

Town of Ware, Massachusetts Home Rule Charter

**Final Version
February 6, 2007**

*Respectfully submitted to the Voters of Ware by the:
Ware Charter Commission*

*Christine L. Pilch, Chair
Timothy V. Simons, Vice-Chair
Reid C. Jeffery, Jr., Clerk
Francis W. Cote
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Introduction

To the Citizens of Ware:

The Ware Charter Commission respectfully submits its final report for voter consideration with the unanimous support of all nine of its members.

We believe adoption of this proposed Charter will significantly improve our Town's governmental structure and its ability to deal with contemporary problems, both on a day-to-day and on a long-range basis. This Charter provides for structured financial accountability and full reporting to you, Ware's citizens. It will give you a clear picture of how your local government operates.

Overview

The Charter Commission's nine month study of our Town's government has served to confirm that Ware is fortunate to have an outstanding group of men and women serving in its elected and appointed Town offices and positions. The changes that we propose should in no way be construed to be criticism of any of them or the way they perform their assigned tasks. Quite the contrary, we believe adoption of the proposed Charter will aid in the delivery of the services they provide to you, by providing a framework within which to function in the most effective and efficient manner possible.

The Charter Commission has not reached its conclusions lightly, nor has it done so in a vacuum. We have made every effort to involve both citizens and incumbent officials along the way. We interviewed department heads and employees who told us what works well and what makes their jobs easier, in addition to what they perceive to be inefficient and cumbersome in our current government. They identified several roadblocks to success, and this Charter seeks to remove such obstacles in the future.

We also went to many surrounding communities that have a Town Manager form of government, and we found a consistent common denominator within towns that are happy and thriving. Their Town Managers are skilled negotiators, budgeters, directors and mediators. Their management qualities include fairness and delivery of a consistent expectation of department heads' duties and responsibilities. They have excellent relationships with their employees as well as outstanding reputations among the citizens in their communities. They are well-respected and trusted to do a good job. This is what we strive for in Ware.

Since the Public Hearings in November and January concerning our Preliminary Reports, we have reviewed the proposed Charter and all comments and criticisms the report received. As a result, we have made several changes to reflect your observations and opinions.

In addition, this final Charter draft includes one major change. As we are committed to presenting a Charter that the community is inclined to vote for on the ballot, we have

abandoned the initially proposed Representative Town Meeting form of government in favor of retaining Open Town Meeting.

This decision was the result of considerable discussion and soul-searching. We solicited feedback and spent many hours discussing the viability of our resolve in maintaining a proposed Charter that includes Representative Town Meeting. We suspect that many people may favor Representative Town Meeting, but they remained essentially silent, so we believe it is necessary to comply with the vocal majority who demanded a form of government that maintains the one-person one-vote premise.

Our primary responsibility is to secure the best interests of the citizens of Ware, so we have built in safeguards intended to protect the privacy and autonomy of voters on Town Hall floor by instituting a secret ballot requirement for money articles. Through this we intend to eliminate the intimidation often imposed by special interest groups when they want a vote to go their way.

Explanation

Ware currently operates under a hodge-podge of state laws and by-laws. At the present time, it is virtually impossible for an individual citizen of Ware to know these provisions or have access to them in a useful format. These laws do not fit together into a comprehensive, orderly statement of the Town's governmental structure and the relationship of one part to another. The following proposed Charter will provide a remedy to this situation.

The proposed Charter contains all of the provisions relating to the operation and conduct of our Town government organized in a way that is easy to read and to understand. In addition, by adopting our own "home rule" Charter we make it more difficult for the state government to interfere in the internal affairs of our community than is the case if we remain a "state law" community.

Major changes from Ware's current form of government include:

- Creation of Town Manager position
- Secret ballots at Town Meeting
- A way to overturn volatile Town Meeting decisions
- Restricted powers of the Board of Selectmen
- Establishment of a Department of Municipal Finance
- Establishment of a Facilities Management Division within the DPW
- Establishment of a Town Planner position
- Appointed rather than elected Town Clerk
- No concurrent office holding
- Central collection and disbursement of all Town funds
- Personal liability for inappropriate expenditure of Town money
- Departmental internal audits on demand
- Establishment of a Capital Plan for major expenditures
- Stringent budget process that assures ample time for residents' review

The creation of a Town Manger position will assure accountability among all departments, as the Manager will be tasked with efficient management of staff and funds. The experience of other communities with this type of organizational structure has proven it to be the most effective way to deal with today's complex, technical society. The time has long since passed when the day-to-day business of the Town can be managed by part-time Board of Selectmen, no matter how informed, well-intentioned, motivated and skilled they may be. These officials can and must play a vital and important role in our Town's affairs by establishing policies to guide our community, but there is no way they can provide the day-to-day oversight and coordination that is vital to Ware's growth and success.

Conclusion

Since a dedicated group of volunteers first began soliciting signatures for the formation of a Charter Commission back in 2004, and through voter approval of the committee's formation by an 80% margin, to completion of the document presented to you here, there has been a concert of dissatisfaction among Ware's residents. We believe that this proposed Charter addresses that discontent by clearly defining the division of authority and responsibility within and among our Town departments.

This report is the product of numerous meetings, which included discussions with Town officials, department heads, employees and boards. All of our meetings have been open and public, and we have welcomed participation by members of the public when present. We also held three formal public hearings to solicit community input.

The following Home Rule Charter seeks to accommodate the suggestions and recommendations received during the course of the Commission's deliberations with Town residents and employees. It was also reviewed and approved by the Massachusetts Attorney General and the Department of Housing and Community Development. The Charter is fully compliant with state law. We solicited many Charters from MA communities, and most of what is included in Ware's proposed Charter is tried and true in those communities. Of course a few provisions are specific to our needs, but Ware's Charter does not reinvent the wheel.

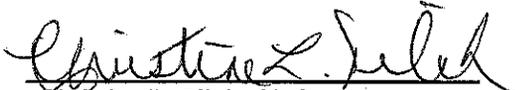
We believe strongly that this Charter will provide the framework for good and efficient management of Ware's government for the next ten, twenty or more years, and it will afford the maximum Home Rule consistent with the Constitution of the Commonwealth. This Charter also contains provisions for amendment, if, and when needed.

We also want to repeat that the Charter Commission remains committed to the belief that Representative Town Meeting would best serve the collective interests of the community, however, we abandoned it's inclusion below, as we believe that it could be a deal-breaker, and thus contribute to defeat of this important document. We hope, however, that at some time in the future another Charter Commission will be elected and take on the task of reviewing the advantages of Representative Town Meeting.

