ATM Warrant, Article 33, Coordinate with the Charter

Note: The comments are not included in the motion and are shown for only informational purposes. Paragraphs that are not proposed to be amended are not shown and are intended to not be deleted unless such action is specifically stated or shown in this motion.

MOVED that the Town vote to amend the General By-Laws to conform to the provisions of the Wrentham Home Rule Charter, and recodify contiguous sections, sub-sections, and paragraphs as necessary, as recommended by the General By-Law Review Committee, including:

ARTICLE 1.10. Definitions and Rules of Interpretation


ARTICLE 2.20. Town Meeting

ART. 2.20. SECTION 2. Notice

Attested copies of every town meeting warrant shall be posted in not less than two public places in the town in accordance with Charter Section 2.7 (c) and Charter Section 2.7 (d) at least fourteen (14) days prior to the day appointed for the meeting of a special town meeting ("notice of which shall be given at least seven days before the annual meeting or an annual or special election and at least fourteen days before any special town meeting"); with at least one copy in each precinct.

Notice for every adjourned Town Meeting shall be posted by the Town Clerk by placing a notice on the Town bulletin board as soon as practicable after adjournment, stating briefly the business to be come before such adjourned meeting.

ART. 2.20. SECTION 3. Warrant

Any person, or any Town Board, officer, or department who wishes to have an article placed on the Warrant of the Annual Town Meeting or any Special Town Meeting shall deliver such article in proper form to the Town Administrator not later than the date set by the Board of Selectmen for the closing of the Warrant for that meeting. The warrant for any Special or Annual Town Meeting shall be kept open for a minimum of 14 days so that citizens interested in Town government have an opportunity to submit warrant articles to the Town for consideration, provided, however, that this requirement shall not apply to any Special Town Meetings scheduled in addition to those specified in ARTICLE 2.20, SECTION 1, if such meeting is held on the same date as a regularly scheduled meeting, or if the Board of Selectmen determines that an additional meeting date is necessary for the timely disposition of important business; amended ATM 3/30/01; STM 1/15/04

Whenever a town meeting warrant is opened in accordance with Charter Section 2.7 the Board of Selectmen shall strive to conduct the process in an open, public, and simple manner that facilitates participation by Wrentham's citizens and encourages their interest in Town government.

ARTICLE 2.40. Committees

ART. 2.40. SECTION 3. Removal

A. The appointing authority for any committee established or appointed under these By-laws may remove an appointee to such committee for good cause before his/her term expires. Good cause may include illegal activities, lack of meeting attendance, or refusal to call

Comment [m1]: To reference to the Charter elsewhere in the bylaws.
Comment [m2]: To be consistent with the referenced sections of the charter, which supersede the general law.
Comment [m3]: The process of accepting articles and posting a setting a warrant are specified clearly in Charter Section 2.7.
meetings or conduct unbecoming of the office, as well as those reasons that are specified in Charter Section 7.5. Lack of meeting attendance shall mean missing four (4) or more consecutive meetings, or 1/3 or all of the meetings of the committee held in one (1) calendar year. If all or three (3) or more consecutive meetings without good reason. Conduct inappropriate to the office shall relate to egregious or unprofessional behavior and/or the appointee's treatment of other town officials and the public, and may not be related to any vote or votes cast by the appointee or his/her opinion or position on any issue.

B. The appointing authority shall notify the appointee and the Chairman of said committee first verbally and then in writing by hand or by certified mail, with a copy to the Town Clerk, of his/her removal from office. If a Chairman is removed, then the appointing authority shall also notify the Co-Chairman, Vice-Chairman or the Secretary of said committee. If none exist, then notification shall be given to the remaining committee members. The removal shall be valid upon the U.S. Certified mail postmark date of the written notification.

