

Approved: March 20, 2025



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MEETING OF THE CHARTER REVIEW COMMITTEE

Minutes of March 13, 2025

The Charter Review committee met in person on Thursday, March 13, 2025, at 6:00 PM, at the Public Safety Building. In attendance: Steven Albert, Dale Bergevine, Mike Burns, Carol Lerch, Elizabeth Nowakowski, Pat Stewart.

The meeting was called to order by chair Steve Albert at 6:01PM.

MOTION: Approve minutes of 3/4/2025 meeting. **Approved**

Section C-4-1 Town Manager

The terms matter. A town administrator is more supportive and acts in an advisory role with limited authority, while a town manager has executive powers and broader responsibilities in managing the town's affairs.

MOTION: change the language of the Charter from town administrator to town manager to better reflect the responsibilities and authorities that are already outlined in the Charter. **Approved**

Recommendation: Change title Town Manager throughout

[See addendum for Article 4 Town Manager for change of Administrator to Manager.]

Question: Is there a different salary for town administrator or town manager? **Answer:** Based on responsibility, not title.

Section C-4-2 Vacancy; Interim; Temporary

No change

Section C-4-3 Compensation

No change

Section C-4-4 In Appointing Authority

No change in a) [misreading of term "body", corrected]

Section C-4-5 Powers & Duties

Original wording:

j) executing warrants for payment of bills and payrolls prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws reporting the same to the select board at the first meeting following such action; provided, however, in the event of a temporary or permanent vacancy in the office of the town administrator, the select board shall have sole authority to sign such warrants;

Motion: Change wording to: executing warrants for payment of bills and payrolls prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws; provided, however, in the event of a temporary or permanent vacancy in the office of the town Manager, the select board shall have sole authority to sign such warrants; **Approved**

[removing: reporting the same to the select board at the first meeting following such action]

Section C-4-5 Powers & Duties

Original:

- (f) administering personnel policies, practices or rules and regulations, any compensation plan and any related matters for all municipal employees and administering all collective bargaining agreements entered into by the town except for school department agreements

Suggestion: this should be clarified to state that this must be only as allowed by the personnel bylaw.

Section C-3-6 Town Moderator

Discussion on **Section C-2-3** to revisit at next meeting

ACTION: Jeff Johnson will present comments on **Section C-2-3**, to revisit motion approved on March 3, 2025,

MOTION: Amend C-2-3, Finance Committee, amend the first sentence to read: There shall be a finance committee appointed by the selectboard chair, finance committee chair, and the town moderator of such members. **Approved**

Items not anticipated at time of posting

MOTION: to adjourn at 7:21 PM, duly seconded and approved.

Meeting dates:

March 20, 6 PM, at the Public Safety Building

March 27, 6 PM, at the Public Safety Building

April 2, 6 PM, at the Public Safety Building

April 10, 6 PM, at the Public Safety Building

Chapter C

CHARTER

ARTICLE 1 INCORPORATION, POWERS

- Section C-1-1. INCORPORATION.**
- Section C-1-2. SHORT TITLE.**
- Section C-1-3. POWERS OF THE TOWN.**
- Section C-1-4. DIVISION OF POWERS.**
- Section C-1-5. CONSTRUCTION.**
- Section C-1-6. INTERGOVERNMENTAL RELATIONS.**
- Section C-1-7. PRECEDENCE OF CHARTER PROVISIONS.**
- Section C-1-8. DEFINITIONS.**

ARTICLE 2 LEGISLATIVE BRANCH

- Section C-2-1. TOWN MEETING.**
- Section C-2-2. PRESIDING OFFICER.**
- Section C-2-3. FINANCE COMMITTEE.**
- Section C-2-4. TIME OF MEETING.**
- Section C-2-5. SPECIAL MEETINGS.**
- Section C-2-6. TOWN MEETING WARRANTS.**
- Section C-2-7. RULES OF PROCEDURE.**

