



Town of Hopkinton, Massachusetts Home Rule Charter

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PREAMBLE:

We, the people of the Town of Hopkinton, Massachusetts, in order to affirm the customary and traditional liberties of the people with respect to the conduct of our local government, and to take the fullest advantage inherent in the home rule amendment of the constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for this Town.

The Town of Hopkinton welcomes residents of all races, ethnicities, religions, abilities, gender identifications, and sexual orientations; the Town of Hopkinton, further, is committed to providing a climate of safety and acceptance to all residents. The Town of Hopkinton will actively address and resist acts of discrimination, bullying, or intimidation.

ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY

Section 1-1: Incorporation

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

Section 1-2: Short Title

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

Section 1-3: Intent and Purpose

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

The Town of Hopkinton is committed to equal opportunity, diversity and inclusion and believes that a positive culture of inclusion in Town governance contributes to the Town’s overall qualities as a great place to live and work. To this end, appointments and promotions of Town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competency and suitability.

Section 1-4: Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Select Board and administered by a Town Manager. The legislative powers shall be exercised by an open Town Meeting.

Section 1-5: Ethical Standards

Elected and appointed officers and employees of the Town of Hopkinton are expected to demonstrate, by their example, in general conduct and in the performance of their duties and responsibilities, the highest ethical standards to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and

appointed officers and employees of the Town of Hopkinton are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officials and employees of the Town of Hopkinton shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

ARTICLE 2: LEGISLATIVE BRANCH

Section 2-1: Town Meeting

The legislative powers of the Town shall be exercised by a Town Meeting open to all registered voters of the Town. The Town Meeting shall provide for the exercise of all of the powers of the Town and for the performance of all duties and obligations imposed upon the Town for which no other provision is made by the Massachusetts General Laws, by this Charter or by Town Bylaw.

The Annual Town Meeting shall be held on a date fixed by Town Bylaw. Special Town Meetings shall be held at the call of a majority of the full Select Board at such times as they deem necessary, in order to transact the legislative business of the Town in an orderly manner. Special Town Meetings shall also be held on the petition of two hundred (200) or more voters, in the manner provided by the Massachusetts General Laws or by Town Bylaw.

Section 2-2: 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, identify the subject matter to be acted upon. The publication of the warrant for every Town Meeting shall be in accordance with the Massachusetts General Laws and with any Town Bylaw governing such matters.

Section 2-3: Initiation of Warrant Articles

(a) Initiation – Subject to Sections 2-3(b) and (c) of this Charter, the Select Board shall, at any time, receive petitions requesting the submission of any matter to the Town Meeting and which are filed by: (1) any department head, (2) any board or committee acting by a majority of its members, (3) any ten (10) voters for an Annual Town Meeting or any one hundred (100) voters for a Special Town Meeting.

(b) Inclusion in the Warrant – Annual Town Meeting – The Select Board shall include in the warrant, for an Annual Town Meeting, the subject matter of all petitions that it has received at least ninety (90) days prior to the date fixed by Town Bylaw for Town Meeting to convene. The Select Board shall not include in any such warrant the subject matter of any petition that it has received after said date; nor shall any matter

originating with the Board be included after said date.

(c) Inclusion in the Warrant – Special Town Meeting - Whenever a Special Town Meeting is called, the Select Board shall provide notice thereof to all boards and committees and shall publish notice thereof in a local news medium. The Select Board shall include in the warrant for such Special Town Meeting the subject matter of all petitions, which it receives on or before the close of the tenth (10th) business day following such publication.

Section 2-4: Town Moderator

(a) Term of Office – There shall be Town Moderator elected for a term of three (3) years.

(b) Powers and Duties – The Moderator 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 authorized by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

(c) Deputy Moderator and Acting Moderator – At the first session of each Town Meeting, the Moderator shall appoint a voter to serve as Deputy Moderator in the event of the temporary absence or disability of the Moderator, and to assist the Moderator with meetings held in multiple locations. The Deputy Moderator may also temporarily serve in the case where the Moderator is placed in conflict or the appearance of conflict arises with regard to the substance of a particular article or matter under consideration. The appointment of a Deputy Moderator shall be subject to ratification by the Town Meeting.

(d) Vacancy - If there is a failure to elect, or if a vacancy occurs in the office of Town Moderator, the Select Board shall appoint a suitable person to serve until the next Town election.

Section 2-5: Clerk of the Meeting

The Town Clerk shall serve as clerk of the Town Meeting, record its proceedings, and perform such additional duties in connection therewith as may be provided by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

Section 2-6: Rules of Procedure

The Town Meeting may, by Town Bylaw, establish rules to govern the conduct of all Town Meetings.

