

## ARTICLE 1

**INCORPORATION; SHORT TITLE; POWERS****Section 1-1. Incorporation**

The inhabitants of the Town of Dunstable, within the corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Dunstable."

**Section 1-2. Short Title**

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

**Section 1-3. Powers of the Town**

Subject only to express limitation of the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Dunstable, to secure through the adoption of this Charter, all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

**Section 1-4. Division of Powers**

The supervision of all the fiscal, prudential, and municipal affairs of the Town shall be vested in the Select Board. The administration of these affairs shall be the responsibility of the Town Administrator. The legislative powers of the Town shall be vested in a Town Meeting open to all resident, registered voters.

**Section 1-5. Construction**

The powers of the Town of Dunstable, under this Charter, are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Dunstable as stated in Section 1-3.

**Section 1-6. Intergovernmental Relations**

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

**Section 1-7. Precedence of Charter Provisions**

To the extent any by-laws, votes, rules or regulations of or pertaining to the Town of Dunstable, are in force and contravene or otherwise conflict with the provisions of this Charter, then the Charter provisions shall take precedence over said existing by-laws, votes, rules or regulations, excepting such votes as are expressly intended to amend this Charter.

**Section 1-8. Gender**

For the purpose of this Charter, all references to officers, employees or other persons shall be read as applying equally to males and females, regardless of gender of pronoun used.

**Section 2-1. Town Meeting**

The legislative powers of the Town shall continue to be exercised by a Town Meeting open to all resident registered voters.

**Section 2-2. Presiding Officer**

The Moderator, elected as provided in Section 3-3, shall preside at all sessions of the Town Meeting. Annually, at the first session of the Spring Town Meeting, the Moderator shall appoint a Deputy Moderator to serve as Acting Moderator in the event of the temporary absence or disability of the Moderator. The appointment of a Deputy Moderator shall be subject to ratification by the Town Meeting. If a permanent vacancy in the position of Moderator should occur, the Deputy Moderator shall serve as Moderator until the next scheduled Town Election at which time a Moderator shall be elected to serve a full term.

The Moderator, at Town Meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and exercise such additional powers and duties as may be authorized by general law, by this Charter, by by-law or by other vote of the Town Meeting.

**Section 2-3. Committees**

- (a) In General — Subject to the provisions of this Charter and such by-laws or other Town Meeting votes regarding committees as may be provided, the Moderator shall appoint, for fixed terms, the members of such committees of the Town Meeting special or standing, as may be provided to a Town Meeting Committee by the by-law or vote establishing it. Each such committee, when acting within the scope of its authority, shall have a right to consult with, at reasonable times, any Town officer, employee, or agent. All such committee members shall be residents of Dunstable.

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

The Town Meeting shall meet in regular session in each calendar year. The meeting shall be deemed the Annual Town Meeting and shall be held during May, or June, on a date fixed by by-law. It shall be primarily concerned with the determination of matters involving the expenditure of Town funds including, but not limited to, the adoption of an annual operating budget for all Town agencies, for the purpose of electing officers, and for the determination of all other matters to be decided by ballot of the voters.

**Section 2-5. Special Meetings**

Special Meetings: The Town Meeting shall also convene in special session; (a) by call of the Select Board, or (b) by petition of at least one hundred (100) registered voters of the town.

**Section 2-6. Warrants**

Every Town Meeting shall be called by a warrant issued by the Select Board, which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every Town Meeting shall be in

accordance with a Town by-law governing such matters but in no event shall be available to the public less than ten (10) days prior to the date of the Town Meeting.

### **Section 2-7. Initiation of Warrant Articles**

- (a) Initiation – The Select Board shall receive at any time all petitions addressed to it which request the submission of any matter to the Town Meeting and which are filed by: (1) any elected Town officer, (2) any multiple member body acting by a majority of its members, (3) any ten (10) voters, or (4) the Town Administrator.
- (b) Inclusion on Warrant – The Select Board shall include on the warrant for a regular Town Meeting the subject matter of all petitions which have been received by it thirty (30) or more days prior to the date fixed by by-law for the Town Meeting to convene. Whenever a Special Town Meeting is to be called, the Select Board shall give notice at least forty-five (45) days prior to the calling of a Special Town Meeting in a manner consistent with the General By-laws, and electronically, of such intention, except as otherwise provided by statute. The Select Board shall include in the warrant for such Special Town Meeting the subject matter of all petitions, which are received at its office on or before 1:00 PM on the thirtieth (30<sup>th</sup>) day prior to the date of the Special Town Meeting.
- (c) Referral to Advisory Committee – the Select Board shall transmit to the Advisory Committee the complete contents of all regular and special town meeting warrants for their consideration, within 48 (forty-eight) hours of the Board's adoption, by vote in public meeting, of said warrant.

