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote. The select board shall be the water and sewer commissioners of the town. The select board shall cause the laws and orders for the



government of the town to be enforced and shall cause a record of all its official acts to be kept. To aid the select board in its official duties, the board shall appoint a town manager, as provided in article five.

- (c) **Appointing Powers** - The select board shall appoint the town manager, town counsel, special counsel, labor counsel, registrars of voters (but not the town clerk) and other election officers, and members of all appointed multiple-member bodies for whom no other method of selection is provided by the charter or by by-law, except officials appointed by state officers.
- (d) **Policy Role** - The select board shall be the primary policy body for the town; guide long range operational and facilities planning; supervise officials appointed by it; and monitor budgetary compliance.
- (e) **Licensing Authority** - The select board shall be the license board of the town and shall have the power to issue licenses, except those licenses issued by the town clerk in accordance with general law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

### **Section 3-3 School Committee**

- (a) **Composition; Term of Office** - There shall be a school committee consisting of seven members elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.
- (b) **Powers and Duties** - The school committee shall have all of the powers and duties school committees are given under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.
- (c) **Appointing Powers** - The school committee shall appoint a superintendent of schools and such other officers associated with the schools as school committees are authorized to appoint; fix their compensation and define their duties; make rules concerning their tenure of office, and discharge them.
- (d) **Policy Role** - The school committee shall be the policy making body for the school system; guide long range educational planning and facilities needs; supervise officials appointed by it; and monitor budgetary compliance. The school committee shall make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the town.

### **Section 3-4 Moderator**

- (a) **Term of Office** - There shall be a moderator elected for a term of three years.
- (b) **Powers and Duties** - The moderator, as provided in article two, shall preside over and regulate the proceedings at all sessions of the town meeting in accordance with rules of procedure, shall participate in the appointment of the finance committee in accordance with section 2-10 (a); and shall have all of the powers and duties given to moderators under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

**Section 3-5 Housing Authority**

- (a) **Composition; Term of Office** - There shall be a housing authority consisting of five members who shall be voters of the town. Four members shall be elected for terms of five years, so arranged that as nearly as possible one term shall expire each year, and the fifth member shall be appointed by the Commonwealth as provided by law.
- (b) **Powers and Duties** - The housing authority shall have all of the powers and duties given to housing authorities under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

**Section 3-6 Planning Board**

- (a) **Composition and Term** - There shall be a planning board consisting of five members elected for five year terms so arranged that as nearly an equal number of terms as possible shall expire each year.
- (b) **Powers and Duties** - The planning board shall have those powers and duties given to planning boards under the constitution and general laws of the Commonwealth, except those powers and duties assigned by this charter to the town manager, and shall also have such additional powers and duties as may be authorized by the charter, by by-law, or by other vote of town meeting. The planning board shall further be responsible for coordinating the implementation of the long-range plan of the Town of Longmeadow.

**ARTICLE 4**

## APPOINTED BOARDS, COMMISSIONS AND COMMITTEES

### Section 4-1 Historic District Commission

There shall be a Historic District and a Historic District Commission, as provided for in chapter 40C of the general laws, whose composition, powers, and duties are as set forth in chapter 359 of the acts of 1971, and as that act may be further amended.

### Section 4-2 Park and Recreation Commission

- (a) **Composition and Term of Office** - There shall be a park and recreation commission consisting of five members appointed by the select board for terms of three years so arranged that as nearly an equal number of terms as possible shall expire each year.
- (b) **Powers and Duties** - The park and recreation commission shall have those powers and duties given to park commissions under the constitution and general laws of the Commonwealth, except those powers and duties assigned by this charter to the town manager, and shall also have such additional powers and duties as may be authorized by the charter, by by-law, or by other vote of town meeting.