Section 2-7: Appropriation Committee

There shall be an Appropriation Committee which shall consist of five (5) members, serving for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year. The Appropriation Committee shall be appointed by an

appointing committee composed of the Moderator, the Chair of the Select Board and the Town Clerk.

ARTICLE 3: EXECUTIVE BRANCH

Section 3-1: Select Board

(a) Composition, Term of Office - There shall be a Select Board consisting of five (5) members elected for terms of three (3) years each, so arranged that the term of office 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 of the Town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise, except those powers and duties assigned by this Charter, by Town Bylaw or by other Town Meeting vote to the Town Manager; provided, however, that any provision of the Massachusetts General Laws conferring authority on the Town’s chief executive officer shall be interpreted to confer such authority on the Town Manager, subject to the ratification of the Select Board. The Select Board:

1. Shall serve as the chief policy making board of the Town.
2. Shall be responsible for the formulation and promulgation of policy to be followed by all Town Agencies serving under it.
3. Shall adopt and submit a budget annually to the Appropriation Committee and to Town Meeting;
4. Shall, in conjunction with other elected Town officers and boards and committees, develop and promulgate policy guidelines designed to bring all Town offices into harmony.

Except as provided in Section 3-1(d) of this Charter, nothing in this Section shall be construed to authorize any member of the Select Board or a majority of such members to become involved in the day-to-day administration of any Town department.

(c) Licensing Authority – The Select Board shall be the licensing board of the Town and shall have the power to issue licenses, to make reasonable rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions to such licenses as it deems to be in the public interest. The Select Board shall enforce the laws relating to all businesses for which it issues licenses. The Select Board may delegate such licensing authority unless specifically prohibited by the Massachusetts General Laws.

(d) Appointing Authority - The Select Board shall appoint the Town Manager, Town Counsel, Police Chief, Fire Chief and, except as otherwise provided by the Massachusetts General Laws or this Charter, all members of appointed boards and committees. The Police Chief and Fire Chief shall be appointed and removed in accordance with the provisions of, and shall have all the powers and duties specified in *M.G.L. c.41, §97* and *M.G.L. c.48, §42*, respectively.

The Select Board shall be responsible for setting goals for, supervising, performing evaluations of, and disciplining the Town Manager, Town Counsel, Police Chief, and the Fire Chief.

(e) Intergovernmental Relations - The Select Board may enter into agreements with any other unit or units of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

(f) The Town Report - The Select Board shall issue an Annual Town Report and make it available at least fourteen (14) days in advance of the Annual Town Meeting.

(g) Vacancy – If there is a failure to elect or if a vacancy occurs in the membership of the Select Board, the remaining Select Board members may call a special election to fill such vacancy and shall call such special election upon the written request of two hundred (200) or more voters if such request is filed with the Select Board not less than one hundred (100) days prior to the date of the next annual election.

Section 3-2: Town Manager

(a) Appointment, Qualifications and Review Procedure

1. The Select Board, by an affirmative vote of at least three (3) members, shall appoint a Town Manager, and fix the compensation of the Town Manager within the amount annually appropriated for this purpose. The position of Town Manager shall not be subject to the Town's Salary Administration Plan.
2. The Town Manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of this office. The Town Manager shall be appointed solely on the basis of the candidate's executive and administrative qualifications. The Town Manager shall not have served as a member of the Select Board for at least five (5) years prior to the Town Manager's appointment. The Town may, by Town Bylaw, establish such additional qualifications for the Town Manager as deemed necessary or appropriate.
3. The position of Town Manager shall be a full-time position and the Town Manager shall devote best efforts to the office and shall not hold any other public office, elective or appointive, or engage in any business or occupation during the term of employment, unless written approval is granted by the Select Board.
4. The Select Board shall provide for an annual review of the job performance of the Town Manager, which shall be a public record.

(b) Powers and Duties – The Town Manager shall be the chief administrative officer of the Town and shall be responsible to the Select Board for the proper

administration of all Town affairs placed in the Town Manager's charge by this Charter. The powers and duties of the Town Manager shall include:

1. To supervise and be responsible for the efficient and coordinated administration of all Town functions under the Town Manager's control, as may be authorized by this Charter, by Town Bylaw, by Town Meeting vote or by the Select Board.
2. To coordinate the activities of all Town offices serving under the Town Manager or the Select Board with those under the control of other officers and boards and committees elected directly by the voters. For this purpose, elected officers, boards and committees, or their representatives, shall be subject to the call of the Town Manager, at reasonable times for the purpose of effecting coordination and cooperation among all Town offices.
3. Except as otherwise provided in this Charter, to appoint all employees of the Town; provided, however, that the appointment of a Treasurer/Collector and a Principal Assessor shall each be for a term not to exceed three (3) years; and provided further that the Conservation Commission may appoint a Conservation Administrator, in accordance with the Personnel Policies of the Town. Appointments made by the Town Manager shall be filled at a regularly scheduled meeting of the Select Board and shall become effective upon confirmation by the affirmative vote of the Select Board.
4. Except as otherwise provided in this Charter, to set annual goals for all employees of the Town, other than employees of the School Department, Police Department, Fire Department and Town Clerk's office; provided, however, that the Conservation Commission shall annually set goals for the Conservation Administrator with input from the Town Manager.
5. To supervise all employees of the Town, other than employees of the School Department, Police Department, Fire Department and Town Clerk's office; provided, however, that supervision of employees appointed other than by the Town Manager shall be performed by both the employee's appointing authority and by the Town Manager or a designee thereof, consistent with the annual goals set by the employee's appointing authority.
6. To facilitate annual evaluations for all employees of the Town other than employees of the School Department, Police Department, Fire Department, and Town Clerk's office, in accordance with the Personnel Policies of the Town.
7. To discipline all employees of the Town, in accordance with the Personnel Policies of the Town, other than employees of the School Department, Police Department, Fire Department, and Town Clerk's office; provided, however, that discipline of employees appointed other than by the Town Manager shall be subject to appeal to the employee's appointing authority and discipline of employees appointed by the Town Manager shall be subject to appeal to the Select Board.

8. To act as the Town's negotiator for all collective bargaining agreements to which the Select Board is a party.

9. To fix the compensation of all Town employees, other than the Town Clerk, the Assistant Town Clerk, and employees of the School Department, Police Department, Fire Department and boards and committees with appointing authority within the limits established by any applicable Salary Administration Plan or collective bargaining agreement; provided, however, that such compensation shall be approved, when applicable, by the appointing board or committee.

10. To attend all regular and special meetings of the Select Board, unless excused at the Town Manager's request, and to have a voice, but no vote, in all discussions.

11. To attend all sessions of Town Meeting and to answer all questions directed to the Town Manager that are related to the office of the Town Manager or concerning which the Town Manager possesses relevant information.

12. To see that all provisions of the Massachusetts General Laws, this Charter, Town Bylaws, Town Meeting votes, and directives of the Select Board that require enforcement by the Town Manager or by officers or employees subject to the Town Manager's direction and supervision, are faithfully carried out.

13. To oversee the preparation of the Town's annual budget.

14. To oversee the preparation of the Town's Annual Report.

15. To approve for payment all items contained in the Town warrants submitted by the Town Treasurer/Collector; provided, however, that the Select Board shall be authorized to approve for payment items contained in the Town warrants in the absence of the Town Manager or if there is a vacancy in the office of Town Manager.

16. To perform such additional duties as may be assigned by this Charter, by Town Bylaw, by Town Meeting vote or by the Select Board.

(c) Removal and Suspension – The Select Board may, by the affirmative vote of at least four (4) members, remove or suspend the Town Manager from office in accordance with the following procedure:

1. The Select Board shall adopt a preliminary resolution of removal by the affirmative vote of at least four (4) members, which must state the reason or reasons for removal. The preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days. A copy of the

resolution shall be delivered to the Town Manager within forty-eight (48) hours of its adoption.

2. Within seven (7) days after receipt of the preliminary resolution, the Town Manager may file a written request for a hearing with the Select Board. This hearing shall be held not sooner than three (3) days or later than twenty (20) days after the request is filed. The Town Manager may file a written statement responding to the reasons stated in the resolution of removal with the Select Board.

3. If the Town Manager has not requested a hearing pursuant to Section 3-2(c)2 of this Charter, the Select Board, by the affirmative vote of at least four (4) members, may adopt a final resolution of removal not less than ten (10) or 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 requested a hearing pursuant to Section 3-2(c)2 of this Charter, the Select Board, by the affirmative vote of four (4) members, may adopt a final resolution of removal upon the close of such hearing but, in any case, not more than forty-five (45) days following the adoption of the preliminary resolution of removal. Failure to adopt a final resolution of removal within the time periods provided in this Section shall nullify any suspension of the Town Manager, who shall thereupon resume the duties of the office; provided, however, that the Select Board, by the affirmative vote of at least three (3) members may reinstate the Town Manager at any time.