### **Section 2-8. Availability of Town Officials at Town Meetings**

Every Town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the Town Meeting for the purpose of providing Town Meeting with information pertinent to matters appearing in the warrant.

In the event any Town officer, chairperson of a multiple member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the Town Meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

### **Section 2-9. Clerk of the Meeting**

The Town Clerk shall serve as Clerk of the Town Meeting, give notice of all adjourned sessions thereof, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this Charter, by by-law, or by other Town Meeting vote. Such records shall be made available in the office of the Town Clerk for examination by the public within ten (10) days after their adoption.

### **Section 2-10. Rules of Procedure**

The Town Meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all Town Meetings.

**Section 3-1. In General**

- (a) Elective Offices – The offices to be filled by the voters shall be a Select Board, an Advisory Board, a Board of Assessors, a Board of Health, a Library Board, a Planning Board, a Cemetery Commission, a Highway Commission, a Water Commission, and a Town Moderator. In addition, members of such other offices or representatives to regional authorities or districts as may be established by statute or by inter-local agreement may also be filled by ballot at Town elections.
- (b) Eligibility – Any voter shall be eligible to hold any elective Town office; however, no person shall simultaneously hold more than one (1) elected Town office as defined in this section.
- (c) Town Election – The annual election of Town officers, and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.
- (d) Compensation – Elected Town officers may receive such compensation for their services as may be appropriated from time to time for such purpose.
- (e) Coordination – Notwithstanding their election by the voters, the Town officers named in this section shall be subject to the call of the Select Board or of the Town Administrator at all reasonable times for consultation, conference and discussion on any matter relating to their respective offices.
- (f) Filling of Vacancies of Elected Offices
  - (1) Select Board – if there is a failure to elect or if a vacancy occurs in the office of the Select Board and six (6) months or more will elapse before the next annual Town election, the remaining Select Board members shall forthwith call a special election to fill the vacancy. If a vacancy occurs in the office of the Select Board, and more than three (3), but less than six (6) months, will elapse before the next annual Town election, the remaining Select Board members may call a special election to fill the vacancy and shall, in such circumstance, forthwith, call such special election upon the request in writing of two hundred (200) or more registered voters of the Town.
  - (2) All other elected officers – vacancies in all other elected offices shall be filled in accordance with Statute or General By-law.

**Section 3-2. Select Board**

- (a) Composition, Term of Office – There shall be a Select Board consisting of three (3) members elected for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) Powers and Duties – The executive powers of the Town shall be vested in the Select Board, which shall be deemed to be the Chief Executive Office in the Town. The Select Board shall serve as the chief policy-making agency of the Town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all Town agencies serving under it and, in conjunction with other Town officers, to develop and to promulgate policy guidelines designed to bring all agencies of the Town into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved in the day-to-day administration of any Town agency. It is the intent of this provision that the Select Board shall act only through

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the adoption of broad policy guidelines, which are to be implemented by officers and employees appointed by or under its authority.

The Select Board shall cause a record of all its official acts to be kept. To aid in the performance of its duties, the Select Board shall appoint a Town Administrator as provided in Article 4.

- (c) Appointment Powers – The Select Board shall appoint a Town Administrator, a Conservation Commission, a Town Forest Committee, a Historical Commission, a Zoning Board of Appeals, Registrars of Voters (but not the Town Clerk), a local Cultural Council, a Cable TV Committee, the Council on Aging, a Community Preservation Committee, a Master Plan Committee, a Memorials and Monuments Committee, Commissioners of Trust Funds, an Affordable Housing Trust, a Recreation Committee, a Parks Committee, a Capital Planning Committee, and Town Counsel. The Select Board shall appoint such other Town officers and members of multiple member bodies, the primary responsibilities of which are policy making and not administrative, as may be provided by by-law.
- (d) Licensing Authority – The Select Board shall be the licensing board for the Town and shall have a power to issue licenses as otherwise authorized by law; to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and impose restrictions, as deemed to be in the public interest, and to enforce all laws relating to all businesses for which It issues any licenses.