### Section 4-3 Board of Assessors

- (a) **Composition and Term of Office** - There shall be a board of assessors consisting of three members, appointed by the select board for terms of three years so arranged that one term expires each year.
- (b) **Powers and Duties** - The board of assessors shall have those powers and duties given to boards of assessors under the constitution and general laws of the Commonwealth, except those powers and duties assigned by this charter to the town manager, and shall also have such additional powers and duties as may be authorized by the charter, by by-law, or by other vote of town meeting.

### Section 4-4 Other Committees

There shall be such other town committees as the town may establish by by-law, by vote of town meeting or as may otherwise be established by the select board or school committee. Such committees shall be monitored and dissolved as appropriate by their appointing authorities.

### Section 4-5 Procedures for Appointing Multiple Members Bodies

Procedures shall be established by by-law to provide for all appointments to boards, commissions and committees to be made at public meetings of the appointing authorities following public interviews, and as further provided for in Section 9 of this charter.

## ARTICLE 5

### TOWN MANAGER

#### **Section 5-1 Appointment; Qualifications; Term**

The select board shall appoint, by an affirmative vote of at least four members, a town manager for a term of office and other employment conditions to be set forth by written contract, and fix his or her compensation within the amount annually appropriated for that purpose. The select board shall appoint the town manager solely on that person's executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience in municipal administration to perform the duties of the office. The town manager shall not have served in an elective office in the town government for at least twelve months prior to appointment as town manager and shall devote full time to the office and shall not hold any other public office, elective or appointive. The town manager shall not engage in any other business or occupation during his or her term, unless such action is approved in advance, in writing, by the select board. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

#### **Section 5-2 Powers and Duties**

The town manager shall be the chief administrative officer of the town and shall be responsible to the select board for the proper administration of all town affairs that the charter assigns to the town manager. The town manager may delegate certain powers and duties to other town officials; however, any actions taken by other delegated officials, shall be considered actions of the town manager. The town manager shall have the following powers and duties:

- (a) to supervise and be responsible for the efficient administration of all functions under the town manager's control, as may be authorized by the charter, by by-law, by other town meeting vote, or by the select board, including all officers that the town manager appoints and their respective departments,
- (b) to appoint and remove, subject to the civil service laws where applicable, all department heads, all officers subordinate to the town manager, and all subordinates and employees for whom no other method of appointment is provided in the charter, except appointments made by officers of the Commonwealth. Appointments of department heads made by the town manager shall not become effective unless approved by the select board within fifteen days,
- (c) to be responsible for the town's human resource functions, and in accordance with these functions, the town manager shall prepare, subject to approval of the select

board, a personnel policy manual and compensation plan. The town manager shall be entrusted with the administration of all personnel policies, practices, and personnel by-laws, and all collective bargaining agreements entered into by the select board on behalf of the town. The town manager shall be responsible for the negotiation of all collective bargaining agreements that are subject to approval by the select board,

- (d) to fix the compensation of all town officers and employees appointed by the town manager, within the limits established by appropriations and the compensation plan adopted by the select board, and as provided for in collective bargaining agreements,
- (e) to attend all regular and special meetings of the select board, except meetings at which his or her own removal is to be discussed, unless excused at his or her own request, and shall have a voice, but no vote, in all discussions,
- (f) to attend all sessions of the town meetings,
- (g) to see that all of the provisions of the general laws, of the charter, of the by-laws and other town meeting votes, and of the select board that require enforcement by the town manager, or officers and employees subject to his or her direction and supervision, are faithfully carried out,
- (h) to prepare and submit a proposed annual operating budget and a proposed capital improvement program as provided for in article seven,
- (i) to assure that a full and complete record of the financial and administrative activities of the town is kept and to render a full report to the select board at the end of each fiscal year and such other times as the board may require,
- (j) to keep the select board fully informed as to the financial condition and needs of the town, and make recommendations regarding same to the select board as he or she deems necessary or expedient,
- (k) to have full jurisdiction over the rental and use of all town facilities, except schools,
- (l) to be responsible for the maintenance and repair of all town property and school property placed under the town manager's control by the charter, by by-law or by other town meeting vote,
- (m) to inquire, at any time, into the conduct of office of any officer, employee or department under the town manager's control,
- (n) to keep a full and complete inventory of all property of the town, both real and personal,