C. An appointee removed under Paragraph B, above may appeal his/her removal within five (5) or fourteen (14) days of receipt of such written notification by requesting a hearing in writing to the appointing authority Board of Selectmen and the Moderator. The Chairman of the Board of Selectmen shall hear the appeal for a Moderator appointment, and notify the appointee and the Moderator of the appeal date, time and location and, the Moderator shall hear the appeal for a Board of Selectmen appointment, and who shall notify the appointee and the Board of Selectmen of the hearing date, time and location within fourteen (14) days of receipt of the written appeal hearing request. The appeal hearing shall take place within thirty (30) days of the written request. The appeal shall be held in Executive Session only upon request from the appointee and a secretary shall be present to take minutes. The ruling rendered shall be final and made within four (14) days of the hearing. Written notice of the ruling shall be given to the appointee, appointing authority, Town Clerk and said committee. Where a joint appointment is made such as the Personnel Board, the removal shall be made jointly by the Board of Selectmen Chairman and the Finance Committee Chairman and the appeal shall be heard by the Moderator.

ARTICLE 3.20. Town Administrator

ART. 3.20. SECTION 1. Duties and Responsibilities

The Executive Secretary/Administrator, Town Administrator shall be appointed by the Board of Selectmen, and shall act for the Board of Selectmen in any matter they delegate to the Executive Secretary/Administrator, Town Administrator relating to the administration of the affairs of the Town or of any office or department under their supervision. When doing so, the Executive Secretary/Administrator, Town Administrator acts as the agent for and with the authority of the Board of Selectmen. The Executive Secretary/Administrator, Town Administrator shall be responsible to the Board of Selectmen for the proper management and administration of the functions, officials, and departments under the jurisdiction of the Board of Selectmen. The duties and responsibilities of the Executive Secretary/Administrator, Town Administrator shall include, in addition to those duties and responsibilities that are specified in the Charter, but shall not be limited to the following:

A. Supervision of all department heads and committees under the jurisdiction of the Board of Selectmen, including municipal contractors, who shall report to him for all administrative matters and he shall conduct periodic review of the effectiveness of their operating procedures as well as act as primary liaison between the Board of Selectmen and all departments of the Town.
The Executive Secretary's supervisory authority shall include: the interviewing and recommendation of candidates for positions within the Selectmen in the preparation of budgets, annual and interval operating plans, and reports made to the Board and preparation of the budget for the office of the Board of Selectmen. [amended ATM 6-9-14, art. 20]

B. Be responsible for the review of accounts of, and work with department heads and committees under the jurisdiction of the Board of Selectmen in the preparation of budgets; annual and interval operating plans; and reports made to the Board and preparation of the budget for the office of the Board of Selectmen. [amended ATM 6-9-14, art. 20]

C. Serve as the Personnel officer for all departments under the jurisdiction of the Board of Selectmen and perform the function of Personnel Director for the Town with duties including, but not limited to, benefits administration, implementation of regulations, recruitment, evaluation, discipline of personnel; and he shall assist the Personnel Board with collective bargaining with all municipal unions and non-union personnel.

D. Perform all functions of Risk Manager, as advised by the Insurance Committee, and administer the municipal insurance program;

E. Supervise the issuance and renewal of all licenses and permits that may be issued by the Board of Selectmen;

F. As the Chief Procurement Officer as described in M.G.L. C.30B, supervising issuance of all Requests for Proposals and Requests for Bids by all departments and committees to assure compliance with all statutes, prepare and submit bid specifications and, where appropriate, review them with Town Counsel, coordinate and implement cooperative purchasing programs for departments and facilities within the Board's jurisdiction.

G. The Executive Secretary/Town Administrator shall report directly to the Chairman of the Board.

H. Fulfill such other and further specific duties and delegations as may from time to time be assigned to the Executive Secretary/Town Administrator by the Board of Selectmen.

ART. 3.20. SECTION 2. Shall Not be the Town Accountant

The executive secretary to the Selectmen, Town Administrator shall not, during his term of office, hold or be appointed to the office of town accountant.