4. Any action by the Select Board to remove or suspend the Town Manager shall be conducted in accordance with the provisions of the *Open Meeting Law, M.G.L. c.30A, §§18-25*

(d) Vacancy in the Office of the Town Manager

1. **Permanent Vacancy-** The Select Board shall fill any permanent vacancy in the office of the Town Manager as soon as possible in accordance with Section 3-2(a)1 of this Charter. Pending the appointment of a Town Manager, the Select Board shall, within fourteen (14) days of its receipt of notice of the vacancy, appoint some other capable person to perform the duties of the Town Manager until a new Town Manager is appointed and assumes office.

2. **Temporary Absence or Disability-** The Town Manager may designate, by letter filed with the Town Clerk and Select Board, a capable officer of the Town to perform the duties of Town Manager during a temporary absence or disability. If such absence or disability exceeds thirty (30) days, any designation by the Town Manager shall be subject to approval by the Select Board.

In the event of failure of the Town Manager to make such a designation, or if the person so designated is unable to serve, the Select Board may designate

some other capable person to perform the duties of Town Manager during the Town Manager's temporary absence or disability.

3. **Powers and Duties-** The powers and duties of the person appointed or designated pursuant to Section 3-2(d)1 or 2 of this Charter, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments to Town office or employment, but not to make permanent appointments or designations.

Section 3-3 Department of Public Works

(a) There shall be a Department of Public Works, which shall be under the supervision and control of the Town Manager, except for those powers and duties assigned under this Charter to the Select Board.

(b) The Department of Public Works shall have all the powers and duties now or from time to time vested by the Massachusetts General Laws, this Charter or any Special Act in the following boards, committees, departments and offices: highway department, including highway superintendent; sewer department and water department, including the board of water and sewer commissioners; insect pest control superintendent; and tree warden.

(c) The Department of Public Works shall be responsible for maintenance of Town buildings and grounds, including maintenance and snow removal of driveways and parking areas of school buildings, but excepting maintenance of the remainder of the properties under the care, custody and control of the School Committee.

(d) The Department of Public Works shall, upon request, be responsible for maintenance of property under the care, custody and control of the Parks and Recreation Commission and the Cemetery Commission.

(e) Notwithstanding any contrary provisions of the Massachusetts General Laws, the Department of Public Works shall have such additional powers with regard to the furnishing of engineering services, the collection and disposal of garbage and refuse, and the performance of such duties of any other boards, committees, departments and offices of the town as may be reasonably related to the duties and responsibilities of a department of public works, as the Town may, from time to time, provide by Town Bylaw or Town Meeting vote.

(f) **Rates** – The Select Board shall have the exclusive authority to establish rates, fees and other charges for the services, programs and other public benefits administered by the Department of Public Works.

(g) **Director of Public Works** – The Director of Public Works shall be appointed for a term not to exceed three (3) years. The Director shall exercise and perform such of the powers, rights and duties of the Department of Public Works as the Town Manager may from time to time designate. The Director shall be responsible for the efficient exercise and

performance of such powers, rights and duties. The Director shall be specifically fitted by education, training and experience to perform the duties of the office. Except as otherwise provided in this Charter, during the Director's tenure, the Director shall hold no elective or other appointive office, and shall not be engaged in any other business or occupation. The Director shall keep full and complete records of the doings of the Director's office and shall render to the Select Board as often as it may require a full report of all operations under the Director's control during the period reporting upon.

(h) The Director of Public Works shall establish within the Department of Public Works the following functions: highway; water; sewer; cemetery; maintenance; park maintenance; forestry; solid waste disposal; recycling; tree; pest control and building and ground maintenance.

(i) The Director of Public Works shall appoint annually a Tree Warden who shall have all the powers and duties of Tree Wardens as specified in the Massachusetts General Laws. The Tree Warden need not be a resident of the Town of Hopkinton.

ARTICLE 4: Other Elected Officers, Boards and Committees

Section 4-1: Town Clerk

(a) Term of Office – There shall be a Town Clerk elected for a term of three (3) years.

(b) Powers and Duties - The Town Clerk shall be the keeper of vital statistics for the Town, the custodian of the Town seal and all records of the Town; shall administer the oath of office to all Town officers and members of boards and committees, whether elected or appointed; shall issue such licenses and permits as are required by the Massachusetts General Laws to be issued by such clerks; shall supervise and manage the conduct of all elections and matters relating thereto and shall be the clerk of the Town Meeting, keep its records and, in the absence of the Town Moderator and Deputy Town Moderator, serve as temporary presiding officer pursuant to Section 2-4(c) of this Charter; and shall be responsible for appointing, setting goals for, supervising, evaluating and disciplining the Assistant Town Clerk. The Town Clerk shall have all the other powers and duties that are given to Town Clerks by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

(c) Vacancy - If a vacancy occurs in the office of Town Clerk, the Assistant Town Clerk shall serve as Town Clerk until a new Town Clerk is elected and sworn into office. Should the Assistant Town Clerk be unable to serve as Town Clerk, the Select Board shall appoint an acting Town Clerk to serve until the next annual town election, at which the voters will fill the vacancy for the remainder of the original term.