- (o) to be responsible for the negotiation of all contracts involving any subject within the town manager's jurisdiction, and when authorized by the select board, may negotiate any contract within the jurisdiction of the select board,
- (p) to be the chief procurement officer for the town and be responsible for purchasing all supplies, materials and equipment, and approve the award of all contracts for all departments and activities of the town. The town manager shall examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies or equipment delivered to or received by any town agency. The town manager may examine services performed for any town agency secured through the purchasing procedure,
- (q) to be the town's risk administrator and be responsible for ensuring that all pertinent insurance policies are in effect, that adequate insurance coverage is provided, and that claims are properly processed,
- (r) to coordinate a public communication program for town departments and agencies in order to maximize distribution of reports and documents utilizing both printed means and the town web site,
- (s) to coordinate grant applications and oversee adherence to conditions of grants received by the town,
- (t) to insure the town maintains emergency preparedness plans and trains in use of such plans,
- (u) to develop continuing programs for improvements in the quality and efficiency of town services,
- (v) to perform any other duties required of the town manager by the charter, by by-law, by other town meeting vote or by the select board.

### **Section 5-3 Acting Town Manager - Absence**

By letter filed with the town clerk and select board, the town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town manager during his or her temporary absence. During such absence, the select board may not revoke such designation without cause until at least ten working days have elapsed. The select board may then appoint another qualified town administrative officer or employee to serve as acting town manager until the town manager returns.

### **Section 5-4 Acting Town Manager - Vacancy in Office**

When the office of town manager is vacant, or the town manager is under suspension as provided for in Section 5-5, the select board shall appoint a qualified town administrative

officer, or employee, or other qualified individual, to serve as acting town manager, to exercise the powers and perform the duties of the office of town manager, until the vacancy is filled or the suspension has been terminated.

### **Section 5-5 Removal Procedures**

The select board may remove the town manager from office after first applying the following procedures:

- (a) **Notice** - By affirmative vote of a majority of all of its members the select board may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager immediately following adoption and a copy shall be filed with the town clerk.
- (b) **Public Hearing** - Within five days after the delivery of the preliminary resolution of removal, the town manager may request a public hearing on the reasons cited for removal by filing a written request with the select board. The hearing shall be convened by the board not less than twenty nor more than thirty days after a request is filed. The select board shall give the town manager not less than five days written notice of the date when the hearing is to be held. The town manager may waive, in writing, these time limits. The town manager may file a written statement with the select board responding to the reasons cited for the proposed removal. This statement must be received by the select board not later than forty-eight hours prior to the time set for the public hearing. The town manager may be represented by counsel, of his or her own choosing, at the public hearing. The town manager shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witness appearing at the hearing.
- (c) **Removal** - If the town manager does not request a public hearing, then upon the expiration of ten days from the date of delivery to him of the preliminary resolution of removal; or if the town manager does request a public hearing, then five days from the completion of the public hearing, or forty-five days from the date of the adoption of the preliminary resolution, whichever occurs later; the select board may, by the affirmative vote of a majority of all of its members, adopt a final resolution of removal that shall be effective upon adoption. Failure to adopt a final resolution of removal within the time limitations provided in this section shall nullify the preliminary resolution of removal. The action of the select board in suspending or removing the town manager shall be final. This provision vests all authority and fixes all responsibility for such suspension or removal in the select board. The town manager shall continue to receive his or her salary until a final resolution of removal has become effective.