The Commission members are pleased to present this proposed Charter to the citizens of Ware and urge its adoption. This document is dedicated to the memory of James Kubinski, the driving force behind many civic endeavors in Ware, including the movement to

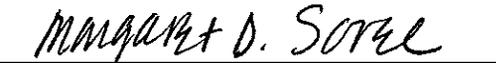
improve our local government through the adoption of a 'home rule' Charter. It was Jim's vision, and it is our sincere hope, that after this Charter is adopted, many more Ware residents will participate in our Town's government based upon their interests and expertise.

Respectfully submitted to the Voters of Ware by the **Ware Charter Commission:**


Christine L. Pilch, Chair

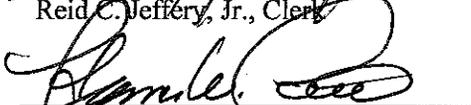

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Ballot Question and Summary

Following is the question that you will see on your ballot at the election:

Shall this Town approve the new Charter recommended by the Charter Commission, summarized below?

YES NO

SUMMARY: The proposed Charter would (1) retain the Open Town Meeting as the cornerstone and foundation for our local government; (2) make no change in the composition, mode of election or term of office of the Board of Selectmen or the School Committee; (3) revise the Town Clerk position from elected to appointed; (4) clarify the powers, duties and responsibilities of a newly created position called Town Manager; (5) require accountability of departments to the Town Manager; (6) centralize receivables and disbursement of all Town funds; and (7) provide a clear statement of the relationship of each unit of our Town government to one another for a better public understanding of lines of responsibility and authority.

Definitions

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this Charter shall have the following meanings:

Charter - The word, "Charter," shall mean this document and any amendment to it hereafter adopted.

Emergency - The word, "emergency," shall mean a sudden, unexpected, unforeseen happening, occurrence or condition that necessitates immediate action or response.

Local Newspaper - The words, "local newspaper," shall mean a newspaper of general circulation within Ware, with either a weekly or daily circulation.

Majority Vote - The words, "majority vote," shall mean a majority of those present and voting, provided that a quorum of the body is present.

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.

Promotion – The word, "promotion," shall mean appointment for the purposes of this Charter.

Quorum - The word, "quorum," shall mean a majority of all members of a multiple member body unless some other number is required by law.

Referendum - The word "referendum" shall mean the submission of a proposed law or other issue to a popular vote.

State Law – the Massachusetts General Laws, as may from time to time be amended.

Town – The word, "Town," shall mean the Town of Ware.

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.

Town Bulletin Boards - The words, "Town bulletin boards," shall mean the bulletin board in the Town Hall on which the Town Clerk posts official notices of

meetings and upon which other official Town notices are posted, and the bulletin boards at any other locations as may be designated Town bulletin boards; and may also include the official Town website.

Town Meeting - The words, “Town Meeting,” shall mean the Open Town Meeting of the Town established by article two.

Town Officer - The words, “Town Officer,” when used without further qualification or description, shall mean a person having charge of an office or department of the Town who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the Town.

Two-thirds Vote – The words, “Two-thirds Vote,” shall mean two-thirds of those present and voting, (assuming a quorum,) not two-thirds of all the voters.

Voters - The word, “voters,” shall mean registered voters of the Town of Ware.

Website – The word, “website,” shall mean the electronic site officially owned and maintained by the Town of Ware, and containing information concerning Town business.

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Article 1: INCORPORATION, POWERS OF THE TOWN

1-1 Incorporation

The inhabitants of the Town of Ware, within the territorial limits established by law, shall continue to be a municipal corporation, a body and politic, under the name, "Town of Ware."

1-2 Short Title

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

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 Board of Selectmen, elected by and responsible to the voters, and a Town Manager, appointed by and responsible to the Board of Selectmen. All legislative powers of the Town shall be exercised by an Open Town Meeting.

The Town shall be run by a Board of Selectmen, Town Manager and Open Town Meeting.

1-4 Powers of the Town, Intent of Voters

It is the intent and the purpose of the voters of the Town of Ware, 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.

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 specific mention of any particular power is not intended to limit in any way the general powers of the Town.

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 functions.

Article 2: OPEN TOWN MEETING

*Ware will retain its
Open Town Meeting
form of government*

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 Ware.

*A Moderator will
preside over the
Meeting and
determine a
procedure for
accurate vote
counting, except
those by secret
ballot.*

2-2 Presiding Officer

A Moderator, elected as provided in section 7-7 of this Charter, 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 state law of the Commonwealth. The Moderator will take steps to ensure that only registered voters cast votes at Town Meeting and establish a proper written procedure for the accurate counting of all votes except those by secret ballot.

*The Town Clerk will
determine the
method of tabulation
of secret ballot
votes.*

2-3 Clerk of the Meeting

The Town Clerk shall serve as clerk of the Town Meeting, give notice of all its adjourned sessions, records its proceedings, and perform such additional duties in connection with the Town Meeting as may be provided by state law, by this Charter, by by-law, or by other Town Meeting vote. The Town Clerk will also be responsible for establishing methods for the tabulation of all votes taken by secret ballot at any Town Meeting. 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.

2-4 Time of Meetings

The Annual Town Meeting shall be held in accordance with the Town by-law. Special Town Meetings shall be convened at such times as may be called by the Board of Selectmen, or by petition of registered voters as provided by state law.

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. The vote on any Town Meeting article which requires raising and appropriating, borrowing or the transfer of funds in the amount of \$75,000.00 or more shall be secret ballot if requested by 10

*All money articles of
\$75,000+ will be voted by
secret ballot if 10 or
more voters desire it.*

registered voters. Any other article shall be voted on by secret ballot if a majority of voters so request.

- c. The quorum at all Town Meetings shall be 100 registered voters.

2-6 General Powers and Duties

All legislative powers of the Town shall be vested in the Town Meeting, except as otherwise provided by by-law or by this Charter. The Town Meeting shall provide for the exercise of all legislative powers of the Town and for the performance of all duties and obligations imposed upon the Town.

2-7 Warrants and Articles

- a. The Board of Selectmen shall issue a warrant calling for every Town Meeting. The warrant shall state the time and location at which the meeting is to convene and it shall state, by separate articles, the subject matter to be acted upon.
- b. Petitions for submission of warrant articles for any Town Meeting action will be in accordance with MGL C39, §10.

Potential warrant articles may be submitted to the Selectmen by petition.

2-8 Publication of Warrants

- a. Following receipt by the Board of Selectmen of any subject for a Town Meeting warrant article, initiated by petition or by the Board of Selectmen, the Town Clerk shall post a copy of such subject on the Town bulletin board. The Town Clerk shall make additional copies available in printed form.
- b. Upon closing of a warrant for any Town Meeting, the Board of Selectmen shall post the warrant articles and publish as required by by-law. The petitioner of each article shall prepare a summary description of the intent of the article and submit it to the Board of Selectmen who will make it publicly available fifteen (15) days prior to the date of the Town Meeting. The Selectmen may draft an opposing position.