Section 4-2: School Committee

(a) Composition, Term of Office - There shall be a School Committee consisting of five (5) members elected for terms of three (3) years each, so arranged that

the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties - The School Committee shall have all of the powers and duties that are given to school committees by the Massachusetts General Laws. The powers of the School Committee shall include:

1. To appoint a Superintendent of Schools and such other officers as authorized by the Massachusetts General Laws; to fix compensation and to define their duties; to make rules concerning their tenure of office and to discharge them; provided, however, that all other School Department employees shall be appointed in accordance with the Massachusetts General Laws.
2. To make all reasonable policies consistent with the Massachusetts General Laws or Department of Elementary and Secondary Education regulations for the administration and management of the public school system and for the conduct of its own business and affairs.
3. To adopt and submit an annual budget request in accordance with Section 7-2 of this Charter.

Section 4-3: Planning Board

(a) Composition, Term of Office - There shall be a Planning Board consisting of nine (9) members elected for a term of five (5) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties - The Planning Board shall have those powers and duties that have been given to Planning Boards by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

(c) Appointments – The Planning Board may appoint a Town Planner, in accordance with the Personnel Policies of the Town. The Planning Board shall annually set goals for the Town Planner with input from the Town Manager.

Section 4-4: Board of Health

(a) Composition, Term of Office – There shall be a Board of Health consisting of three (3) members elected for a term of three (3) years each, so arranged that the term of office of one (1) member shall expire each year.

(b) Powers and Duties – The Board of Health shall make reasonable health regulations and shall enforce the laws relating to public health, the provisions of the state code relating to public health, and all local health regulations. The board shall have all of the other powers and duties that have been given to Boards of Health by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

(c) Appointments – The Board of Health may appoint a Director of Public Health, in accordance with the Personnel Policies of the Town. The Board of Health shall annually set goals for the Director of Public Health with input from the Town Manager.

Section 4-5: Board of Assessors

(a) Composition, Term of Office - There shall be a Board of Assessors consisting of three (3) members elected for a term of three (3) years each, so arranged that the term of office of one (1) member shall expire each year.

(b) Powers and Duties - The Board of Assessors shall have the powers and duties that have been given to Boards of Assessors by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

Section 4-6: Board of Library Trustees

(a) Composition, Term of Office - There shall be a Board of Library Trustees consisting of five (5) members elected for a term of three (3) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties – The Board of Library Trustees shall have the powers and duties that have been given to Boards of Library Trustees by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

(c) Library Director – The Town Manager shall annually set goals for the Library Director with input from the Board of Library Trustees.

Section 4-7: Parks and Recreation Commission

(a) Composition, Term of Office – There shall be a Parks and Recreation Commission consisting of five (5) members elected for a term of three (3) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties – Except as otherwise provided in this Charter, the Parks and Recreation Commission shall have responsibility for the development and acquisition of new parks and park land, the expansion or upgrade of existing parks and park land, and the scheduling and operation of recreation programs; and shall have the powers and duties that have been given to the Parks and Recreation Commissions by the Massachusetts General Laws, by Town Bylaw or by Town Meeting vote.

(c) Appointments – The Parks and Recreation Commission may appoint a Director of Parks and Recreation, in accordance with the Personnel Policies of the Town. The Parks and Recreation Commission shall annually set goals for the Director of Parks and Recreation with input from the Town Manager.

Section 4-8: Board of Cemetery Commissioners

(a) Composition, Term of Office - There shall be a Board of Cemetery Commissioners consisting of three (3) members elected for a term of three (3) years each, so arranged that the term of office of one (1) member shall expire each year.

(b) Powers and Duties - Except as otherwise provided in this Charter, the Board of Cemetery Commissioners shall determine eligibility for and the rates to be charged for burial in the Town's cemeteries; shall supervise the investment and expenditure of cemetery funds paid for the purchase of cemetery lots and maintenance agreements; and shall have the powers and duties that have been given to Cemetery Commissioners by the Massachusetts General Laws, by Town Bylaw or by Town Meeting vote.

Section 4-9: Hopkinton Housing Authority

(a) Composition, Term of Office - There shall be a Hopkinton Housing Authority consisting of five (5) members serving for a term of five (5) years each, so arranged that the term of one (1) member shall expire each year. The voters shall elect four (4) of these members and the fifth member shall be appointed as provided in *M.G.L. c.121B, §5*.