## ARTICLE 6

### ADMINISTRATIVE ORGANIZATION

#### Section 6-1 Method of Organization – Town Departments

- (a) Subject only to the express prohibitions in the constitution, the general laws or this charter, the town manager may, from time to time, prepare as an administrative code, a plan of organization or reorganization of town government for the orderly, efficient and convenient conduct of the business of the town. The administrative code may: (1) consolidate, create, merge, divide or abolish any town department or office, except the school department, in whole or in part; (2) establish such new town departments or offices as he or she deems necessary or advisable; and (3) prescribe the functions and the administrative procedures to be followed by all such departments or offices.
- (b) The town manager shall submit such administrative code to the select board. The select board shall conduct a public hearing on said administrative code within sixty days of receipt. The select board shall, by majority vote of the full board, vote within thirty days of the public hearing, to approve or disapprove of the administrative code as submitted by the town manager.

#### Section 6-2 Department of Finance and Administration

- (a) **Establishment and Scope** - there shall be a department of finance and administration responsible for the fiscal affairs of the town and for the coordination and overall supervision of all business, fiscal, and financial activities of all town agencies, including the school department. The department of finance and administration shall include the functions of accounting, tax and fee collections, treasury management, assessing, purchasing, contracting, information technology, town clerk's functions, personnel functions and those functions further assigned by the town manager.
- (b) The department shall be subject to the direction of a finance director who shall be appointed by, and directly responsible to, the town manager. The finance director shall serve at the pleasure of the town manager and shall be especially fitted by education, training and experience for the duties of the office. The finance director may also serve simultaneously as town accountant; or collector; or treasurer, but may not serve as town accountant and collector simultaneously.

#### Section 6-3 Department of Public Works

- (a) **Establishment and Scope** – there shall be a department of public works responsible for the performance of all public works activities of the town placed under its control by the charter, by by-law, by administrative code, or otherwise. The department's responsibilities include, but are not limited to; refuse collection and disposal;



recycling; forestry services; tree care; protection of natural resources; care and maintenance of parks, playing fields, playgrounds and public lawns; water supply and distribution; sewers and sewerage systems; street and road maintenance and repair; and care and maintenance of town buildings and grounds and school buildings and grounds.

- (b) The department of public works shall assume all of the duties and responsibilities in the performance of public works functions, including but not limited to those performed prior to the adoption of the charter by or under the authority of the water and sewer commissioners, the school committee, the park commissioners, and the select board.
- (c) **Director of Public Works** - The department of public works shall be under the direct control of a director of public works who shall be appointed by, and directly responsible to, the town manager. The director of public works shall serve at the pleasure of the town manager and shall be a person especially fitted by education, training and previous experience to perform the duties of the office. The director of public works shall be responsible for the supervision and coordination of all divisions within the department in accordance with state statutes, town by-laws, administrative code and directives of the town manager.

#### **Section 6-4 Department of Planning and Community Development**

- (a) **Establishment and Scope** - there shall be a department of planning and community development responsible for coordinating and guiding the safe, healthy and economic development of the town. The department of planning and community development shall include the functions of planning, zoning enforcement, sub-division control, building inspections and code enforcement, conservation, and historic district protection, monitoring the implementation of the town's approved long range plan, and those functions further assigned by the town manager.
- (b) It shall be the responsibility of the director of planning and community development, or the town manager if there is no director, to coordinate the activities of the staff of the department in serving the public and in support of the planning board, conservation commission and zoning board of appeals, historic district commission, and such other offices and boards as are concerned with buildings and land use.
- (c) The staff of the department of planning and community development shall be subject to the direction of the director of planning and community development who shall be appointed by and directly responsible the town manager. The director of planning and community development shall serve at the pleasure of the town manager, and may also serve as the town planner, town engineer or building inspector. Except as specifically provided for elsewhere in this charter, this section shall not subsume the powers and duties of the above named boards and commissions as prescribed by general laws and town by-laws.