### **Section 3-3. Town Moderator**

- (a) Term of Office – There shall be a Town Moderator elected for a term of three (3) years.
- (b) Powers and Duties – The Town Moderator shall be the presiding officer of the Town Meeting, as provided in Section 2-2, regulate its proceedings, and perform such other duties as may be provided by general law, by Charter, by by-law, or by other Town Meeting vote.
- (c) Appointment Powers – The Moderator shall appoint all other standing committees of the Town Meeting and all committees authorized by the Town Meeting for a primarily legislative purpose. All such committee members shall be residents of Dunstable.

### **Section 3-4. Regional School Committees**

- (a) Composition, Term of Office – There shall be a Regional School District Committee which shall be elected in accordance with the Regional School District Agreement.
- (b) Powers and Duties – The Groton-Dunstable Regional School District Committee shall have all the powers and duties given to school committees by the laws of the Commonwealth. The Regional School District Committee shall have general charge of the public schools in the Town and shall have such additional powers and duties as may be authorized by the Charter, by by-law, by Town Meeting vote, or the provisions of the Regional School District Agreement.
- (c) There shall be a representative to the Greater Lowell Technical High School Committee who shall be elected in accordance with an order of the Court.

### **Section 3-5 . Advisory Board**

- (a) There shall be an Advisory Board whose responsibilities and duties shall be outlined in the General By-laws of the Town.

ARTICLE 4  
**TOWN ADMINISTRATOR**

**Section 4-1. Appointment; Qualification; Term**

The Select Board shall appoint a Town Administrator from a list prepared by a screening committee appointed by the Select Board. The Select Board shall appoint the Town Administrator to serve for a term fixed by contract, which shall not exceed three (3) years, and shall fix the compensation for such person annually within the amount appropriated by the Town. Members of the Select Board may not be appointed, nor considered as candidates for the office of Town Administrator, until they have left the office of the Select Board for a period of at least three (3) years. The Town Administrator shall be appointed solely based on demonstrated executive and administrative qualifications and shall be a person especially fitted by education, training, and previous experience in public administration to perform the duties of the office. The Town may, from time to time, establish by by-law, such additional qualifications as seem necessary and appropriate.

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

The Select Board shall provide for an annual review of the job performance of the Town Administrator in accordance with his or her contract.

The Town Administrator shall execute a bond in favor of the Town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the Select Board and shall be reimbursed for the cost of the bond by the Town.

**Section 4-2. Responsibilities and Duties**

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Select Board for the administration of all Town affairs for which the office of Town Administrator is given responsibility by or under this Charter. The responsibilities and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct, and be responsible for the efficient administration of all functions and activities for which the office of Town Administrator is given authority, responsibility, or control by this Charter, by by-law, by Town Meeting vote, by vote of the Select Board, or otherwise.
- (b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, to include but not limited to a Police Chief, a Fire Chief, a Library Director, a Treasurer/Collector, a Town Accountant, a Chief Assessor, a Town Clerk, a Building Inspector, a Council-on-Aging Director, a Veteran's Agent, an Animal Control Officer, as well as other officers, members of boards and commissions, and employees for whom no other method of selection is provided by this Charter. Appointments of the Town Administrator shall be reported to the Select Board by such means as the Board shall deem and may be rejected by two-thirds (2/3) vote of the Board, within seven (7) days of notification by the Town Administrator. The Board shall not interfere or participate in any way with the recruitment, hiring or appointment process which shall be the sole responsibility of the Town Administrator who shall make all

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appointments on the basis of skill, knowledge, experience and merit of the candidates for appointment.		

