

**Town of Seekonk  
Massachusetts**

The Seekonk Charter Commission was elected at the annual town election in April 1994 under the provisions of the Home Rule Amendment to the Massachusetts Constitution. Since that time, we have met twice per month for approximately nine months. All sessions were open to the public and televised on local cable. A public hearing was called in May 1994 and January 1995. After many months of research, discussion, and debate, and with the input of various boards and office holders, we have reached our final decisions. We are pleased to submit this final report of our revised charter. This charter is constructed in an orderly fashion, is divided into topical articles, and is written in plain, readable language.

***HOME RULE CHARTER***

This proposed charter was developed by building upon the current charter and correcting those weaknesses that have shown up during its life. The most important change has been the return to open Town Meeting, restoring the ability of all registered voters to vote on any matter of interest to them at any Town Meeting. The other major change has been to unify and professionalize the operations of the Town Government, making it more responsive and efficient. All policy-making officials will continue to be elected.

All members of the Charter Commission firmly believe that the adoption of this proposed charter will significantly improve the operation of town government and its ability to respond to contemporary problems. The proposed charter will allow for flexibility, while providing for adequate checks and balances in the administration of the town's government. As a result of this proposed design, we would anticipate this charter should serve the town well into the twenty-first century.

Adopted April 1995

**SEEKONK CHARTER COMMISSION**

*Charter Commission Members*

*Dana G. Beal, Chairman      Dorothy A. Howell*

*Town of Seekonk, MA*

*Beverly A. Hart, Vice Chairman      Paul M. Lasiewski*

*Home Rule Charter*

*April 1995*

*David D. Young, Clerk      Dennis R. Lima*

*Earl H. Bradley      David S. Parker*

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*Robert T. Fuller*

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*Cheryl A. Sousa, Secretary*

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We, the people of the Town of Seekonk, Massachusetts, in order to form a more perfect community, reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, and take full advantage of the home rule amendment to the constitution of the Commonwealth, do ordain and adopt this revised home rule charter for our town.

**ARTICLE ONE            POWERS OF THE TOWN**

**Section 1            Incorporation**

The inhabitants of the Town of Seekonk, within the town's corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name: **Town of Seekonk**.

**Section 2            Form of Government and Title**

This charter provides for an Open Town Meeting, Board of Selectmen form of town government, and it shall be known by the title: *Seekonk Home Rule Charter*.

**Section 3            Scope and Interpretation of Town Powers**

The town shall possess, exercise, and enjoy all local government powers, rights, and privileges under the Constitution and statutes of the Commonwealth as completely and fully as though they were expressly enumerated herein. The power of the town under this charter shall be construed liberally in its favor, and no specific charter grant of particular power is intended to limit in any measure its general grant of power.

**Section 4 Intergovernmental Cooperation**

In the exercise of its powers and function, the town may enter into intergovernmental agreements with any one or more civil divisions, subdivisions, or agencies of any state government or the United States government, by any appropriate means.

**Section 5 Definitions**

*By-law(s)* Duly enacted by laws of the Town of Seekonk

*Constitution* The Constitution of the United States or the

Constitution of the Commonwealth of Massachusetts, as the context requires.

*Day(s)* Calendar days unless specifically noted to the contrary.

*Registered Voter* A resident of the Town of Seekonk who is duly registered to vote in a federal or state election

*Home Rule Charter* This document

*May* Grants discretion in the body or individual directed to act.

*Resolution* Duly adopted vote of the Board of Selectmen having the force of a by-law but enacted for a single, specified purpose.

*Shall* Action directed to be taken is mandatory and without discretion to act.

*Special Town Meeting* A meeting other than the Annual Meeting convened under the provisions of Article TWO. Section 5 of the Home Rule Charter.

*Statutes* The Massachusetts General Laws, as amended from time to time

*Town Moderator* That person elected under the provisions of Article FOUR who presides over the annual and special town meetings.

**ARTICLE TWO LEGISLATIVE BRANCH**

**Section 1 Composition and Membership**

The legislative powers of the town shall be vested in a town meeting open to all registered voters. All registered voters shall sign in before entering the meeting for recording

purposes. All other residents shall have the right to attend and speak, but will not be allowed to vote.

## **Section 2 Presiding Office**

A moderator shall be elected as provided in Article Five. The Moderator shall preside at all sessions of the town meeting, regulate the proceedings, decide all questions of order, make public declaration of all votes, and perform such other duties as may from time to time be assigned to the office through by-law or town meeting vote.