## **Section 6-5 Department of Parks and Recreation**

- (a) **Establishment and Scope** - there shall be a department of parks and recreation responsible for the use of parks and conduct of recreational activities. The department of parks and recreation shall include the functions of overseeing the use of town parks, playing fields and playgrounds and swimming facilities and the coordination and supervision of recreational activities and events.
- (b) The department of parks and recreation shall be under the direct control of a director of parks and recreation, who shall be appointed by, and directly responsible to the town manager. The director shall serve at the pleasure of the town manager and shall assume all of the administrative duties and responsibilities for parks and recreation formerly performed by the park and recreation commission, except those duties assigned by the charter to the department of public works, and shall further perform such additional functions and duties as may be assigned by the town manager. The director shall further provide staff support to the parks and recreation commission and shall coordinate departmental programs with the commission.

## **Section 6-6 School Department**

- (a) **Establishment and Scope** – The school department is established in accordance with the constitution and general laws of the Commonwealth. It is responsible for the public education system for the Town of Longmeadow as required by the Massachusetts Department of Education and the policies adopted by the elected School Committee as set forth in section 3-3 of this charter.
- (b) **Superintendent of Schools** – The school department shall be under the direct control of a superintendent of schools appointed by an affirmative vote of at least five members of the full school committee for a term of office and under such conditions of employment as provided for in a written contract and as further provided for in section 3-3 (b) of the charter. The superintendent may be removed from office by an affirmative vote of a majority of all the members of the school committee. The superintendent shall manage the school system consistent with general law and policies set by the school committee. The superintendent shall have those powers and duties given to school superintendents by general law, except those powers and duties assigned by the charter to the town manager, and shall further have those powers and duties as may be assigned by the school committee.

## **ARTICLE 7**

### **FINANCES AND FISCAL PROCEDURES**

#### **Section 7-1 Fiscal Year**

The fiscal year of the town shall begin on July first and end on June thirtieth, unless another provision is made by general law.

#### **Section 7-2 School Committee Budget**

##### **(a) Publication and Hearing on School Budget**

Prior to the school committee adopting the school budget it shall submit a summary of its proposed budget to a local newspaper, of general circulation in Longmeadow, and make copies available by print and on the town web site. The summary shall indicate specifically any major variations from the present budget and the reasons for such variations and a notice stating (1) the times and places where copies of the full budget shall be available for examination by the public, and (2) the date, time and place, when a public hearing shall be held by the school committee on the school budget.

##### **(b) Adoption of School Budget and Submission to the Town**

After the completion of the public hearing on its proposed budget, the school committee shall submit the budget it adopts to the town manager not later than fifteen days prior to the date by which the town manager is required to submit the total town proposed budget in accordance with section 7-3 of the charter.

#### **Section 7-3 Submission of Proposed Budget**

Within a time fixed by by-law before the start of the fiscal year, the town manager, shall submit to the select board a total town proposed budget for the next fiscal year with an accompanying budget message and supporting documents. Upon the adoption of the proposed budget by the select board, the town manager shall forward the proposed budget to the finance committee. The town manager shall simultaneously submit a general summary of the proposed budget, to a local newspaper, of general circulation in Longmeadow, and other media forms of communication including the town web site. The summary shall include a notice stating the times and places where complete copies of the total town proposed budget shall be available for examination by the public.

#### **Section 7-4 Budget Message**

The budget message submitted by the town manager shall explain the proposed budget for all town agencies, both in fiscal terms and in terms of work programs. The message shall: (1) outline proposed financial policies of the town for the next fiscal year; (2) describe important features of the budget; (3) indicate any major variations from the budget for the current year in financial policies, expenditures and revenues, together with the reasons for such changes; (4) summarize the town's debt position; and (5) include such other material as the town manager deems desirable.

#### **Section 7-5 Content of Proposed Budget**

The total town proposed budget shall be a comprehensive, recommended spending and revenue plan reflecting all town and school operations, and shall be balanced in terms of total proposed expenditures and total estimated revenue for the next fiscal year

The proposed budget shall provide a complete financial plan of all town funds and activities for the next fiscal year, including the budget as voted by the school committee. The town manager shall include in the proposed budget the town manager's recommendations for all town agencies including the budget voted by the school committee. If the town manager's recommendation concerning the school budget is less than the amount voted by the school committee the town manager shall state the reasons for the amount recommended.