The petitioner will create easy-to-interpret summaries of each Warrant article for public informational purposes.

2-9 Referendum Procedures on Town Meeting Votes

a. Effective Date of Final Votes

No final affirmative vote of a Town Meeting on any warrant article, except (a) a vote to adjourn or dissolve, (b) votes appropriating money for the payment of notes or bonds of the Town and interest thereon becoming due within the then current fiscal year, (c) votes for the temporary borrowing of money in anticipation of revenue, (d) the vote for the operating budget for the ensuing fiscal year, or (e) any vote declared by preamble by a

Voters have 10 days following Town Meeting to file a petition to overturn a particular vote from Town Meeting

(a) through (e) on the right are final votes and not subject to referendum

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, shall be operative until after the expiration of ten (10) days, from the dissolution of the Town Meeting. If a referendum petition is not filed within the said ten (10) days, the vote of the Town Meeting shall become operative.

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 ten (10) days a petition signed by not less than three (3) percent of all registered voters, containing their names and addresses, is filed with the Board of Selectmen requesting that any question, not yet operative, as defined in Section (a) above be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The registrars of voters shall have 7 days to certify the signatures, and upon the petition's being certified, the Board of Selectmen shall, within ten (10) days after the filing of such petition, call a special election that shall be held within thirty-five (35) 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 (60) days following the date the petition is filed, the Board of Selectmen may put the question, or questions, to the voters at that same election.

The Referendum petition must be signed by at least 3% of registered voters, and once the signatures are certified, the Selectmen must hold an election to decide the issue

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 (20%) of the voters participate in the election.

A referendum election must have at least 20% voter participation to reverse action from the Town Meeting.

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.

Article 3: BOARD OF SELECTMEN

3-1 Board of Selectmen

*The Board of
Selectmen will
remain 5 members.*

There shall be a Board of Selectmen consisting of five (5) members elected at large for terms of three (3) years each so arranged that the term of office of nearly an equal number of members as possible shall expire each year.

If there is a failure to elect or if a vacancy occurs in the office of selectman and more than one hundred and eighty days remain before the next regular Town election will occur, the remaining selectmen shall call a special election to fill the vacancy. The Board of Selectmen shall also call a special election to fill a vacancy in the office of selectman if less than one hundred and eighty days remain before the next regular Town election will occur upon the request in writing of two hundred voters, provided, however, that no such special election shall be held within one hundred and twenty days of a regular Town election.

3-2 General Powers and Duties

All executive powers of the Town, except as otherwise provided in this Charter, shall be vested in the Board of Selectmen, which shall be deemed to be the Chief Executive Officers of the Town.

*The Selectmen will
be the chief policy
making authority in
the Town.*

- a. The Board of Selectmen shall serve as the chief policy making agency and shall exercise control over Town affairs by recommending major courses of action to the Town Meeting. The Board shall have the power to enact rules and regulations for the establishment of Town policies, not otherwise governed by statute or this Charter. Whenever an expenditure shall be necessary to implement such action, the vote of the Board shall be effective only if such appropriation has been made by Town Meeting.

*The Selectmen will
not give orders or
direction to any
Town employee
except the Town
Manager.*

- b. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all Town agencies. The Board of Selectmen and its members shall deal with the officers and employees serving

under the Town Manager, solely through the Town Manager, and neither the Board of Selectmen nor any member of the Board of Selectmen shall give orders or directions to any such officer or employee, either publicly or privately.

The Selectmen will appoint the Town Manager and members of Boards.

3-3 Appointments

The Board of Selectmen shall appoint a Town Manager.

The Board of Selectmen shall appoint all other positions and multiple member bodies and any other position, committee or board unless otherwise provided for in this Charter.

The Selectmen will issue licenses.

3-4 Licensing Authority

The Board of Selectmen shall be the licensing authority of the Town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose restrictions on any such license, as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

Article 4: TOWN MANAGER

A Town Manager will run the day-to-day operations of the Town.

4-1 Appointment, Qualification, Term

The Board of Selectmen shall appoint a Town Manager to serve for a term fixed by contract. The Town Manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management as well as on the basis of demonstrated executive and administrative qualifications. A Town Manager need not be a resident of the Town or of the Commonwealth at the time of appointment, and residency is not a requirement of this position at any time.

The Board of Selectmen shall annually fix the compensation for such person within the amount appropriated for such purpose.

The Town Manager shall not have served in an elective office in Ware's government for at least twelve months prior to appointment. The Town may, by by-law, establish such additional qualifications as necessary and appropriate.

The Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor actively engage in any other business, occupation or profession during such service, unless such action is approved in advance and in writing by the Board of Selectmen.

The Board of Selectmen shall provide for an annual review of the job performance of the Town Manager, which shall, at least in summary form, be a public record.

4-2 Powers and Duties

The Town Manager shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen. The powers and duties of the Town Manager shall include, but are not intended to be limited to the following:

A Town Manager will be the chief administrative officer of the Town.

- a. To supervise, direct and be responsible for the efficient administration of all functions and activities in the executive/administrative branch of the Town government for which the office of Town Manager is hereby given the authority, responsibility and control by this Charter, by-law, Town Meeting vote, the vote of the Board of Selectmen, or otherwise.

b. Appointment Power

To appoint, subject to review by the Board of Selectmen, all department heads as provided in the Town by-laws and this Charter. Appointments made by the Town Manager shall be for a specific term. All appointments made by the Town Manager shall be based on qualifications, knowledge and experience. Each person appointed to fill an office or position shall be a person especially fitted by education, training, and previous work experience to perform the duties of the office or position for which chosen.

A Town Manager will hire all department heads.

Except as otherwise specifically provided in this Charter, the Town Manager shall appoint all other Town employees, except those serving under Town officers or multiple member bodies elected directly by the voters.

c. Removal and Suspension Power

To remove or suspend any person appointed under this section, subject to civil service laws and any agreements, including

The Town Manager may remove or suspend any department head or employee for cause, listed to the right.

collective bargaining agreements, where applicable, and also subject to review by the Board of Selectmen, as provided below.

A 4-member vote of the Selectmen will be required to negate any disciplinary procedure initiated by the Town Manager.