(b) Powers and Duties - The Hopkinton Housing Authority shall conduct studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Hopkinton Housing Authority shall have such other powers and duties as are assigned to Housing Authorities by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

Section 4-10: Commissioners of Trust Funds

(a) Composition, Term of Office - There shall be Commissioners of Trust Funds consisting of three (3) members elected for a term of three (3) years each, so arranged that the term of office of one (1) member shall expire each year.

(b) Powers and Duties – The Commissioners of Trust Funds shall manage the disbursement of trust funds given or bequeathed for the benefit of the Town or the inhabitants thereof, unless the donor in making the gift or bequest shall otherwise provide; and shall distribute the income of each such trust in accordance with its terms.

Section 4-11: General Provisions

(a) Coordination - Notwithstanding their election by the voters, the Town boards and committees named in this Section, or their representatives, shall be subject to the call of the Select Board, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(b) Filling of Vacancies – Except as otherwise provided in this Charter, if there is a failure to elect, or if a vacancy occurs in the membership of an elected board or committee, the remaining members of the board or committee shall give notice to the Select Board and to the public of such vacancy in accordance with the provisions of

Section 6-4 of this Charter; the Select Board, with the remaining members of such board or committee shall, not less than one (1) week after notice of the date on which the vote is to be taken, fill such vacancy until the next town election by a joint vote. Appointment to fill a vacancy shall be made by the affirmative vote of a majority of the persons entitled to vote on such vacancy.

ARTICLE 5: ELECTIONS

Section 5-1: Town Election

The annual election for the purpose of voting by ballot for Town officeholders and voting on any questions to be placed upon the official ballot shall be held on a date fixed by Town Bylaw.

Section 5-2: Recall Provision for Elected Officeholders

(a) Application – Any holder of an elective Town office may be recalled pursuant to this Section provided that the recall election occurs prior to six (6) months from the end of the officeholder’s elective term.

(b) Recall Petition – A recall statement, containing the signatures of at least ten (10) percent of the voters of the Town may be filed with the Town Clerk; provided, however, that at least two hundred (200) such voters shall be from each of the precincts of the Town. Such statement shall contain the name of the officeholder who is sought to be recalled, a statement of the grounds for the recall and the identity of a designated representative of such voters. Once the names that appear on the recall statement are certified by the Board of Registrars of Voters, the Town Clerk shall promptly deliver to the designated representative copies of petition blanks demanding such recall. The petition blanks shall contain the following heading: Initiating a recall is a serious process and should not be undertaken lightly. The blanks shall be issued by the Town Clerk with the Town Clerk’s signature and official seal. They shall be dated, shall be addressed to the Select Board, shall contain the name of the designated representative to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the recall statement, and shall demand the election of a successor to said office. A copy of the recall statement shall be entered in a record book to be kept in the office of the Town Clerk. The recall petitions shall be returned and filed with the Town Clerk within forty five (45) days following the date of the filing of the recall statement and shall be signed by at least twenty (20)% of the voters of the Town as of the date such recall statement was filed with the Town Clerk.

The Town Clerk shall, within one (1) business day of receipt, submit the recall petition to the Board of Registrars of Voters in the Town, who shall, within five (5) business days, certify thereon the number of signatures that are names of registered voters of the Town.

(c) Recall Election – If the Town Clerk determines that the certified petitions meet the requirements of Section 5-2(b) of this Charter, the Town Clerk shall provide notice, in writing, by certified mail to the officeholder whose recall is sought by sending

to that officeholder a copy of the recall statement and recall petition together with notice of the number of qualified voters certified by the Board of Registrars who signed the recall petitions and the total number of qualified voters in the Town as of the most recent Town election. If said officeholder does not resign the office within five (5) days after delivery of such notice, the Town Clerk shall provide notice, in writing, to the Select Board not later than two (2) business days following the expiration of the foregoing five (5) days. The Select Board shall order an election to be held on a date fixed by them not more than ninety (90) days after the date of such notice from the Town Clerk; provided, however, that if any other town election is to occur within one hundred (100) days after the date of the certificate, the Select Board shall postpone the holding of the recall election to the date of such other election. If said officeholder resigns after a recall election has been ordered, the election shall nevertheless proceed as provided in this Section.

(d) Nomination of Candidates – An officeholder whose recall is sought may be a candidate to succeed to the office in the event the vote on the recall is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election, and conduct of the recall election shall be in accordance with the provisions of the Massachusetts General Laws relating to elections, unless otherwise provided in this Section.