Except as general law or the charter may require, the proposed budget shall be in the form the town manager deems desirable or the select board may require. In the presentation of the budget the town manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial control. The budget shall be so arranged as to show the actual and estimated income and expenditures for the previous, current, and next fiscal years, and shall indicate in separate sections:

- (a) proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures;
- (b) proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each capital expenditure, and
- (c) estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

## **Section 7-6 Action on the Proposed Budget**

- (a) **Public Hearing** The finance committee, upon receipt of the proposed budget as acted upon by the select board, shall provide for the publication in a local newspaper and on the town web site, of a notice stating the date, time and place, when a public hearing shall be held by the finance committee on the proposed budget.
- (b) **Finance Committee Meetings** The finance committee shall consider in public meetings the detailed expenditures for each town agency as proposed by the town manager and select board and may confer with representatives of any agency in connection with such considerations. The finance committee may require the town manager or any other town agency to provide such additional information as it deems necessary or desirable.
- (c) **Presentation to the Town Meeting** After the public hearing on the proposed budget, the finance committee shall file a report of its recommendations with the select board and the town clerk in sufficient time to be included in the warrant. The finance committee's recommendation shall state whether the committee supports or does not support the specific budget proposals. If the finance committee recommendation is to not support specific budget proposals, the committee shall indicate its reasons in the warrant.

## **Section 7-7 Capital Improvement Program**

- (a) The capital planning committee shall receive, from the town manager, capital improvement projects and needs of town departments and capital improvement projects and needs recommended by town boards and committees. The capital planning committee shall review these projects and needs and assist the town manager in preparing a five-year capital improvement program. The capital improvement program shall annually be submitted to the select board. The select board shall hold a public hearing on the capital improvement program before voting on the program. The select board shall forward the program to the finance committee at the same time the proposed operating budget is forwarded to the finance committee.
- (b) The capital improvement program shall include: (1) a clear, concise, summary of its contents; (2) a list of all capital improvement projects and needs to be undertaken during the ensuing five years with supporting documentation, in such form as the town manager shall prescribe, describing the need for each project; (3) cost estimates, methods of financing and recommended time schedules for each project; and (4) the estimated annual costs of operating and maintaining each facility and or major piece of equipment involved.

(c) The first year of each five-year capital improvement program shall be considered the proposed capital budget for the next fiscal year to be voted on by town meeting.

**Section 7-8 Approval of Financial Disbursements**

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 7-9 Audit Committee**

There shall be an audit committee consisting of five members appointed, by the select board, for terms of three years, so arranged that as nearly an equal number of terms as possible shall expire each year. The audit committee shall review annual financial statements of the town financial offices; and review the independent auditor's management recommendations; provide advice and counsel to the select board, town manager, town accountant, and treasurer.

**Section 7-10 Annual Audit**

The Town shall have an annual audit of the books and records of the Town performed by an independent auditor. The Select Board, with the assistance of the Audit Committee, shall have charge of the audit process for the Town, including, without limitation, the selection of the independent auditor and the implementation of any by-law regarding the audit and independent auditor.

**ARTICLE 8**

**GENERAL PROVISIONS**

**Section 8-1 Charter Changes**

This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX (89) of the amendments to the constitution and as provided for in chapter forty-three B (43B), the Home Rule Procedures Act, of the general laws.

**Section 8-2 Severability**

The provisions of the charter are severable. If any provision of the charter is held invalid,

the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected.

### **Section 8-3 Specific Provisions Prevail**

If any specific provision of the charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

### **Section 8-4 References to General Laws**

All references to the general laws contained in the charter refer to the general laws of the Commonwealth of Massachusetts and include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted after the adoption of the charter.