- (c) To develop and administer a Town personnel system, including, but not limited to, personnel policies and practices, employee wage and salary plan, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the Town and to set the salaries/wages of all Town employees, within the limits of appropriation. The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town agency. The Town Administrator shall have no operational responsibility for schools.
- (d) To attend all regular and special meetings of the Select Board, unless unavailable for reasonable cause and shall have a voice, but no vote, in all its proceedings.
- (e) To ensure 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 Select Board, but not less than once in each year, a full report of all Town administrative operations during the period reported on as required by Massachusetts General Laws, which report shall be made available to the public in print and electronically and which shall be known as the Town Report.
- (f) To keep the Select Board fully advised as to the needs of the Town and recommend to the Select Board and other elected Town officers and agencies for adoption, such measures requiring action by them or by the Town Meeting as the Town Administrator may deem necessary or expedient or as the Select Board may direct.
- (g) To have full jurisdiction over the rental and use of all Town facilities and property, except school property, cemetery property, the Town Forest properties, properties belonging to the Affordable Housing Trustees, -and Conservation Commission property. The Town Administrator shall be responsible for the maintenance and repair of all Town buildings and facilities placed under the Town Administrator's control by this Charter, by by-law, by vote of the Town, or otherwise. Recommendations for the establishment of statues and memorials shall be the responsibility of the Memorials and Monuments Committee so long as it remains in existence as a Town Committee. Once approved in accordance with the General By-laws, all work required to design and construct the statue or memorial shall be the Town Administrator's acting as the Chief Procurement Officer for the Town. This clause shall not preclude the Memorials and Monuments Committee serving in the role of fund-raising, consistent with Mass. General Law, This Charter or General By-Law.
- (h) To approve all bills presented for payment on a warrant prepared by the Town Treasurer and approved by the Town Accountant.
- (i) To prepare and present, in the manner provided in Article 6, an annual operating budget for the Town and a proposed capital outlay program for the five (5) fiscal years next ensuing.
- (j) To ensure that a full and complete inventory of all property of the town, both real and personal, is kept. Within thirty (30) days of the completion of the annual inventory, the Town Administrator shall submit a list of surplus property, if any, to the Select Board. A list of such surplus items shall also be publicly posted.
- (k) To negotiate and present to the Select Board for their ratification, all contracts involving any subject within the jurisdiction of the office of Town Administrator, except for contracts for the provision of goods, supplies and services, including all contracts with unionized and non-unionized Town employees involving wages, hours, and other terms and conditions of employment.

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| (l)     | To be responsible for purchasing all supplies, material and equipment for all departments and activities of the Town and to serve as the Town's Chief Procurement Officer, subject to the provisions of Mass. General Law Ch. 30B. It is the intent of this Charter that the Town Administrator shall procure all contracts for the supply of goods and services to the Town, subject to the provisions of Mass. General Law Ch.30B and that the Town Administrator will need no further approval in making his/her award. The Town Administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material, services and equipment delivered to or received by any Town agency. The Town Administrator shall be responsible for the disposal of all supplies, material and equipment that has been declared surplus by any Town agency. |         |
| (m)     | To see that all provisions of the Mass. General Laws, of this Charter, Town By-Laws and votes of the Town Meeting, and votes of the Select Board which require enforcement by the Town Administrator or officers subject to the direction and supervision of the Town Administrator, are faithfully executed, performed, or otherwise carried out.   |         |
| (n)     | To inquire at any time into the conduct and operation of any office or performance of any officer or employee, department, board, commission, or other Town agency, who shall reasonably cooperate with the Town Administrator's inquiry   |         |
| (o)     | To attend all sessions of all Town Meetings and answer all questions raised by voters that relate to warrant articles and to matters over which the Town Administrator exercises any supervision.  |         |
| (p)     | To reorganize, consolidate or abolish, in the manner provided in Article 5, Town agencies serving under the supervision of the Town Administrator, in whole or in part, provide for new Town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.  |         |
| (q)     | To coordinate the activities of all Town agencies serving under the office of Town Administrator and the office of the Select Board, with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the Town Administrator shall have the authority to require the persons so elected, or their representatives, to meet with the Town Administrator at reasonable times for the purpose of effecting coordination and cooperation among all agencies of the town.  |         |
| (r)     | The Town Administrator shall, with the approval and at the direction of the Select Board, have the authority to prosecute, defend or compromise all litigation of the town.  |         |
| (s)     | Subject to the approval of the Select Board the Town Administrator may, with compensation, if any, as determined by the Select Board, assume the powers, duties, and responsibilities of any office which he/she is authorized to fill by appointment. Such assumption to be evidenced by and effective upon the filing with the Town Clerk of a written declaration of such assumption signed by the Town Administrator, except he/she shall not appoint himself/herself as a member of any board or committee.   |         |
| (t)     | It shall be the responsibility of the Town Administrator, subject to the approval of the Select Board, to seek out and review those state, federal, regional and all other grants which may be of benefit to the Town. The Town Administrator shall be the authority responsible for reviewing and completing all applications for such grants, except as otherwise authorized by statute.   |         |
| (u)     | To perform any other duties as are required to be performed by the Town Administrator by by-laws, administrative code, votes of the Town Meeting, or votes of the Select Board, or otherwise.  |         |
| (v)     | The Town Administrator shall ensure that the Select Board is kept fully informed of the Town's emergency preparedness planning. In time of public danger or emergency, the Town Administrator shall direct and oversee the management of Town resources pursuant to any  |         |