The town meeting may at any session elect a Moderator "pro tempore" to preside in the Moderator's absence.

## **Section 3 Clerk of the Town Meeting**

The Town Clerk shall serve as clerk of the town meeting and shall give notice of all town meetings and adjourned sessions thereof, to the public. The Town Clerk shall maintain a written record of the town meeting proceedings which shall be published regularly in the town report. The Town Clerk shall maintain an attendance record of town meeting members and shall perform such other duties as may be assigned by this charter, by-law, or town meeting vote. The town meeting may at any session elect a clerk "pro tempore" to serve in the Town Clerk's absence.

## **Section 4 General Powers**

The town meeting shall possess and exercise all general and legislative powers of the town, except as otherwise provided by general law or this charter.

## **Section 5 Procedures**

### ***Annual Meetings***

Town meeting shall convene at least twice annually on dates and at times as determined through by-law. Provided however, that the first business meeting shall convene during March, April, or May to act on financial and other matters, including the consideration and adoption of an annual operating and capital budget. The second meeting shall convene during September, October, or November. The warrant shall be available to the voters at least fourteen (14) days prior to the meeting.

### ***Special Meetings***

The town meeting shall also convene in special session: (A) By call of the Board of Selectmen, or (B) By petition of at least two hundred registered voters in town.

### ***Quorum***

The quorum necessary for the conduct of town meeting business shall be seventy five (75) members, but a small number may adjourn from time to time.

### ***Attendance of Town Officials***

Town officers, members of boards and commissions, and department heads or their designated representatives, shall attend town meeting sessions as appropriate to provide information on warrant articles pertaining to their respective offices. The absence of such individuals, however, shall not invalidate any town meeting action.

**Section 6 Initiative**

Any ten (10) voters of the town may secure, by written petition to the Board of Selectmen, the inclusion of an article or item for the warrant or agenda of any session of the annual town meeting and at least one hundred (100) registered voters may secure the same for any duly scheduled special town meeting.

Upon petition by at least two hundred (200) voters, the Board of Selectmen shall call a special town meeting within forty-five (45) days following receipt of such petition.

**Section 7 Referendum**

No measure adopted by the town meeting except a vote: (A) to adjourn, (B) to appropriate money for the payment of notes or bonds, or (C) to borrow money temporarily in anticipation of revenue, shall become operative until the expiration of ten (10) days following the dissolution of the meeting.

If, within such period of ten (10) days a petition, secured from the Town Clerk, and signed by the qualified voters of the town equal in number to not fewer than five percent (5%) of those registered at the last regular town election is filed with the clerk, asking that any question involved in such a vote be submitted to the voters, then a referendum shall be held for the sole purpose of presenting the question or questions to the voters of the town for their final determination.

If, within ten (10) days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of signatures, the Board of Selectmen shall provide for a referendum to be held within thirty-five (35) days thereafter.

Each question to be voted on the referendum shall be submitted to the voters in the same form and language as passed by the voters at town meeting.

All procedures for voting upon referendum questions shall be in the same manner as provided in Massachusetts General Law for the conduct of elections.

No referendum against any action of the town meeting shall be valid unless at least thirty percent (30%) of the registered voters of the town cast a ballot on each question submitted.

**ARTICLE THREE ELECTIONS**

**Section 1 Annual Town Election**

The regular annual election of all town offices shall be by official ballot held on a date as determined through by-law. All elections of town officers shall be non-partisan and all election ballots shall be printed without any party mark or other political emblem. The order of candidates' names on the official ballot shall be determined by a lottery conducted by the Town Clerk or a designated agent, and duly publicized in advance. Any person elected to any office or board shall take up the duties of such office immediately upon being declared duly elected and sworn in.

**Section 2 Eligibility**

Any registered voter shall be eligible to hold any elective office. No person shall simultaneously hold more than one elected office.

**Section 3 Establishments of Precincts**

The Board of Selectmen shall be responsible for: (A) The division of the town into voting precincts which shall be compact, contiguous, and substantially equal in population; and (B) A decennial review as required by state law, including a revision of precinct lines and increases in the number of precincts, as necessary, unless more frequent action is deemed necessary by the town meeting.