### **Section 8-5 Computation of Time**

In computing time under the charter, if seven days or less is noted, this includes only business days, not Saturdays, Sundays or legal holidays. If more than seven days is noted, every day shall be counted.

### **Section 8-6 Number and Gender**

When the charter refers to a word in the singular, it may be applied to several persons or things. When the charter refers to words in the plural, they may be applied to the singular. Words importing the masculine gender shall include the feminine gender and words importing the feminine gender shall include the masculine.

### **Section 8-7 Definitions**

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

- (a) **Charter** - The word “charter” shall mean this charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the state constitution.
- (b) **Precinct** - The word “precinct” shall mean the areas into which the town is divided.
- (c) **Library** - The word “library” shall mean the Richard Salter Storrs Library and any branch or branches that may be established.
- (d) **Majority Vote** - The words “majority vote” shall mean a majority of those present and voting, provided that a quorum of the body is present.

- (e) **Multiple-Member Body** - The words “multiple-member body” shall mean any board, commission or committee consisting of two or more persons, whether elected or appointed but shall not include town meeting.
- (f) **Select Board** – The words “select board” shall mean the board of selectmen as used in the constitution, in general law, in special laws and in the town by-laws and rules and regulations.
- (g) **Select Person** – the words “select person” shall mean a person elected to the select board.
- (h) **Town** - The word “town” shall mean the Town of Longmeadow.
- (i) **Town Agency** - The words “town agency” shall mean any board, commission, committee, department or office of the town government, whether elected, appointed or otherwise constituted.
- (j) **Town Bulletin Board** - The words “town bulletin board” shall mean the bulletin board on which official town notices are posted and those at other locations within the town as the select board may from time to time designate, and may also include the official town web site.
- (k) **Town Meeting** - The words “town meeting” shall mean the open town meeting of the town established by article two.
- (l) **Town Officer** - The words “town officer” shall mean an elected or appointed official of the town who in the performance of his duties of office exercises some portion of the sovereign power of the town, whether great or small. A person may be a town officer whether or not the town compensates that person.
- (m) **Voters** - The word “voters” shall mean registered voters of the town.
- (n) **Web Site** – The words “Web Site” shall mean the electronic site officially owned and maintained by the Town of Longmeadow and containing information concerning town business.

### **Section 8-8 Notice of Vacancies**

Whenever a vacancy occurs and is to be filled in any town office or town employment or in any multiple-member body, except for positions covered under the civil service law of the Commonwealth, whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the select board or other appointing authority shall cause public notice of the vacancy to be posted on the town bulletin boards for fifteen days.



## ARTICLE 9

### TRANSITIONAL PROVISIONS

#### **Section 9-1 Continuation of Existing Laws**

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

#### **Section 9-2 Continuation of Government**

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

#### **Section 9-3 Continuation of Personnel**

Any person holding employment under the town, at the time the charter is adopted, shall retain such office or employment and shall continue to perform the position's duties until provisions shall have been made in accordance with the charter for the performance of the duties by another person or agency. Persons in the full-time service or employment of the town shall not, as a result of this charter, have their pay reduced or time in service altered. Every person shall be retained in a capacity as similar to his or her former capacity as is practical.

#### **Section 9-4 Transfer of Records and Property**

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

#### **Section 9-5 Time of Taking Effect**

The charter shall become fully effective upon its approval by the voters, except as otherwise provided in this section:

- (a) **Select Board** - Upon adoption of the charter, the select board, registrars of voters, the town clerk, and other election officials of the town shall conduct a special election to be held on October 5, 2004. At the special election two additional select persons shall be chosen as follows: the candidate receiving the largest number of votes shall be elected to the select board for a term ending on the day of the annual town election in 2007; and the candidate receiving the second largest number of votes shall be elected to the select board for a term ending on the day of the annual town election in 2006. Annually thereafter there shall be elected a select person or select persons equivalent

to the number of vacant positions to be filled at each annual election. Persons elected to the select board at the special election shall be sworn into office immediately upon certification of the vote by the town clerk.