ARTICLE 3 ELECTED OFFICERS

- Section C-3-1. IN GENERAL.**
- Section C-3-2. SELECT BOARD.**
- Section C-3-3. SCHOOL COMMITTEE.**
- Section C-3-4. BOARD OF ASSESSORS.**
- Section C-3-5. TOWN CLERK.**
- Section C-3-6. TOWN MODERATOR.**
- Section C-3-7. BOARD OF HEALTH.**
- Section C-3-8. PLANNING BOARD.**
- Section C-3-9. BOARD OF LIBRARY TRUSTEES.**

- Section C-3-10. BOARD OF PARKS AND RECREATION COMMISSIONERS.**

- Section C-3-11. HOUSING AUTHORITY.**

ARTICLE 4 TOWN MANAGER

- Section C-4-1. TOWN MANAGER. Section C-4-2. VACANCY; INTERIM; TEMPORARY.**
- Section C-4-3. COMPENSATION.**
- Section C-4-4. APPOINTING AUTHORITY.**
- Section C-4-5. POWERS AND DUTIES.**

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

- Section C-5-1. ORGANIZATION OF TOWN AGENCIES.**
- Section C-5-2. ALTERNATE OR ASSOCIATE MEMBERS.**
- Section C-5-3. PUBLIC SAFETY DEPARTMENTS.**
- Section C-5-4. DEPARTMENT OF PUBLIC WORKS.**

ARTICLE 6 FINANCE AND FISCAL PROCEDURES

- Section C-6-1. FISCAL YEAR.**
- Section C-6-2. LONG TERM FINANCIAL PROJECTION.**
- Section C-6-3. ANNUAL BUDGET DEVELOPMENT PROCESS.**
- Section C-6-4. CAPITAL IMPROVEMENT PLAN.**

Addendum

Change Administrator to Manager (53 changes)

ARTICLE 4 TOWN MANAGER

Section C-4-1. TOWN MANAGER.

- (a) There shall be a town Manager appointed by the select board with the powers and duties set forth in this charter. The town Manager shall have the appropriate education, training and administrative experience and shall have not less than 3 years of experience in public administration:
 - (i) as a city or town Manager; (ii) as an assistant city or town Manager; or (iii) in a position with substantially similar functions to a city or town Manager or an assistant city or town Manager. The town Manager shall receive compensation for services as determined by the select board within the amount appropriated for such purposes.
- (b) The town Manager shall, subject to appropriation, be a full-time position and the town Manager shall not hold any other elective or appointive office and shall not engage in any other business unless it is approved in advance in writing by the select board.
- (c) Not less than annually, the select board shall evaluate the performance of the town Manager and shall designate 1 member of the board to prepare a fair and concise summary of the evaluation process and results. The summary shall be a public record.

Section C-4-2. VACANCY; INTERIM; TEMPORARY.

- (a) Vacancy - Upon a vacancy in the office of town Manager because of resignation, removal or otherwise, the select board may fill the office in the manner it deems to be in the best interests of the town, whether by making a direct appointment of a town Manager or by appointing a screening committee to recommend not less than 3 candidates for appointment. Candidates for appointment as town Manager shall be required to satisfy the minimum qualifications required by town by-laws or as set forth in the job description for town Manager, as it may exist from time to time, or have equivalent experience. If the board appoints a screening committee, it need not appoint a town Manager from amongst the candidates recommended by the screening committee and may, at the board's sole discretion, request the screening committee to provide additional candidates, disband the screening committee and appoint a new screening committee or make a direct appointment.
- (b) Interim Town Manager - Pending appointment of the town Manager pursuant to Subsection (a), the select board shall within a reasonable period of time appoint an interim town Manager to perform the duties of the town Manager. The interim town Manager may serve for not more than 6 months; provided, however, that the board may extend the appointment for not more than an additional 6 months if a permanent town Manager has not yet assumed the duties of the town Manager or if the search for a permanent town Manager is actively ongoing.
- (c) Temporary Town Manager - The town Manager shall, by a letter filed with both the select board and the town clerk, designate a qualified officer or employee of the town to serve as the temporary town Manager during a temporary absence or disability of not more than 14 days. If the temporary absence or disability exceeds 14 days, the select board may designate any qualified town officer or employee to serve as the interim town Manager until the return of the town Manager.