ARTICLE 3.30. Procurement and Chief Procurement Officer

ART. 3.30. SECTION 1. Contracts with Town Officers and Employees

No town officer and no salaried employee of the town or any agent of any officer or employee shall sell materials or supplies for labor to the town, by contract or otherwise, without permission of the Chief Procurement Officer/Board of Selectmen in other Board authorized to purchase or otherwise secure materials, supplies and labor for the town, expressed in a vote which shall appear on the records of such board with the reason therefore. All such contracts or agreements shall be made or awarded, as far as is practicable, in such a manner as to secure reasonable competition.

ART. 3.30. SECTION 3. Disposal of Town Property
A. Scrap Metal

The Superintendent of the Department of Public Works or his designee, with the prior approval of the Town Administrator, shall be authorized to dispose of scrap metals in the best interest of the town.

ARTICLE 4.30. Finance Director (reserved)

SECTION 1.-Duties and Responsibilities

A. There shall be a Finance Director, who shall be appointed by and shall report to the Board of Selectmen through the Town Administrator. The term of office of said position shall not exceed three (3) years. All other conditions of employment will be outlined in the provisions of the Town Personnel Bylaws. The Finance Director shall be fully qualified by training, experience and executive ability to discharge the duties of the office.

B. The Finance Director shall have and exercise all powers and duties of the Treasurer/Collector or Town Accountant as defined under the Constitution and General Laws of the Commonwealth, as may be determined by the Board of Selectmen. The Finance Director shall ensure compliance with all appropriate statutes and be responsible for overall management of the Town's investment portfolio. In addition, the Finance Director shall assist in the preparation of the annual budget, and report periodically on the financial status of the Town to the Board of Selectmen.

C. The Finance Director shall be responsible to assure that all financial resources of the Town are adequately safeguarded and utilized.

D. The Finance Director shall be responsible for both short term and long term financial planning for the Town.

E. The Finance Director shall be an ex officio member of the Finance Committee or any other committee established to advise the Town Meeting with respect to appropriations to be made. The Finance Director may designate another to attend any meeting of any such committee to represent the views of the Finance Director.

F. The Finance Director shall appoint, with the approval of the Board of Selectmen, and supervise all other personnel necessary to staff the department as constituted herein. The Treasurer/Collector may also exercise such additional powers and duties as may be from time to time be assigned to that office by bylaw or by other vote of the Town Meeting.

G. The Finance Director shall be responsible for and include the following functions:

1. Coordination of all financial services and activities of the town government;

2. Maintenance of all accounting records and other financial statements for all town governmental offices and agencies;

3. The payment of all financial obligations on behalf of the Town;

4. The receipt of all funds due to the Town from any source;
ART. 4.35. Town Accountant

ART. 4.35. SECTION 1. Appointment

The Finance Director may appoint a town accountant, who shall keep the financial records of the town, according to the system of accounting adopted by the town. Said accountant may fill such other positions as the town shall determine, consistently with the statutes, and shall furnish for publication, in the annual town report, a detailed account of the receipts and expenditures of the town for the preceding financial year; also a statement of the town’s indebtedness, and a list of bills outstanding at the close of the financial year.

ART. 4.70. Capital Budget Planning Committee

ART. 4.70. SECTION 2. Role and Responsibility

In fulfilling the responsibilities that are specified in the Charter the Committee is charged with the following:

B. All elected officials and, on behalf of their department and committees, shall annually provide to the Committee, on a format specified by the Committee, information concerning all anticipated Capital Expenditures that require town meeting action during the ensuing five years as well as any relevant documentation requested by the Committee. The Committee shall then meet to consider the relative need, timing, and cost of each requested Capital of these expenditures and the effect that each will have on the financial position of the Town.
C. The Committee shall prepare a Capital Improvements Plan ("CIP") which (1) forecasts the Town's Capital Expenditures and anticipated funding mechanisms over the ensuing five-year period, and (2) recommends an annual capital budget. The CIP shall be submitted and approved on a year-by-year basis by the Committee and the Capital Improvement Plan that is required by Charter Section 6.2 (c) shall be presented at the annual town meeting together with all articles seeking appropriations for Capital Expenditures for the upcoming fiscal year. However, nothing shall prevent the inclusion of an article seeking an appropriation for a Capital Expenditure in a warrant for a special town meeting.