The Town Manager shall submit to the Board of Selectmen the name of the person the Town Manager desires to suspend or remove who has been appointed under this section. Suspensions or removals made by the Town Manager shall become effective immediately unless the Board of Selectmen shall have voted to reject such suspension or removal. Rejection by the Board of Selectmen shall require a four (4) member vote.

d. Additional Powers and Responsibilities

- a. To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other Town agency under the manager's jurisdiction.
- b. To fix the compensation of all Town employees and officers appointed by the Town Manager, subject to civil service and collective bargaining agreements, within the limits established by appropriation and any applicable compensation plan.
- c. To be responsible for the administration of a Town personnel system, including, but not limited to personnel policies and practices, rules and regulations, and an employee handbook, including provisions for an annual employee performance review. The Town Manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town agency under the Manager's jurisdiction.
- d. To attend all regular and special meetings designated by the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.
- e. To assure that full and complete records of the financial and administrative activities of the Town are kept and to render as often as may be required by the Board of Selectmen, but not less than once in each year, a full report of all Town administrative operations during the

The Town Manager will handle the human resources function of the Town.

The Town Manager will assume financial responsibility for the Town.

period reported on, which report shall be made available to the public.

- f. To keep the Board of Selectmen fully advised as to the needs of the Town and recommend to the Board of Selectmen and to other Town officers and agencies for adoption such measures requiring action by them as the Town Manager may deem necessary or expedient.
- g. To have full jurisdiction over the rental and use of all Town facilities and property except property under the control of the School Committee.
- h. To be responsible for the rental, use, maintenance and repair of all Town buildings and facilities placed under the Town Manager's control by this Charter, or otherwise.
- i. To prepare and present, in the manner provided in Article Six (6) a proposed annual operating budget for the Town and a proposed capital outlay program for first of five fiscal years next ensuing.
- j. To develop and maintain a full and complete inventory of all Town-owned real and personal property.
- k. To negotiate all contracts involving any subject within the jurisdiction of the office of Town Manager, including contracts with Town employees, involving wages, hours and other terms and conditions of employment; and may participate in negotiations relating to teachers as the General Laws provide. All such proposed contracts shall be subject to approval or ratification by the Board of Selectmen except those pertaining to the school committee. The Town Manager may employ special counsel to assist in the performance of these duties.
- l. To be the chief procurement officer of the Town responsible for purchasing all supplies, material and equipment for all departments and activities of the Town, except books and other educational materials for schools and libraries, as provided in MGL, Chapter 30B. The Town Manager may delegate this authority to others. The Town Manager shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any Town agency.

The Town Manager will be responsible for developing the Town's operating budget.

The Town Manager will negotiate all contracts for the Town.

The Town Manager will be responsible for all Town purchasing and keeping an inventory of all Town goods.

- m. To see that all of the provisions of the state law, this Charter, Town by-laws and other votes of the Board of Selectmen which require enforcement by the Town Manager or officers subject to the direction and supervision of the Town Manager are faithfully executed, performed or otherwise carried out.
- n. To attend all sessions of all Town Meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the Town Manager exercises any supervision.
- o. To perform any other duties as are required to be performed by the Town Manager by by-laws, administrative code or votes of the Board of Selectmen.

The Town Manager shall attend the Town Meeting and address all concerns and questions.

4-3 Special Meetings

The Town Manager may at any time call a special meeting of the Board of Selectmen, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the Board of Selectmen. Such notice shall, except in an emergency of which the Town Manager shall be the sole judge, be delivered at least two (2) days in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the Town bulletin board in accordance with state law.

4-4 Delegation of Authority

The Town Manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of Town Manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Manager.

The Town Manager may delegate his authority to others.

4-5 Acting Town Manager

a. Temporary Absence

By letter filed with the Town Clerk, the Town Manager shall designate a qualified Town administrative officer or employee to exercise the powers and perform the duties of Town Manager during a temporary absence. During a temporary absence the Board of Selectmen may not revoke such designation until at least ten (10) working days have elapsed, whereupon it may

appoint another qualified Town administrative officer or employee to serve until the Town Manager shall return.

b. Vacancy

Any vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen, but, pending such regular appointment, the Board of Selectmen shall appoint a qualified Town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six months, but one renewal may be voted by the Board of Selectmen not to exceed three months. Compensation for such person shall be set by the Board of Selectmen.

c. Powers and Duties

The acting Town Manager shall have only those powers of the Town Manager as are essential to conduct the business of the Town in an orderly and efficient manner and on which action may not be delayed. The acting Town Manager shall have no authority to make any permanent appointment or removal from Town service unless the disability of the Town Manager shall extend beyond sixty (60) days.

A temporary, acting Town Manager may not hire or fire unless the Town Manager is absent for more than 60 days.

4-6 Removal and Suspension of Town Manager

The Board of Selectmen may, by a four (4) member vote, terminate and remove, or suspend from office, the Town Manager, for cause, including but not limited to the following reasons: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office, in accordance with the following procedure.

A 4-member selectmen vote is necessary to suspend or remove the Town Manager.

- a.** The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of four (4) members, which must state the reason or reasons for removal. This 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 forthwith.
- b.** Within five (5) days following delivery of the preliminary resolution the Town Manager may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held by of the Board of Selectmen at least twenty (20) days but not more than thirty (30) days after the request is filed. The Town Manager may file with the Board of Selectmen a written statement responding to the

reasons stated in the resolution of removal provided the same is received at its office more than two (2) days in advance of the public hearing.

- c. The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of four (4) members not less than ten (10) nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the Town Manager, if the Town Manager has not requested a public hearing; or, within ten (10) days following the close of the public hearing if the Town Manager has requested such hearing. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Town Manager shall, at the expiration of said time, forthwith resume the duties of the office. The Town Manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the Board of Selectmen.

- d. In the event of a removal or suspension of a Town Manager pursuant to this section, the authority of the Town Manager to appoint a temporary or acting Town Manager shall be suspended. The assistant Town Manager, if any, shall forthwith be the acting Town Manager, subject to a majority vote of the Board of Selectmen. The Board of Selectmen may substitute another person to serve as acting Town Manager.

Article 5: ADMINISTRATIVE ORGANIZATION

5-1 Establishment and Abolishment

The Town Manager, subject to the approval of the board of Selectmen, may reorganize, create, consolidate or abolish committees, commissions, offices, departments and agencies under his supervision, in whole or in part, and may establish new committees, commissions, offices, departments and agencies as deemed necessary, and may for such purposes transfer duties and powers. The Board of Selectmen shall hold

The Town Manager may create and abolish boards, committees, commissions, offices, departments and agencies subject to Selectmen approval.

at least one public hearing on any such proposal within thirty (30) days of receipt. Within sixty (60) days following the public hearing(s), the Board of Selectmen shall vote to approve or disapprove the proposal, with or without amendments. The plan becomes effective sixty (60) days following the public hearing(s) unless sooner approved or disapproved.

The DPW will operate under a director.

5-2 Department of Public Works

There shall be established a Department of Public Works under the direction of the Town Manager. The Town Manager shall appoint a Director of Public Works who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director shall be required to hold a Bachelors degree in Civil Engineering or equivalent public works experience. The Director shall be responsible for the supervision and coordination of all public works operations of the Town that are placed under control of the Director by this Charter.