Section C-4-3. COMPENSATION.

- (a) The town Manager shall receive compensation for services as determined by the board; provided, however, that the compensation shall be within the limits of available appropriations. The board may enter into a contract with the town Manager pursuant to section 108N of chapter 41 of the General Laws for a period of time to provide for the salary, fringe benefits and other conditions of employment including, but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance and leave.

Section C-4-4. APPOINTING AUTHORITY.

- (a) Notwithstanding any general or special law to the contrary, the town Manager shall, based upon merit and qualifications, appoint all town employees except employees of the school department. The appointments of department heads or agents of appointed or elected multiple-member bodies shall become effective not later than 15 days following appointment; provided, however, that the select board may vote to sooner approve or reject any such appointment. The town Manager shall consider appointment of departmental employees after seeking, where appropriate, the input or recommendation of the respective department head. When appointing a department head, or an agent of an appointed or elected multiple-member body, that receives policy direction from a multiple-member body, the town Manager shall, prior to making such appointment, consult with the body as to the body's qualifications for the position and the intended process for identifying qualified candidates.
- (b) Notwithstanding section 108A of chapter 41 of the General Laws and subject to any applicable collective bargaining agreements, individual employment contracts or town personnel by-laws, the town Manager or a designee shall be responsible for the classification, assignment, promotion, discipline, discharge or layoff of all town employees except employees of the school department.
- (c) Subject to any applicable collective bargaining agreements, individual employment contracts or town personnel by-laws, policies established by each multiple-member body derived directly from and adopted to carry out their respective statutory authority shall be applicable to employees appointed by the town Manager; provided, however, that the employees shall be subject to administrative policies and procedures applicable to all employees.

Section C-4-5. 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 operation of town affairs for which the town Manager is given responsibility under this charter. The board shall communicate to the town Manager its plans and policies so as to secure their effective implementation. The powers, duties and responsibilities of the town Manager shall include, but not be limited to:

- (j) supervising, directing and being responsible for the efficient administration of all employees appointed by the town Manager and their respective departments and of all functions for which the town Manager is given responsibility, authority or control;
- (k) administering, either directly or through persons supervised by the town Manager, general and special laws applicable to the town, town by-laws and all regulations established by the select board;
- (l) coordinating all activities of town departments under the direction of the select board and the town Manager with the activities of departments under the control of officers, town boards or

commissions elected directly by the voters of the town;