one. Such Final Resolution of Removal may be made effective immediately. 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 Administrator shall, at the expiration of said time, forthwith resume the duties of the office.

The Town Administrator shall continue to receive a salary until the effective date of a Final Resolution of Removal.

The action of the Select Board in suspending or removing the Town Administrator shall be final, it being the intent of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the Select Board. These terms of suspension and removal may be further defined by contract between the Select Board and Town Administrator, promulgated under the provisions of Mass. General Law Ch. 41 sec. 108.

ARTICLE 5  
**ADMINISTRATIVE ORGANIZATION**

**Section 5-1. Organization of Town Agencies**

The organization of the Town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

- (a) By-Laws – Subject to the general laws of the Commonwealth and the provisions of this Charter, the Town Meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any Town agency, in whole or in part; establish such new Town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided however, that no function assigned by this Charter to a particular Town agency may be discontinued, or unless this Charter specifically so provides, assigned to any other.
- (b) The Town Administrator, unless expressly prohibited by the general laws of the Commonwealth or this Charter, may, reorganize, consolidate or abolish any Town agency, in whole or in part; establish such new Town agencies as is deemed necessary to the same extent as is provided in Section 5-1(a) above, for by-laws; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriation of one Town agency to another; provided however, that no function assigned by this Charter to a particular Town agency may be discontinued or, unless this Charter specifically so provides, assigned to any other, and further that any actions taken under this section will be subject to the approval of the Select Board.

**Section 5-2. Publication of the Code of the Town of Dunstable**

For the convenience of the public, this Charter, together with the General By-Laws, Zoning By-Laws, and all Rules and Regulations of Town Boards, Committee and Commission shall constitute the Town Code. The Town Administrator shall ensure that the Town Code is published and available to the public in an organized and annotated condition, and annually updated. The Select Board and Finance Committee shall support the Town Administrator's request for funds necessary to publish and update the Town Code.

**Section 5-3. Merit Principle**

All appointments and promotions of Town officers and employees shall be made solely based on merit and fitness demonstrated by examination or other evidence of competence and suitability.

**Section 5-4. Contracts with the Town**

It shall be unlawful for any Select Board member, the Town Administrator, or any other elective or appointive official of the town, directly or indirectly, to make a contract with the Town, or to receive any reward from, or any share in the profits of, any person or corporation making or performing such contract, unless the official concerned, immediately upon learning of the

existence of such contract, or that such a contract is proposed, shall notify the Select Board and the Town Administrator, by registered mail, of the contract and of the nature of his/her interest therein, and shall abstain from doing any official act on behalf of the Town in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the Town, the contract may be made by another officer of the Town duly authorized thereto by vote of the Select Board. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the Town. In all cases, all such contracts or rewards of such contracts with the Town shall be in full compliance with all the statutes of the Commonwealth of Massachusetts and all ruling and regulations of the State Ethics Commission.

**Section 5-5. Fees Paid to Treasury**

All fees or revenues of any kind received by any department, board, committee or commission of the Town shall be paid into the treasury of the Town and disbursed to the appropriate person or authority in accordance with the laws.