(e) Officeholder – The incumbent shall continue to perform the duties of the office during the recall procedure. If the incumbent is not removed, the incumbent shall continue in the office for the remainder of the unexpired term subject to recall as before. If recalled at the recall election, the incumbent shall be deemed removed upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(f) Ballot Proposition – Ballots used in a recall election shall contain the following propositions in the order indicated:

Shall the Town of Hopkinton recall (name of officeholder) Yes No

Below the propositions shall appear the word “Candidates,” the directions to the voters required by *M.G.L. c.54, §42* and, below the directions, the names of candidates nominated in accordance with the provisions of the Massachusetts General Laws relating to elections. If a majority of the votes cast on the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the recall question is in the negative, the ballots for the candidates shall not be counted.

(g) Officeholder Recalled – No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending, shall be appointed to any Town office within two (2) years after the date of such recall vote or such resignation.

ARTICLE 6: ADMINISTRATIVE ORGANIZATION

Section 6-1: Organization of Town Departments

The organization of the Town for the provision of services and administration of the government shall be in accordance with a Table of Organization published annually in the Town Report. The Table of Organization may be amended by either of the methods provided in this Article.

(a) Bylaws – Except as otherwise provided by the Massachusetts General Laws or by this Charter, the Town Meeting may, by Town Bylaw, reorganize, consolidate, create, merge, divide or abolish any Town Department, board or committee, or office, in whole or in part; establish new Town Departments, boards or committees, or offices as it deems necessary or advisable, and determine the manner of selection, the terms of office and the functions of all such Town Departments, boards or committees, or offices; provided however, that no function assigned to a particular Town Department, board or committee, or office by this Charter may be discontinued or assigned to any other Town Department, board or committee, or office.

(b) Administrative Order - The Town Manager may, from time to time, prepare as an administrative order, a plan of organization or reorganization of Town Departments, boards or committees, or officers over which the Town Manager has control, as the Town Manager deems necessary or advisable for the orderly, efficient and convenient conduct of Town business. The administrative order may:

1. Consolidate, create, merge, divide or abolish, in whole or part, any Town Department, board or committee, or office over which the Town Manager has control.
2. Establish new Town Departments, boards or committees, or offices.
3. Prescribe the functions and administrative procedures to be followed by all such Departments, boards or committees, or offices, and transfer the appropriations of one Town Department, board or committee, or office to another insofar as such transfer is not inconsistent with the use for which the funds were appropriated; provided, however, that no function assigned by this Charter to a particular Town Department, board or committee, or office may be discontinued or assigned to another Town Department, board or committee, or office.

The Town Manager shall submit such administrative orders to the Select Board. The Select Board shall conduct at least one (1) public hearing on each such administrative order within thirty (30) days of receipt, giving notice by publication in a local news medium, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held.

Following the public hearing, the proposal, which may be amended following the public hearing, shall be subject to final review by the Select Board.

An administrative order submitted by the Town Manager shall become effective at the expiration of sixty (60) days following the date of its first submission to the Select Board unless the Select Board by an affirmative vote of at least three (3) members has sooner approved, amended or disapproved it.

Section 6-2: Removals

(a) Any appointed member of a board or committee may be removed from office by the appointing authority in accordance with the following procedure:

1. A written notice of intent to remove and a statement of the reason or reasons therefor shall be delivered by certified mail to the last known address of the person sought to be removed.
2. Within five (5) business days of the date of the delivery of such notice, the member may request a public hearing, at which such member may be represented by counsel, and shall be entitled to present evidence, call witnesses and question any witnesses appearing at the hearing.
3. Not later than ten (10) days after the public hearing is adjourned, or if the member fails to request a public hearing in a timely fashion, not later than fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the member or allowing the member to continue in office. Failure of the appointing authority to take any action within the time period set forth in this Section shall be deemed to be a decision allowing the member to continue in office.

(b) A failure to reappoint a member of a board or committee at the end of the member's prescribed term of office shall not be considered a removal from office subject to the provisions of Section 6-2(a) of this Charter.

Section 6-3: Loss of Office, Excessive Absence

During the term of office of any person appointed to serve as a member of a board or committee, if such member shall fail to attend four (4) or more consecutive meetings thereof, or half of all the meetings thereof in any fiscal year, a majority of the remaining members of the board or committee may, by vote, declare the office vacant. Not less than ten (10) days prior to the date said vote is scheduled to be taken, notice of such vote shall be provided to the member whose removal is sought in hand or by certified mail, return receipt requested.

Section 6-4: Notice of Vacancies

Whenever a vacancy occurs in any appointed Town office or position of employment, or whenever, by reason of a pending retirement or expiration of a fixed term, a vacancy can be anticipated, the appointing authority shall cause public notice of such vacancy to be given

for not less than ten (10) days. Such notice shall contain a description of the duties of the office or position of employment and a listing of the necessary or desirable qualifications thereof. No permanent appointment to fill such office or position or employment shall be effective until seventeen (17) days following the date such public notice was given. This Section shall not apply where it is in conflict with the provisions of any applicable collective bargaining agreement.