- (m) keeping the select board fully informed as to the needs of the town and recommending to the board for adoption any measures requiring action by the board or by the town as the town Manager considers necessary or expedient;
- (n) ensuring that complete and full records of the financial and administrative activity of the town are maintained and rendering reports to the select board as may be required;
- (o) administering personnel policies, practices or rules and regulations, any compensation plan and any related matters for all municipal employees and administering all collective bargaining agreements entered into by the town except for school department agreements;
- (p) fixing the compensation of all town employees appointed by the town Manager within the limits established by appropriation and any applicable compensation plan;
- (q) serving as the chief procurement officer of the town for purposes of chapter 30B of the General Laws responsible for the procurement of all supplies, materials, services and equipment and awarding and executing contracts up to a particular dollar amount established by the select board for supplies, materials and equipment for all departments and activities of the town, except books and other instructional materials and supplies for school or library use, and except in case of emergency;
- (r) negotiating all contracts with town employees for wages and other terms and conditions of employment, except employees of the school department, consistent with direction from the select board; provided, however, that the town Manager may, subject to the approval of the board, employ special counsel to assist in the performance of these duties; and provided further, that all collective bargaining agreements negotiated under this section shall be subject to the ratification of the board;
- (s) executing warrants for payment of bills and payrolls prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws reporting the same to the select board at the first meeting following such action; provided, however, in the event of a temporary or permanent vacancy in the office of the town Manager, the select board shall have sole authority to sign such warrants;
- (t) preparing and submitting an annual operating budget and capital improvement program;
- (u) keeping the select board and the finance committee fully informed as to the financial condition of the town and making recommendations to the board and other elected and appointed officials as the town Manager considers necessary or expedient;
- (v) investigating or inquiring into the affairs of any town department or office under the supervision of the town Manager or the job-related conduct of any officer or employee of the town Manager or delegating the authority to another person;
- (w) performing other duties as necessary or as may be assigned by charter, by-law, town meeting vote or the select board;
- (x) developing, implementing and overseeing an annual performance review procedure for department heads; provided, however, that performance evaluations for all other employees shall be developed and implemented with assistance, where appropriate, from the respective department head or multimember town board or committee; and
- (y) appointing, in the event that a particular town office is changed from elected to appointed whether under section 1B or 21 of chapter 41 of the General Laws or any other general law, any such newly created appointed position; provided, however, that the elected incumbent holding office on the effective date of a change in the manner of selection from elected to appointed shall be considered the first appointee to the position and shall hold office for an indefinite term or the incumbent's sooner

ARTICLE 5
ADMINISTRATIVE ORGANIZATION

Section C-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, unless inconsistent with this charter, be accomplished by by-law, subject only to express prohibitions in a general law or this charter, including action to reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part or establish new town agencies as it deems necessary or advisable and determine the manner of selection, the term of office and prescribe the functions of all such entities.

Section C-5-2. ALTERNATE OR ASSOCIATE MEMBERS.

- (a) Notwithstanding any general or special law to the contrary, the select board may appoint not more than 2 associate or alternate members to each multiple-member body elected under this charter, other than the school committee and the housing authority, or otherwise authorized by the General Laws. Alternate or associate members may participate in any and all matters pending before such body.
- (b) The chairman of each multiple-member body may designate an associate or alternate member to sit on the multiple-member body in the event of absence, inability to act or conflict of interest on the part of any member of the body or in the event of a vacancy on the body. The alternate or associate members shall be appointed for a term of 1 year.

Section C-5-3. PUBLIC SAFETY DEPARTMENTS.

- (a) Fire Department. There shall be a fire department under the direction of a fire chief, as established by vote of the town meeting to accept section 42A of chapter 48 of the General Laws, with the powers, duties and responsibilities under sections 42A, 43 and 44 of said chapter 48.
- (b) Police Department. There shall be a police department under the direction of a police chief appointed in accordance with the provisions of chapter 31 of the General Laws, with such powers and duties as established by vote of the town meeting to accept section 97 of chapter 41 of the General Laws.

Section C-5-4. DEPARTMENT OF PUBLIC WORKS.

- (a) There shall be a department of public works responsible for the management of public works operations not assigned to other departments including, but not limited to, the highway department, the water department and the sewer department and all other related construction and operations as the town manager may assign from time to time when necessary and desirable. The select board shall make all policy decisions relating to the department of public works.
- (b) The town manager shall appoint the director of public works, who shall provide to the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of the director's duties in such sum and upon such conditions as the town manager shall require.
- (c) The director shall supervise and direct the operations and employees of the department pursuant to the General Laws, any special laws applicable to the town, the town personnel by-law and any applicable collective bargaining agreements. The director shall be qualified by education, training and experience to perform the duties of the office and shall have such other qualifications as the town may require. The office of director shall be a full-time position. During the director's tenure, the

ARTICLE 6
FINANCE AND FISCAL PROCEDURES

Section C-6-1. FISCAL YEAR.

The fiscal year of the town of Plainville shall begin on the first day of July and shall end on the last day of June.

Section C-6-2. LONG TERM FINANCIAL PROJECTION.