The Department of Public Works shall consist of the following:

- Highway Division
- Cemetery Division
- Wastewater Treatment Division
- Water Division
- Forestry Division
- Facilities Management Division*

***Facilities Management Division**

The responsibility for the maintenance and repair of all Town owned buildings and grounds, with the exception of the School Department and the Park and Recreation Department, shall be consolidated in the department of public works. The Town Manager, after consultation with the Director of Public Works, shall determine the manner in which such responsibility shall be assumed and the services delivered.

The Town Manager and the Director of Public Works, shall together determine the procedures for regular maintenance of all Town owned buildings.

The DPW's Facilities Management division will be responsible for maintenance and repair of all Town owned buildings and grounds except those under the control of the School Department and Parks and Recreation Department.

5-3 Department of Municipal Finance

There shall be established a Department of Municipal Finance under the direction of the Town Manager. The Town Manager shall appoint a Director of Municipal Finance who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director of Municipal Finance shall be required to be a Certified Public Accountant (CPA) or hold a degree in Public Finance or

There will be a Department of Municipal Finance.

a related field. The director shall be responsible for the supervision and coordination of all municipal finance operations of the Town that are placed under the control of the director by this Charter.

The Department of Municipal Finance shall include accounting, treasury management, collection and assessing.

The Accountant and Treasurer/Collector shall be persons especially suited by education, training, and previous experience to perform the duties of the office.

5-4 Department of Public Safety

a. There shall be established a Department of Public Safety under the direction of the Town Manager. The Department of Public Safety shall consist of the following:

- Police Department
- Fire Department
- Emergency Management Agency
- Dog Officer
- Constables
- Other departments as may be subsequently determined

b. Appointment of Personnel in Police and Fire Departments

1. The Fire Chief shall be responsible for the appointment promotion of all officers and subordinates in the Fire Department.
2. The Board of Selectmen, acting as the Police Commissioners, shall be responsible for the appointment and promotion of all officers and subordinates in the Police Department.

The Fire Chief hires/promotes his own employees.

The Board of Selectmen hires & promotes Police Officers.

5-5 Department of Parks and Recreation

The Department of Parks and Recreation shall consist of the following:

- Three (3) elected Park Commissioners
- One (1) Parks and Recreation Manager shall be appointed by the Park Commissioners.

The Parks and Recreation Department will be separated from the DPW.

5-6 Building Department

The Building Department shall include all building related inspection functions and one (1) appointed Building Inspector.

There will be a Building Inspector

5-7 Council on Aging

The Council on Aging shall consist of the following:

There will be a 9 member Council on Aging with 1 Senior Center Director

- There shall be a Council on Aging, which shall consist of nine (9) members. Eight shall be appointed by the Board of Selectmen and one (1) shall be appointed by the Town Manager and shall also serve as the Senior Center Director.
- The Director shall have a Bachelors Degree in education, social services or a related field, or shall have equivalent experience. He shall be especially suited by education, training and previous experience to perform the duties of the office.

5-8 School Committee

There shall be five (5) elected members of the School Committee

The School Committee will have 5 members.

5-9 Regional School District Representative

There shall be representation to any regional school district that the Town chooses to belong, and they shall be elected in accordance with state law.

There will be elected representatives to any regional school districts that Ware belongs to.

5-10 Housing Authority

There shall be a housing authority, which shall consist of five (5) members. Four (4) members shall be elected at the annual Town election, for terms of five (5) years each; the terms to be so arranged that each term will expire in a different year. One member shall be appointed by the Commonwealth of Massachusetts to serve for a term of five (5) years.

The Housing Authority will have 5 members

5-11 Town Clerk

There shall be one (1) Town Clerk appointed by the Town Manager.

The Town Clerk will be appointed by the Town Manager.

5-12 Planning Board

There shall be a Planning Board which shall consist of five members elected for terms of five (5) years each. The Town Manager shall appoint one alternate member of the Planning Board. Whenever a member of the Planning Board is absent, or because of a conflict of interest, or other disability, and is therefore unable to participate on a particular matter, the chair shall seat the alternate member to act during any such absence or disability.

The Planning Board will consist of 5 members and 1 alternate.

5-13 Town Planner

There shall be one (1) Town Planner appointed by the Town Manager. This individual shall work with the Planning Board, Community Development Authority and such other offices and agencies with land use, regulatory responsibilities, or enforcement authority. It shall be the duty of the Planner to make careful studies of the resources, possibilities

A Town Planner will be appointed by the Town Manager to guide the Town's growth and manage development. He will work closely with any necessary Town agencies.

and needs of the Town and to make plans for the development of the Town. The Town Planner shall make an annual report giving information regarding the condition of the Town and any plans or proposals for its development and estimates of their costs to the Town for such development.

The Zoning Board of Appeals shall consist of 5 members and 2 alternates.

5-14 Zoning Board of Appeals

There shall be a Zoning Board of Appeals which shall consist of five (5) members and two (2) alternate members appointed for terms of three (3) years each.

The Conservation Commission shall consist of 7 members and 2 associates.

5-15 Conservation Commission

There shall be a Conservation Commission which shall consist of seven (7) members and two (2) associate members appointed for terms of three (3) years each.

There shall be a 3 member Community Development Authority.

5-16 Community Development Authority

The Community Development Department shall be organized as provided in St. 1981, C. 511. "An Act authorizing the Town of Ware to establish a Department of Community Development." Two (2) members are appointed by the Board of Selectmen, and one (1) is appointed by the State, as the special act requires. The Board of Selectmen shall appoint the director, as provided in the special act.

Statute requires that the Moderator appoint The Community Development Advisory Board.

There shall also be a Community Development Advisory Committee, consisting of seven (7) residents of the Town, all appointed by the Moderator, as provides by the special act.

Article 6: FINANCIAL MANAGEMENT

6-1 Fiscal Year

The fiscal year of the Town shall be determined by state law. The budget and capital improvements program shall be public records and copies shall be kept available for inspection at the Office of the Town Clerk.

6-2 Budget and Budget Process

Annually, prior to the first day of November, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year. All Town

departments must submit an itemized budget for the new fiscal year to the Town Manager as prescribed by state law and this Charter.

The Town Manager will draft the Town budget and submit it to the Finance Committee for review.

- a. By the first Monday in February the Town Manager shall submit the budget for the next fiscal year to the Finance Committee for review and recommendations. The Finance Committee shall return the budget with Finance Committee recommendations by the first Monday in March to the Town Manager. A copy of the budget shall be sent to the Board of Selectmen by the first Monday in April.
- b. The Manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall:
 - Outline the proposed financial policies of the Town for the next fiscal year
 - Describe the important features of the budget
 - Indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes
 - Summarize the Town's debt position
 - Include such other material as the Manager deems appropriate.
- c. The budget shall provide a complete financial plan, including a report by the Finance Committee, for all Town funds and activities, and it shall indicate proposed expenditures for both current operations and capital projects during the next fiscal year, detailed by Divisions, Departments, Offices, Boards, Commissions, Committees and purposes.