- (b) **Town Clerk, Treasurer, Collector** - The town clerk, the treasurer and the tax collector, who have previously been elected and who will now be appointed under the provisions of this charter, shall serve for the balance of their terms, but their successors shall be appointed, and should there be a sooner vacating of said offices, their successors shall be appointed.
- (c) **Board of Assessors** – Beginning with the election in the year following the year in which the charter is adopted, members of the board of assessors shall be appointed as provided for in section 4-3. It being the intent of this provision that a transition from an elected board of assessors to an appointed board of assessors be phased over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected assessor his or her successor shall be appointed.
- (d) **School Buildings and Grounds** – It is the intent of this provision that the transfer and assumption of duties for the maintenance and repair of school buildings and school grounds shall be phased over a period of time to allow the department of public works and the school committee to develop a plan for this transfer of responsibility. Said transfer shall take effect on July 1 in the year following the year in which the charter is adopted; however, the town manager may request an additional year before the department of public works shall assume the said functions.
- (e) **Park and Recreation Commissioners** - Beginning with the annual town election in the year following the year in which the charter is adopted, members of the board of park and recreation commissioners shall be appointed as provided for in section 4-2, it being the intent of this provision that a transition from an elected board of park and recreation commissioners to an appointed board of park and recreation commissioners be phased over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected park commissioner, his or her successor shall be appointed.
- (f) **Water and Sewer Commissioners** - The board of water and sewer commissioners in office at the time the charter is adopted, shall continue to perform their duties until December 1 in the year the charter is adopted. At such time these offices shall be abolished. It is the intention of this provision that the select board will become the water and sewer commission, and should there be a sooner vacating of a previously elected water and sewer commissioner, a successor shall not be elected.
- (g) **Town Manager** - The select board shall, immediately following the election at which the select board is expanded to five members, initiate procedures to recruit a town manager.

- (h) **Town Administrator** - The position of town administrator is abolished, effective not later than two weeks following the appointment and assumption of office by the town manager. The incumbent town administrator may be eligible for the position of town manager.
- (i) **Budget Submission Date** - Until such time as the town meeting acts, by by-law, to establish a different time for submission, by the town manager, of a proposed budget as provided in section 7-3, the proposed budget shall be submitted to the select board not later than one hundred and twenty days before the start of the fiscal year.
- (j) **Review of By-laws** - Within forty-five days after the election at which the charter is adopted, the moderator shall appoint a special committee of seven members to review the existing by-laws of the town. The committee shall report, to the next annual town meeting, its recommendations to bring the town by-laws into conformity with the town charter. Where by-laws conflict with the charter, the charter provisions shall prevail.
- (k) **Procedures for Appointments to Multiple Member Bodies** – Upon adoption of the charter and until provisions are made by by-law as provided for in Section 4-5, all appointments to boards, commissions and committees, by multiple member appointing authorities, shall be made in accordance with the following procedures: (1) vacancies and/or openings shall be advertised or posted; (2) all letters and/or resumes of interested volunteers shall be acknowledged and considered by the appointing authority; (3) public interviews shall be conducted; and (4) appointments shall be made at public meetings of the appointing authority.

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The Longmeadow Charter Commission:

- Susan Altman \_\_\_\_\_
- Kathleen Grady \_\_\_\_\_
- William Hoff \_\_\_\_\_
- Peter Landon \_\_\_\_\_
- Arlene Miller (Vice Chair) \_\_\_\_\_
- Roger Nadeau \_\_\_\_\_
- Joseph Occhiuti \_\_\_\_\_
- Rebecca Townsend (Clerk) \_\_\_\_\_
- Roger Wojcik (Chair) \_\_\_\_\_

March 9, 2004