## ARTICLE 6

**FINANCE AND FISCAL PROCEDURES****Section 6-1. Fiscal Year**

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June, unless another period is required by General Law.

**Section 6-2. Regional School Districts Budgets**

The Regional Schools of which the Town is a member, shall create and submit their proposed budgets in accordance with their respective regional district agreements and state law.<sup>2</sup>

**Section 6-3. Submission of Budget and Budget Message**

Annually, on or before February 1<sup>st</sup> of each year, the Town Administrator, shall submit to the Select Board, a proposed budget and message and supporting documents. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public both electronically and in print.

**Section 6-4. Budget Message**

The budget message of the Town Administrator shall explain the budget for all Town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the Town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the Town's debt position and include other material as the Town Administrator deems desirable, or that the Select Board may reasonably require.

**Section 6-5. The Budget**

The proposed operating budget shall provide a complete financial plan for all Town funds and activities for the ensuing fiscal year, including all activities funded by Revolving Funds. Except as may otherwise be required by General Law or this Charter, it shall be in the form which the Town Administrator deems desirable or the Select Board may reasonably require. In the presentation of the budget, the Town Administrator shall utilize modern concepts of fiscal presentation to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years, and shall indicate in separate sections:

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(a)	Proposed expenditures for current operations during the ensuing fiscal year, detailed by Town agency and position in terms of work programs, and the method of financing such expenditures.	
(b)	Proposed capital expenditures during the ensuing fiscal year, detailed by Town agency, and the proposed method of financing each such capital expenditure and a summary of the proposed capital improvements program.	
(c)	Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.	

#### **Section 6-6. Action on the Budget**

- (a) The Select Board shall conduct a review of the Town Administrator's proposed budget and make any edits which it feels are in the best interest of the community and shall ensure that any increase(s) made to the budget are balanced with a corresponding reduction(s) to maintain balance with the Town Administrator's revenue estimate. The Select Board shall transmit the budget to the Advisory Board no later than March 1<sup>st</sup> of each year.
- (b) The Advisory Board shall act upon the Town Administrator's budget as outlined in the General By-laws of the Town.
- (c) The budget which is finally approved and transmitted by the Select Board to the Advisory Board, shall be the budget published in the town meeting warrant, and all amendments which may be proposed shall be made as amendments to the Select Board's proposed budget.

#### **Section 6-7. Capital Improvement Program**

The Town Administrator shall submit a capital improvement program to the Select Board and the Advisory Board as provided in the General By-Laws.

#### **Section 6-8. Approval of Warrants**

Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provisions of the General Laws, shall be submitted to the Town Administrator for approval.

#### **Section 6-9. Financial Public Records**

Statements summarizing the budget and the capital improvement program and related warrant articles, as adopted by the Town Meeting, shall be made available electronically, and in print at the office of the Town Clerk, for examination by the public not more than ten (10) days after their adoption.

ARTICLE 7  
**GENERAL PROVISIONS**

**Section 7-1. Charter Changes**

This Charter may be replaced, revised or amended in accordance with Chapter 43B of the General Laws, "Home Rule Procedures Act," and any other procedures made available under the State Constitution and any statutes enacted to implement the said constitutional provisions.

**Section 7-2. Severability**

The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of this Charter 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 this Charter and its provisions to other persons and circumstances shall not be affected thereby.

**Section 7-3. Specific Provisions to Prevail**

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

**Section 7-4. 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; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

**Section 7-5. Definitions**

Unless another meaning is clearly apparent from the way the word is used, the following words as used in this Charter shall have the following meanings:

- (a) Charter – The word "Charter" shall mean this Charter and any amendments to it, which may hereafter be adopted.
- (b) Commonwealth – The word "Commonwealth" shall mean the Commonwealth of Massachusetts.
- (c) Days – The word "days" shall refer to business days, not including Saturdays, Sundays, and legal holidays when the time set is less than seven (7) days. When the time set is seven (7) days or more, every day shall be counted.
- (d) Electronically – The words "electronically" or "electronically and in print" shall mean that the document or report shall be made publicly available for download on the internet, preferably on the Town of Dunstable's website and a printed copy may be obtained from the Town Clerk's office.
- (e) Emergency – The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