D. Any proposal for a capital expenditure which is not included in the CIP shall be presented to the Committee for consideration prior to the submission of the warrant article. If changes in the capital expenditures projected in the CIP for any given year are warranted or necessitated by changing financial, legal or other circumstances, the Committee shall prepare a recommendation for Town Meeting.

ARTICLE 4.80. Budget (Reserved)

ARTICLE 5.10. Police Department

A. The Town Administrator shall annually appoint a Chief of Police who shall appoint such Regular or Special Police Officers as required, who, in addition to the duties required by the laws of the Commonwealth, shall make complaints for violation of these By-laws. The compensation of such officers shall be fixed by the Selectmen.

ARTICLE 5.20. Animal Control

ART. 5.20 SECTION 1. Definitions

B. Animal Control Officer. Any officer appointed by the Town Administrator to enforce this by-law.

ART. 5.20 SECTION 5. Violations/Penalties and Complaints as to Dogs

The Animal Control Officer, any Police Officer of the Town of Wrentham, or any other person so appointed by the Board of Selectmen, may assess fines upon the owner or keeper of any dog found to be a public nuisance, or found to be in violation of Section 4. The fines are as follows:
ART. 5.20. SECTION 6. Impoundment

Additionally, the Animal Control Officer or any other person appointed by the Town Administrator/Board of Selectmen may apprehend any dog that is found at large, and impound such animal at an authorized animal shelter, such animal to be held, adopted, or euthanized as described in M.G.L. c.140, 151A.

ARTICLE 6.40. DPW. Buildings and Facilities

ART. 6.40. SECTION 1. Control of Town Buildings

The Town Administrator/Board of Selectmen shall have control of the town buildings, including the land on which the same are erected, and the plants by which the buildings are heated and ventilated, except for school buildings, which shall be under the control of the School Committee, and of the Fiske Public Library, which shall be under the control of the trustees of the Fiske Public Library.

ARTICLE 6.50. DPW. Solid Waste and Recycling

ART. 6.50. SECTION 1. Mandatory Recycling

D. Waste Haulers

3. Every non-municipal waste hauler, upon request, shall provide the Town Administrator/Board of Selectmen with an updated customer list which includes the names and address of customers within the Town, the degree of service, and pick-up schedule. Upon request, every waste hauler shall also provide educational material to customers.

G. Enforcement and Penalties

1. Enforcement of mandatory recycling is at the discretion of the Town Administrator/Board of Selectmen or his/her designated agent/assignee, who may elect to apply the provisions of this section as follows:

3. The Town Administrator/Board of Selectmen or his/her agent may further decide to suspend a violator’s municipal trash and recyclables pickup in response to repeated violations.

ARTICLE 7.31. Wetlands Protection
ART. 7.31. SECTION 12. Enforcement

Upon request of the Commission, the Town Administrator, Board of Selectmen, and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

ARTICLE 7.60. Building Inspector

ART. 7.60. SECTION 1. Appointment of Inspectors

A. The Town Administrator, Building Inspector shall appoint an inspector of gas piping, and gas appliances in buildings who shall be a licensed plumber or licensed gas fitter. The Town Administrator, Building Inspector shall also appoint one or more plumbing inspectors (or assistant plumbing inspectors), who shall be licensed plumbers having practical experience in that trade. Said appointments shall be for a period of three years. The duties of the plumbing inspectors and the inspector of gas piping shall be those outlined in M.G.L. chapter 142, section 11 and 12.

B. The Town Administrator, Building Inspector shall also appoint an Inspector of Wires (to be known locally by the title “Electrical Inspector”) and may also appoint an Assistant Inspector. Said appointments shall be for a period of three years. The duties of said Electrical Inspector outlined in M.G.L. chapter 166, section 32 and 32A.

ART. 7.60. SECTION 2. Demolition of Historically Significant Properties

B. Definitions