The Town Manager will present the budget to the Town Meeting.

The Town Manager shall be responsible for presenting the budget to the Town Meeting.

The Town Meeting shall adopt the budget, with or without amendments, at the Annual Town Meeting.

The Finance Committee still consists of 5 members and will serve in an advisory capacity to the Town Manager and Selectmen.

6-3 Finance Committee

The Board of Selectmen shall appoint a finance committee of five (5) members, to serve for terms of three (3) years, arranged so the terms of an equal number as possible expire each year. The finance committee shall serve in an advisory capacity to the Town Manager and Board of Selectmen. The finance committee shall conduct at least one (1) public

hearing on the proposed budget and provide recommendations to the Town Manager.

The finance committee shall consider in public meetings the detailed expenditures for each Town agency proposed by the Town Manager, and may confer with representatives of any such 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 in furtherance of its responsibility.

6-4 Capital Planning Committee

A Capital Planning Committee of seven (7) members shall be appointed as follows: One Finance Committee member appointed from among its members; one member of the Board of Selectmen appointed from among its members, the Treasurer-Collector, Town Manager and three (3) registered voters of the Town appointed by the Board of Selectmen. The Treasurer-Collector, Town Manager and Board of Selectmen members shall be permanent members of the committee. Other members shall serve for three (3) year terms and may be reappointed. Other than described herein, no other Town employee or Town officer shall be appointed to the committee.

The Capital Planning Committee shall study proposed capital outlays involving the acquisition of land or an expenditure of at least twenty-five thousand dollars (\$25,000.00). All officers, boards and committees, including the School Committee, shall by September first of each year give to the Capital Planning Committee on forms prepared by it, information concerning all projects anticipated by them as needing Town Meeting approval during the next five years. The committee shall study the need, timing and cost projection of these projects and the result each will have on the financial position of the Town.

The Capital Planning Committee shall prepare an annual report containing a budget for such outlays for the first year for presentation to the Town Meeting.

6-5 Collections and Disbursements

Except as otherwise provided by state law, all monies and fees received by the Town or by any division, department, or officer thereof, shall, upon their receipt by such division, department or officer, be paid into the Town treasury in a timely manner.

The Finance Department will be responsible for collection/disbursement of all funds payable to all departments.

Warrants for the payment of Town funds prepared and signed by the Town Accountant in accordance with state law, shall be submitted for analysis, approval and signature of the Town Manager or the Board of Selectmen when necessary.

Town funds designated for specific purposes must be spent in a timely fashion.

6-6 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation.

The Town's accounts will be audited annually.

6-7 Audit

At the close of each fiscal year, and at such times as it may be deemed necessary, the Board of Selectmen shall cause an independent audit to be made of all accounts of the Town by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the Town or any of its offices. Upon completion of the audit, the results in a summary form shall be placed on file in the Town Clerk's office as a public record.

6-8 Personal Liability for Expenditures in Excess of Appropriation

Any official who spends unauthorized Town funds will be personally liable to repay the Town.

No official of the Town, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the Town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of section 31 of Chapter 44 of the MGL shall be strictly enforced. Any official who violates the provisions of this section shall be personally liable to the Town for any amounts so expended to the extent the Town does not recover such amounts from the person to whom such sums were paid.

To ensure officials do not place themselves or their accounts in such a position whereby this section would apply, all responsible officials shall request appropriations from the Reserve Fund when an account has reached a minimum of ten (10) percent of the appropriation.

The Town Manager may issue an internal audit of any Town Department at any time.

6-9 Internal Departmental Audits

The Town Manager may at his discretion request an internal audit of any department by an independent certified public accountant.

Article 7: ELECTED OFFICERS

7-1 General Provisions

*Elected officials
can't hold more than
one elected office.*

Boards and Commissions established or continued under this Charter shall perform their functions and duties in accordance with the constitution, state law, by-law and this Charter. Elected officials shall not hold more than one elected office concurrently.

During the term elected, and for one (1) year following expiration of term, no Officer or member of any Board or commission established under this Charter shall be eligible to accept any appointed, paid Town position placed under the jurisdiction of the respective Office or Board vacated, except positions whose status was changed by this Charter.

7-2 Vacancies

Except as otherwise provided, vacancies in elected Town Boards established under this Charter shall be filled by the Board of Selectmen, together with remaining members of the respective Board, in accordance with the provisions of state law.

7-3 Recall

Recall shall be authorized as provided in St., 1986, c. 58 – An Act Authorizing the Town of Ware to Recall Elected Officials.

7-4 School Committee

*The School
Committee shall have
5 members.*

The Ware School Committee will consist of five (5) members and they shall be elected for three (3) year staggered terms.

The school committee shall have all powers which are conferred on school committees by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law. No member of the school committee shall hold compensated school employment.

7-5 Planning Board

*The Planning Board
shall have 5
members.*

The Planning board will consist of five (5) members, and they shall be elected for five (5) year staggered terms.

The planning board shall have all powers that are conferred on a planning board by state law, and such additional powers and duties as may be provided by the Charter, by-laws, or otherwise, and not inconsistent with said grant of powers conferred by state law.

The Housing Authority shall have 5 members.

7-6 Housing Authority

The Housing Authority will consist of five (5) members, and they shall serve for five (5) year staggered terms.

The Housing Authority will consist of five (5) members. Four (4) members shall be elected. One (1) member shall be appointed by the State. They shall have all powers that are conferred on a Housing Authority by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-7 Moderator

The Moderator will be elected for 3 years.

The Moderator shall be elected for three (3) years.

The Moderator shall have all powers that are conferred on Moderators by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-8 Selectmen

There shall be a Board of Selectmen as referenced in Article 3.

The Cemetery Commission shall have 3 members.

7-9 Cemetery Commission

The Cemetery Commission will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Cemetery Commission shall have all powers that are conferred on Cemetery Commissions by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-10 Board of Health

The Board of Health shall have 3 members.

The Board of Health will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Board of Health shall have all powers that are conferred on Boards of Health by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-11 Board of Assessors

The Board of Assessors shall have 3 members.

The Board of Assessors will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Board of Assessors shall have all powers that are conferred on Boards of Assessors by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

The Park Commission shall have 3 members.

7-12 Park Commission

The Park Commission will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Park Commission shall have all powers that are conferred on Park Commissioners by state law and such additional powers and duties as may be provided by the Charter, by by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

Article 8: GENERAL PROVISIONS

8-1 Charter Changes

This Charter may be changed or amended after it is accepted by voters.