Section	CHARTER	Section
(f)	general laws – The words "general laws" (all lower-case letters) shall mean laws which apply alike to all cities and towns, or to a class of municipalities of which Dunstable is a member.	
(g)	General Laws – The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts.	
(h)	Local Newspaper – The words "local newspaper" shall mean a newspaper of general circulation in the Town of Dunstable.	
(i)	Majority Vote – The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, except as otherwise provided by general law.	
(j)	Multiple Member Body – The words "multiple member body" shall mean any Town body consisting of two (2) or more persons and whether styled board, commission, committee, subcommittee, or otherwise and however elected or appointed, or otherwise constituted.	
(k)	Quorum – The word "quorum," unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies, which might then exist.	
(l)	Town – The word "town" shall mean the Town of Dunstable.	
(m)	Town Agency – The words "Town agency" shall mean any board, commission, committee, department, division, or office of the Town government.	
(n)	Town Bulletin Board – The words "Town bulletin board" shall mean the bulletin board in the Town Hall on which official Town notices are posted and those at other locations within the Town, which may from time to time be designated as Town bulletin boards by by-law, or by vote of the Select Board.	
(o)	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 that position, exercises some portion of the sovereign power of the Town.	
(p)	Voters – The word "voters" shall mean registered voters of the Town of Dunstable.	
(q)	Vacancies – A "vacancy" in an office shall mean notification of death, permanent disability to serve, resignation, or no longer residing in the Town where residency is a requirement of the office.	

#### **Section 7-6. Rules and Regulations**

A copy of all rules and regulations adopted by any Town agency shall be filed in the office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any Town agency shall become effective until ten (10) days following the date it has been so filed in the office of the Town Clerk.



**Section 7-7. Periodic Review, Charter and By-Laws**

- (a) Charter Review – At least once in every ten (10) years, in each year ending in a nine (9), a special committee appointed by the Select Board shall be established for the purpose of reviewing this Charter and to make a report, with recommendations, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee members shall be selected from registered voters of the Town.
- (b) By-Law Review – The Select Board shall, at least at ten (10) year intervals, in each year ending 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 re-enactment not later than at the Fall Town Meeting in the year following the year in which the said committee is appointed. The said committee in its final or in an interim report shall include recommendations for such substantive changes 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. 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, all as required as general laws. Copies of the revised By-Laws shall be made available for distribution to the public.

**Section 7-8. Removals and Suspensions**

Any appointed officer, member of a multiple member body, or employee of the Town, not subject to the provisions of the State Civil Service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term "cause" shall include, but not be limited to, incapacity other than temporary illness, inefficiency, insubordination, and conduct unbecoming to the office.

Any appointed officer, member of a multiple member body, or employee of the Town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the Town. However, no suspension shall be for more than fifteen (15) days. Suspension may be conterminous with removal.

Nothing in this section shall be construed as granting a right to a hearing when a person who has been appointed for a fixed term is not re-appointed when the original term expires.

**Section 7-9. Notice of Vacancies**

Whenever a vacancy occurs in any Town office, position, or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted electronically and on the Town bulletin board for not less than ten (10) days and, at the discretion of the appointing authority, published in the local newspaper. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position, or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen (14) days following the date such notice was posted to permit reasonable consideration of all

applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

**Section 7-11. Loss of Office, Excessive Absence**

If any person appointed to serve as a member of a multiple member body shall fail to attend four (4) or more consecutive meetings, or one-half (1/2) or more of all of the meetings of such body held in one (1) calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten (10) days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

**Section 7-12. Police Chief and Fire Chief**

There shall be a Police Chief and Fire Chief who will each be the head of the Police and Fire Departments.

The Police and Fire Chiefs are authorized to discipline employees in their Departments, including the use of counseling, verbal reprimand, written reprimand, and paid or unpaid suspension up to five (5) days.

The Police Chief and Fire Chiefs shall have full authority to administer their Departments, and to make Rules and Regulations for the conduct of the employees in their departments, without further review or approval.

Any Mass. General Laws adopted prior to passage of this Charter, which conflict with the provisions of this Section are hereby repealed upon passage of this Charter.