#### **Section 4 Recall of Elective Officers**

Any elective officer of the town may be recalled and moved from office by the voters as herein provided. Any voter may file with the Town Clerk a petition containing the name and title of the elective officer whose removal is sought. Such petition shall be signed by qualified voters of the town equal in number to at least fifteen percent (15%) of those registered at the last regular town election, provided that such recall petition must be filed within fourteen (14) days following its initial date of issuance. If, within ten (10) days following receipt of the petition the Town Clerk determines the petition and signatures to be sufficient, a recall election shall be held within ninety (90) days but no sooner than sixty-five (65) days thereafter, provided that no such election shall take place within one hundred to one hundred twenty (100-120) days. All procedures for voting upon the recall question shall be in the same manner as provided in Massachusetts General Law for the conduct of elections.

A majority of those voting at the recall election shall be sufficient to recall such elective officer, provided that at least thirty percent (30%) of all those entitled to vote shall have voted.

#### **Section 5 Special Election to Fill Recall Vacancy**

Any officer whose recall is sought may be a candidate to succeed himself at a special election to take place concurrently with the recall election, the purpose of which shall be to fill any vacancy resulting from the recall election. The nomination of all candidates to fill a vacancy created by a recall election, the publication of the warrant for the special election to fill such vacancy, and the conduct of same shall be in accordance with the provisions of general election laws, unless otherwise provided by this Home Rule Charter.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate receiving the highest number of votes in the special election shall be declared elected to fill the

vacancy created. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

### **ARTICLE FOUR ELECTED TOWN BOARDS**

#### **AND OFFICERS**

##### **Section 1 General Provisions**

Members of town boards to be elected from the town at large shall be:

- (A) Five (5) member Board of Selectmen
- (B) A Town Moderator, for a three (3) year term.
- (C) A Town Clerk, for a three (3) year term.
- (D) Five (5) member School Committee, for three (3) year overlapping terms.
- (E) Three (3) member Board of Assessors, for three (3) year overlapping terms.
- (F) Seven (7) member Board of Library Trustees for three (3) year overlapping terms.
- (G) Seven (7) member Planning Board, for five (5) year overlapping terms.
- (H) Five (5) member Housing Authority, as provided by statute, with one (1) member being appointed under the authority of the Commonwealth of Massachusetts and four (4) members to be elected from the town at large for five (5) year overlapping terms.

Officers and members of elective boards, except Town Clerk, whose salary shall be set by Town Meeting, established under this Article, unless otherwise prohibited by statute, shall serve without salary or other compensation for services rendered without a vote and approval of a Town Meeting authorizing the same.

The budget as presented to a Town Meeting shall delineate whether or not a salary is proposed to be provided. If so, a Town Meeting shall take a separate vote on the salary proposed for each elected office. However, the officers and members of elective boards shall be reimbursed for actual expenses incurred in the performance of their official duties within the annual appropriation for such purposes.

Officers and members of boards and commissions established under this Article shall exercise such powers and duties as are and may be provided by statute, this Home Rule Charter, the Town of Seekonk By-Law, and the vote of a Town Meeting.

## **Section 2 Special Provisions**

### **Assessors**

The Board of Assessors elected under this Article shall appoint, subject to an appropriation made for this purpose, an individual qualified to provide professional assistance to the town's assessing functions and responsibilities. Such a appointed individual shall not simultaneously be employed by any company or business providing assessing services while serving as an employee of the town.

### **School Committee**

The School Committee shall have all the powers and duties given to school committees by statute. The School Committee shall have general charge of the public schools of the town. The School Committee shall have the power to select and to terminate a superintendent of schools and to establish educational goals and policies for the schools, consistent with

the requirement of the laws of and standards established by the Commonwealth of Massachusetts.

### **Moderator**

The Moderator elected under this Article shall have the power to appoint: (a) a Finance Committee as provided in Article Seven hereof; (B) a Personnel Board of five (5) members for three (3) year overlapping terms of office; (C) members of "ad hoc" committees, including building committees as may be authorized from time to time by a Town Meeting.

### **Planning Board**

The Planning Board elected under this article shall appoint, subject to an appropriation made for that purpose, a planner to be selected on the basis of educational qualifications, training, and experience, and who shall not simultaneously hold Planning Board membership.

## **Section 3 Vacancies**

Vacancies on boards established under this Article shall be filled by the Board of Selectmen together with the remaining members of the respective board, in accordance with the provisions of statute. A vacancy in the office of Town Moderator or Town Clerk shall be filled in accordance with provisions of statute.

## ARTICLE FIVE EXECUTIVE BRANCH

### Board of Selectmen

#### Section 1 Composition, Term of Office, Vacancies

A five member Board of Selectmen shall be elected from the town at large for three year terms of office, so arranged that as an equal number of terms as possible shall expire each year.