The town manager shall develop and submit to the select board an overall financial projection of the town and provide an analysis of how the projection relates to the current and upcoming budget of the town. The projection shall provide a guideline as each department formulates its budget for the next fiscal year.

Section C-6-3. ANNUAL BUDGET DEVELOPMENT PROCESS.

- (a) Annually, the town manager shall establish and issue a budget development schedule for preparing the proposed budget, which shall set forth the calendar dates, requested information and analysis relating to the development of the annual operating budget for the ensuing fiscal year. The town manager shall issue the budget development schedule not less than 150 days prior to the date for the annual town meeting.
- (b) Pursuant to the annual budget development schedule established in Subsection (a), the town manager shall request and receive from the appointed treasurer-collector, who shall have all the powers and duties of town treasurers and tax collectors under the General Laws, and the board of assessors the estimated revenue for the ensuing fiscal year. Upon receipt of any additional specific fiscal data provided by the commonwealth or any other source, the treasurer-collector and the board of assessors shall revise, update and submit the data to the town manager.
- (c) The select board, after consultation with the town manager, shall issue a policy statement that shall establish the general guidelines for the next town budget.
- (d) All department heads and all multiple-member bodies shall submit detailed budget requests to the town manager as the budget calendar shall require.
- (e) Not less than 70 days prior to the date for the annual town meeting, the town manager shall submit to the board and the finance committee an initial proposed budget for all town functions for the ensuing fiscal year.
- (f) The proposed budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the town manager, in consultation with the treasurer-collector and the finance committee, may establish. The proposed budget shall indicate proposed expenditures for the current operations and for capital projects during the ensuing year, detailed by each town agency and by specific purposes and projects.
- (g) The select board shall present the proposed budget to the town meeting by making the main motion under the annual operating budget article; provided, however, that the finance committee shall be recognized before any other person or committee for: (i) the finance committee's recommendations on the budget; and (ii) any amendments that the finance committee deems appropriate.

Status of Action Items from Charter Review Meetings

Items in italics – what is status?

February 13, 2025

ACTIONS: Committee members will identify cues to elicit discussion at the open meeting. Committee members will identify questions for a survey of residents on the Charter and will discuss their own questions/suggestions at the next meeting. **Completed**

February 20, 2025

ACTION: Town Administrator will gather supplies for the Listening Session, write the cues on the boards, and have copies of the Charter. **Completed**

ACTION: Steve will contact Director Christine Higgins about set up downstairs at the Senior Center. **Completed**

ACTION: Town Administrator will put notice of the meeting on the News Flash and other web locations. **Completed**

ACTION: *Elizabeth will write the announcements for the Charter Review Committee meetings for Brian Noble to add to the News Flash.*

ACTION: Carol will create the survey on Survey Monkey and send the link to Brian Noble. **Completed**

ACTION: *Elizabeth will do a QR code of the survey to be posted at the Town Hall.*

ACTION: Pat will distribute surveys at windows at town hall. **Completed**

March 4, 2025

ACTION: *Brian K will look into placement of former Section C-2-3 Finance Committee, have a separate article or part of Section 6.*

March 13, 2025

ACTION: *the committee recommends that the select board should review Chapter 515 Personal Policies & Compensation in the Town Bylaws*

ACTION: *Jeff Johnson will present comments on **Section C-2-3**, to revisit motion approved on March 3, 2025, **MOTION:** Amend C-2-3, Finance Committee, amend the first sentence to read: There shall be a finance committee appointed by the selectboard chair, finance committee chair, and the town moderator of such members. **Approved***

Questions & responses raised at Charter Review Meetings

Question: Does the Town Clerk have to be a town resident?

Yes, anyone running for a town position must be a town resident.

Response from Cindy Bush, Town Clerk: Plainville Bylaw Section 128-1 Elected officers, commission and board members states the following: The Town, at its Annual Meeting shall, when the term of office of any incumbent expires, except when the other provision is made by law, **choose by ballot from its registered voters** the following Town officers ...