This Charter may be replaced, revised or amended in accordance with The Home Rule Amendment and Home Rule Procedures Act.

8-2 By-law

By-Law changes must be approved by 2/3rds of Town Meeting voters.

By-laws adopted, amended or rescinded must be approved by two-thirds vote at Town Meeting.

8-3 Severability

The provisions of this Charter are severable. If any provision of this Charter is held invalid the other provisions shall not be affected thereby. If the application of this 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 thereby.

8-4 Specific Provision to Prevail

To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

8-5 Rules and Regulations

The rules and regulations for all agencies will be on file with the Town Clerk and available for public review.

A copy of all rules and regulations adopted by any Town agency shall be placed on file in the Office of the Town Clerk and shall be available for

review by any person who requests such information at any reasonable time. No rule or regulation adopted by any Town agency shall become effective until ten days following the date it is so filed.

8-6 Limitation on Office Holding

No person shall simultaneously hold more than one full time compensated position. Any hours worked in any part time position shall not be the same or otherwise conflict with the hours worked in a full time position.

8-7 Enforcement of Charter Provisions

It shall be the duty of the Town Manager to see that the provisions of the Charter are faithfully followed and complied with by all Town agencies and Town employees. Whenever it appears to the Town Manager that any Town agency or Town employee is failing to follow any provision of this Charter, the Town Manager shall, in writing, cause notice to be given to such agency or employee directing compliance with the Charter. If it shall appear to the Board of Selectmen that the Town Manager personally is not following the provisions of the Charter, it shall, by resolution, direct the attention of the Town Manager to those areas in which they believe there is a failure to comply with Charter provisions. The procedures made available in chapter 231A MGL may be used to determine the rights, duties, status, or other legal relations arising under this Charter, including any question of construction or validity which may be involved in such determination.

The Town Manager will be responsible for enforcing the provisions of this Charter.

8-8 Annual Report of the Town

An Annual Report, which contains a general summary of the activities of all Town agencies, shall be published by the first Monday in April. The Annual Report shall contain reports by the Town Manager; Board of Selectmen, the School Committee and such other Town agencies as may be required by by-law to provide such reports. The Annual Report will be made available at the Town Clerk's Office and at other locations as described by law.

The Annual Report will be published on the first Monday of April.

8-9 Notice of Vacancies

Whenever a vacancy occurs, or is about to occur, in any Town office or Town employment, except for positions covered by the civil service law or collective bargaining agreements, the appointing authority shall immediately cause public notice of such vacancy, or impending vacancy, to be posted on the Town bulletin board for a period of not less than twenty one (21) days. Any person who desires to be considered for appointment to said office or employment may file with the appointing authority a statement in clear and specific terms setting forth such person's qualifications for the position. No permanent appointment to

All job postings for Town employment must appear on the Town bulletin board for at least 21 days.

fill a vacancy in an office or employment shall be effective until at least twenty one (21) days have elapsed following such posting, and until all persons who have filed statements in application have been considered.

8-10 Town Boards, Commissions and Committees

All Boards, Commissions, and Committees of the Town shall:

- Serve for terms arranged so that the terms of an equal number of members as possible expire each year.
- Organize annually and elect a Chairman and other necessary Officers
- Establish a quorum requirement for its meetings
- Adopt rules of procedure and voting
- Maintain a record of proceedings
- Give reports at any session of any Town Meeting upon the request of the Board of Selectmen or the Town Manager

The votes of each Town Board, Commission, and Committee shall be recorded and made a part of its official proceedings.

Appointments by the Manager and Board of Selectmen are listed to the right.

Appointed by Town Manager	Appointed by Board of Selectmen
Building Inspector Council on Aging Director DPW Director Dog Officer Electrical Inspector Emergency Management Director Gas Inspector Sealer of Weights & Measures Town Accountant Town Clerk Town Planner Treasurer/Collector	Board of Registrars By-law Study Review Committee Community Development Advisory Authority Community Development Authority Community Development Director Conservation Commission Constables Council on Aging Cultural Council Disability Commission Finance Committee Fire Chief Historical Commission Municipal Police Officers Police Chief Police Matrons Special Police Officers Town Counsel Veterans' Agent Zoning Board of Appeals

8-11 Rescinding Power

Any appointive authority under this Charter shall have the power to rescind, for cause, any appointment made thereby, provided that the appointee shall first have been served with a written notice specifying

the appointive authority's intention, the reason therefore, and informing the appointee of his right to a public hearing, if requested.

A copy of the written notice and a transcript of the public hearing, if any shall be filed in the Office of the Town Clerk, and shall be a public record.

8-12 Filing of Notice

All appointive authorities of the Town shall file with the Town Clerk a copy of each notice of the appointment to a Town Office, or any rescinding of appointment thereto, and the same shall be a public record.

8-13 Resignations

Resignations are not official until filed with the Town Clerk.

No resignation is final until filed with the Town Clerk.

8-14 Computing of Time

In computing time under this Charter, every calendar day shall be counted.

8-15 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

8-16 By-Law Review

The Board of Selectmen shall at five year intervals, in each year ending in five (5), or in zero (0), cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the Town which shall be presented to the Town Meeting for reenactment at the annual Town Meeting in the year following the year in which the said committee is appointed. The by-law review committee shall consist of the Town Clerk, who shall serve by virtue of office, and four persons appointed by the Board of Selectmen. The said committee, in its final report, or in an interim report, shall include recommendations for such substantive change in Town by-laws as it deems necessary or advisable. The review of Town by-laws shall be in conjunction with the Town counsel, or by special counsel retained for that purpose. The committee shall hold a public hearing within thirty (30) days following the date on which it meets to organize and at least one additional public hearing before filing its final report. Subsequent to enactment by the Town Meeting, copies of the revised by-laws shall be forwarded to the Attorney General of the Commonwealth for approval, and they shall be otherwise published as required by state law. Copies of the revised by-

Town by-laws will be reviewed by committee every 5 years.

laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

Article 9 TRANSITIONAL PROVISIONS

9-1 Continuation of Existing Laws

All state law, special laws, Town by-laws, votes, rules and regulations of or pertaining to the Town which are in force when the Charter takes effect and which are not specifically or by implication hereby repealed directly or indirectly, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

This Charter supersedes all existing laws, contracts, rules and regulations in conflict with it.

9-2 Continuation of Government

All functions, duties, and requirements of all Town officers, boards, agencies, or commissioners shall continue until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town agency in accordance with the provisions of this Charter.

9-3 Existing Officials and Employees

Upon the time of taking effect of this Charter, all existing appointees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to ratification by the voters of this Charter.