Any vacancy that occurs on the Board of Selectmen more than six months prior to the next annual election must be filled promptly by a special election.

Members of the Board of Selectmen shall serve without compensation, unless expressly authorized by a Town Meeting.

#### Section 2 General Powers and Duties

The executive powers of the town shall be vested in the Board of Selectmen. The board shall have all of the executive powers give to Boards of Selectmen by statute and by this Charter. The Board of Selectmen shall serve as the chief policy making agency of the town, responsible for the establishment of policy directives and guidelines to be followed by all town agencies serving under it, provided, however, that no individual members of the Board of Selectmen, nor a majority of such board, shall, at any time, attempt to be or become involved in the day to day administration of affairs of the town, but shall act through the established policies, directives, and guidelines which are to be implemented by officers and employees.

The Board of Selectmen 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 in the performance of its duties, the Board of Selectmen shall appoint a Town Administrator, as provided in Article Six.

### Section 3 Specific Powers and Duties

The Board of Selectmen shall, within its area of jurisdiction, be responsible for the functions of:

#### General Administration.

##### (A) Licensing Authority

Unless otherwise provide by statute, the Board of Selectmen shall be the licensing board for the town and shall have the power to issue licenses, to make necessary rules and regulations regarding the issuance of such licenses and to attach conditions and impose restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issue licenses.

##### (B) Investigations

The Board of Selectmen may investigate any town agency or office appointed or hired by them or the Town Administrator, and they shall have access to all records they deem necessary for this purpose.

##### (C) Town Administrator

The Board of Selectmen shall hire, determine compensation for, within the available appropriation, and be responsible for assessing the qualifications of the Town Administrator and, if required, a temporary Town Administrator.

The Board shall communicate to the Town Administrator its plans and policies so as to secure their effective implementation. The Board shall prepare a contract establishing the conditions for the Town Administrator's employment, its terms and his compensation.

The Board shall remove and replace the Town Administrator if and when required in accordance with the provisions of this Home Rule Charter in Article Six, Section 5.

**Section 4 Powers of Appointment General Provisions**

The Board of Selectmen shall have the power to appoint the following town officers:

- (A) A Town Administrator
- (B) A Town Counsel for a one year term of office.

**ARTICLE SIX TOWN ADMINISTRATOR**

**Section 1 Appointment**

The Town Administrator shall be appointed in accordance with Article Five for a three (3) year term. The appointment shall be renewable at the discretion of the Board of Selectmen. ~~The Board of Selectmen shall fix the Town Administrator's compensation within limits of an available appropriation made for that purpose.~~

**Section 2 Qualifications and Duties**

The Town Administrator shall be appointed on the basis of educational, executive, and administrative qualifications and experience, including, at a minimum, a four year college or university degree and five (5) years experience in municipal finance and municipal administration.

The Town Administrator shall not have served in an elected office in the Town of Seekonk within twelve (12) months immediately prior to the appointment. The Town Administrator shall be the chief administrative officer of the town and shall be accountable to the Board of Selectmen for the proper discharge of all duties of the office and for the proper administration of all town affairs placed under his

charge by or under the charter. The powers and duties of the Town Administrator shall include, but need not be limited to, the following:

(A) The Town Administrator shall supervise, direct and be responsible for the efficient administration of all functions under his control, as may be authorized by the charter, by-law, town meeting vote, or by vote of the Board of Selectmen.

(B) The Town Administrator shall attend all regular and special meetings of the Board of Selectmen, unless excused. He shall have a voice, but no vote, in all of the board's discussions.

(C) The Town Administrator shall attend all sessions of the town meeting and answer all questions concerning warrant articles which are directed to him and which relate to matters under his general supervision.

(D) The Town Administrator shall see that all provisions of the Massachusetts General Laws, this Charter, the town by-laws and votes of the town meeting and the Board of Selectmen which require enforcement by him, or officers or employees subject to his direction and supervision, are faithfully carried out and performed.

(E) The Town Administrator shall prepare and submit a proposed annual operating budget and a proposed capital outlay program.

(F) The Town Administrator shall keep the Board of Selectmen and the Finance Committee fully informed as the financial condition and needs of the town, and shall make such recommendations to the Board of Selectmen for actions to be taken as he deems to be necessary, advisable, or expedient.

(G) The Town Administrator shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Board