Section 6-5: Term of Office

Notwithstanding any provision of this Charter to the contrary, appointed members of boards or committees shall be entitled to continue to serve in their respective offices until a successor is duly qualified.

ARTICLE 7: FINANCE AND FISCAL PROCEDURES

Section 7-1: 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 the Massachusetts General Laws require another period.

Section 7-2: Submission of Budget

(a) Annually, not later than the first day of October, the Town Manager, with the agreement of the Select Board, Appropriation Committee and School Committee, shall establish and issue a budget schedule, which shall set forth the calendar dates relating to the development of the Town's annual operating budget for the ensuing fiscal year. The budget schedule shall set dates for:

1. The issuance of a budget policy statement to be issued by the Select Board;
2. The deadline for submission of budget requests to the Town Manager;
3. The deadline for the submission of the Capital Improvements Program to the Select Board and the Appropriation Committee;
4. The deadline for the submission of financial articles to the Appropriation Committee;
5. The deadline for the submission of a comprehensive draft budget from the Town Manager to the Select Board;
6. The adoption of a budget by the Select Board and submission of such budget to the Appropriation Committee; and,
7. A public hearing on the budget to be held by the Appropriation Committee.

(b) The Town Manager shall submit all financial articles to the Appropriation Committee in accordance with the budget schedule. At least fourteen (14) days prior to the date of the Annual Town Meeting, the Appropriation Committee shall issue recommendations and detailed explanations of all financial articles in an annual Appropriation Committee Report. In preparing its recommendations, the Appropriation

Committee may require the Town Manager and representatives from any Town Department, board or committee to appear before it and furnish it with such additional financial reports and budgetary information as it may deem necessary or appropriate.

Section 7-3: Capital Improvements

The Town Manager shall annually submit a Capital Improvements Program to the Select Board and Appropriation Committee in accordance with the budget schedule established pursuant to Section 7-2(a) of this Charter. The Capital Improvements Program shall be designed to address unmet, long-range needs and to implement the capital goals and objectives of the Town, and shall include all Town activities, all Town Departments including the School Department, and all enterprise funds. It shall contain:

- (a) A clear and concise general summary of the Capital Improvements Program
- (b) A list of all capital improvements proposed to be undertaken during the following ten (10) years, with supporting information as to the need for each capital improvement.
- (c) Cost estimates, potential methods of financing and recommended time schedules for each improvement; and,
- (d) The estimated annual cost of operating and maintaining each facility and item of major equipment involved.

The Capital Improvements Program information shall be reviewed annually by the Town Manager to determine the status of capital improvements still pending or in the process of being acquired, improved or constructed.

Section 7-4: Audits

The Select Board shall provide for an independent audit of all financial books and records of the Town no less than once a year, or whenever it deems an audit of the whole Town, or of any particular Town Department, office, or board or committee, to be necessary.

Audits of the financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the Town. The Appropriation Committee and its agents shall have access at all times to the books and financial records of the Town Departments, boards and committees and offices for its review.

Results of the audit, financial statements and management letter, shall be made available to the public in the Select Board's office.

ARTICLE 8: GENERAL PROVISIONS

Section 8-1: Interpretation of Powers

The powers reserved or granted to the Town of Hopkinton under this Charter are to be construed liberally and interpreted broadly 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 Hopkinton as set forth in Section 1-3.

Section 8-2: Periodic Charter Review

At least once in every ten (10) years, a special committee shall make a report, with recommendations, to the Town Meeting concerning any proposed amendments to this Charter that said committee may determine to be necessary or desirable. The committee shall be established no later than the year preceding each such report. The committee shall consist of seven (7) members who shall be appointed as follows: The Select Board, School Committee and Appropriation Committee shall each appoint one person; the remaining four (4) members shall be appointed by a committee consisting of one (1) designee each of the Select Board, the School Committee, the Appropriation Committee, the Town Moderator and the Town Clerk.

Section 8-3: Rules and Regulations

A copy of all rules and regulations adopted by any Town Department, board or committee, or office shall be filed in the office of the Town Clerk.

Section 8-4: Severability

If any provision of this Charter shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of this Charter shall be deemed to be amended to the minimum extent necessary, so as to secure the intent and purposes thereof, as set forth in Section 1-3.

Section 8-5: Effective Date

The provisions of this Charter shall become fully effective on the first (1st) day of July next following their approval by the voters. Prior to such date, the provisions of the Charter adopted on May 15, 2006 shall be in full force and effect.