- a. The office of the Board of Selectmen and the Moderator shall be elected. The executive authority will thereafter be vested in a Town Manager, and the legislative authority shall be vested in the Town Meeting.
- b. The incumbent in the Office of Town Clerk shall serve until the expiration of the current term, at which time, the then incumbent Town Clerk shall be appointed as this Charter provides and perform all duties and responsibilities of the position.
- c. During the transition period, all existing appointees shall be retained in a capacity as reasonable related to their positions

The incumbent Town Clerk will be waived in as the appointed Town Clerk upon completion of the elected term.

No existing employee will forfeit pay grade or time in service throughout the transition period of this Charter.

prior to Charter adoption as is practicable. No person in the permanent full-time service or employment of the Town shall forfeit pay grade or time in service.

- d. Notwithstanding the provisions of section 8-6 of this Charter, any incumbent in elected office at the time that this Charter takes effect shall be allowed to complete the term of office for all offices in which he or she is currently serving; provided, however, that such individuals may seek election or reelection to only one office once the terms of office in the presently elected positions are completed.

9-4 Continuation of Administrative Personnel

Any person holding a Town office, or a position in the administrative service of the Town, or any person holding full-time employment under the Town, shall retain such office, position or employment, and shall continue to perform the duties of such office, position or employment until provisions shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the Town shall forfeit their pay grade, or time in the service of the Town as a result of the adoption of this Charter.

9-5 Continuation of Obligation

All official bonds, obligations, contracts and other instruments entered into or executed by or to the Town before the adoption of this Charter; and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town, shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter. No legal action done by or in favor of the Town shall be rendered invalid by the adoption of this Charter.

9-6 Transfer of Records and Property

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

9-7 Time of Taking Effect

This Charter shall take effect upon its adoption by the voters of the Town of Ware.

This Charter will take effect upon voter adoption.

The current Town Administrator will assume the Town Manager's duties throughout the duration of his contract.

9-8 Town Manager

Upon the adoption of this Charter, the incumbent Town Administrator shall assume the duties of Town Manager as described in this Charter, and shall continue to serve for the length of his contract. Upon the adoption of this Charter, the position of Town Administrator shall be abolished.

9-9 By-Law Study Review

Not later than thirty days following the election at which this Charter is adopted, the Board of Selectmen shall appoint five (5) persons to be a committee to begin a review of the Town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this Charter and to fully implement the provisions of this Charter. At least two of the persons appointed to the committee shall have been members of the Ware Charter Commission. The committee shall submit a report with recommendations to the Board of Selectmen forthwith following the election held in the year in which this Charter is adopted. The review shall be conducted under the supervision of the Town Counsel, or by special counsel appointed for that express purpose. Upon taking office, the Board of Selectmen shall assure that the Town's by-laws are revised so as to support the Charter's intent and facilitate its implementation.

A 5-member By-Law review committee shall be established to revise existing By-Laws and bring them in compliance with this Charter. At least 2 members must have been Charter Commission members.

**ANNUAL TOWN ELECTION
TOWN OF WARE, MA
MONDAY – APRIL 11, 2011**

QUESTION # 1:

“Shall this Town approve the charter amendment proposed by the town meeting summarized below?”

SUMMARY:

The proposed charter amendment of Article 6 – Financial Management – changes the month for the Town Manager to issue the budget schedule from November to December. The amendment further changes the month for the Town Manager to submit the budget to the Finance Committee from February to March. It also provides that the Finance Committee must return its recommendations to the Town Manager by the first Monday in April.

Article 6 – Financial Management

Strike 6-2 Budget and Budget Process in its entirety and replace it with the following:

6-2 Budget and Budget Process

Annually, prior to the first of December, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year. All town departments must submit an itemized budget for the new fiscal year to the Town Manager as prescribed by state law and the Charter.

and further to strike part a, its entirety and replace it with the following:

a. By the first Monday in March, the Town Manager shall submit the budget for the next fiscal year to the Finance Committee for review and recommendations. The Finance Committee shall return the budget with Finance Committee recommendations by the first Monday in April to the Town Manager. A copy of the budget shall be sent to the Board of Selectmen by the first Monday in April.

This charter change will take effect July 1, 2011.

YES	177	121	160	458
NO	21	26	46	93
BLANKS	<u>56</u>	<u>43</u>	<u>34</u>	<u>133</u>
Totals	254	190	240	684



**TOWN OF WARE, MASSACHUSETTS
OFFICE OF THE TOWN CLERK**

126 MAIN STREET, STE. F, WARE, MASSACHUSETTS 01082

NANCY J. TALBOT
TOWN CLERK

CERTIFIED COPY OF VOTE

The following question appeared on the Annual Town Election Ballot of – Monday, April 9, 2012:

QUESTION 1:

“Shall this Town approve the charter amendment proposed by the December 1, 2011 Special Town Meeting which amendment deletes §5-15 – Conservation Commission in the Town of Ware Charter and replaces it with:

§5-15 Conservation Commission. There shall be a Conservation Commission which shall consist of five (5) members and two (2) associate members appointed for terms of three (3) years each.

YES	479
NO	162
BLANKS	203

A true copy attest:



Nancy J. Talbot – Town Clerk, Ware, MA

May 7, 2012



**TOWN OF WARE, MASSACHUSETTS
OFFICE OF THE TOWN CLERK**

126 MAIN STREET, STE. F, WARE, MASSACHUSETTS 01082

NANCY J. TALBOT
TOWN CLERK

CERTIFIED COPY OF VOTE

The following question appeared on the Annual Town Election Ballot of Monday - April 14, 2014 -

Question # 1 -

"Shall this Town approve the charter amendment proposed by the May 13, 2013 Annual Town Meeting summarized below?"

Summary - This charter amendment deletes §§ 5-12, 5-13, 5-14 and 5-16 of the existing charter and replaces those sections with a new § 5-12, which creates a Planning & Community Development Department under the direction of the Town Manager, consisting of the Planning Board, Zoning Board of Appeals, Community Development Authority, Tax Increment Financing Committee, and a Planning & Community Development Advisory Committee, and groups these boards and entities within the Planning & Community Development Department in order to increase their efficiency and coordinate their functions. This charter amendment eliminates the position of "Town Planner" and creates the position of "Director of Planning & Community Development Department". The Director of Planning & Community Development Department will be responsible for supervision and operation of the Planning & Community Development Department. The Director of Planning & Community Development will be appointed by, report directly to, the Town Manager. The charter amendment further recodifies "§ 5-15 Conservation Commission" as "§ 5-13 Conservation Commission"

This charter amendment, if approved by the voters at the Annual Town Election of 2014, will take effect July 1, 2014.

YES	286
NO	167
BLANKS	<u>88</u>
TOTAL	541

A true copy attest: 
Nancy J. Talbot - Town Clerk, Ware, MA

April 29, 2014