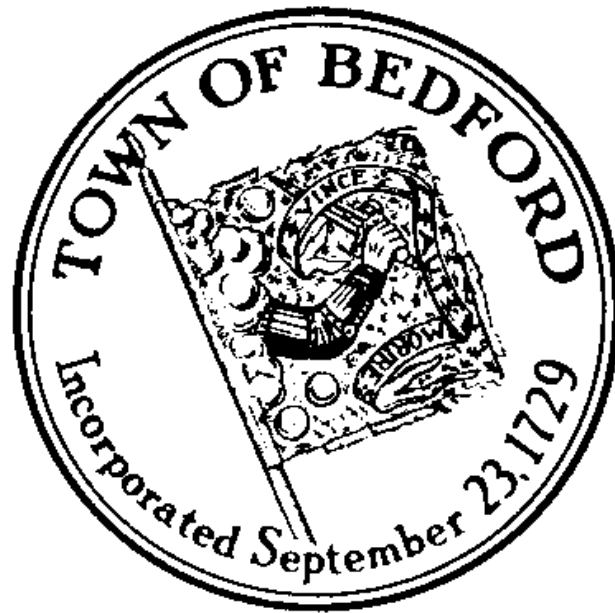


# Town Charter



## **Bedford Massachusetts**

*Last Amended at Special Town Meeting 2019*

*Adopted at 2020 Annual Town Election*

# Table of Contents

Page

|   |             |
|---|-------------|
| <b>Article I — Incorporation, Powers</b>                              | <b>i</b>    |
| 1.1 Incorporation   |             |
| 1.2 Powers  |             |
| 1.3 Construction  |             |
| 1.4 Intergovernmental Relations                                       |             |
| <b>Article 2 — The Town Meeting</b>                                   | <b>i</b>    |
| 2.1 Form of Town Meeting, Membership                                  |             |
| 2.2 Date of the Annual Town Meeting                                   |             |
| 2.3 Call of Special Town Meetings                                     |             |
| 2.4 Adjournment   |             |
| 2.5 The Moderator, Election, Temporary Moderator                      |             |
| 2.6 Clerk of the Town Meeting   |             |
| 2.7 Petitioners' Warrant Articles                                     |             |
| 2.8 Petitioners' Advisory Committee                                   |             |
| 2.9 Town Meeting Vote by Consent                                      |             |
| 2.10 Closing of the Warrant to Petitioners for Annual Town Meeting    |             |
| 2.11 Submission of the Select Board's Budget to the Finance Committee |             |
| 2.12 Submission of non-budget Articles to the Finance Committee       |             |
| 2.13 Town Meeting Rules   |             |
| 2.14 Quorum   |             |
| 2.15 Attendance of Town Officials                                     |             |
| 2.16 Procedure to Create a Bylaw                                      |             |
| 2.17 Conflicting Meeting  |             |
| <b>Article 3 — The Select Board</b>                                   | <b>iv</b>   |
| 3.1 Establishment, General Powers                                     |             |
| 3.2 Specific Powers   |             |
| 3.3 Appointments  |             |
| 3.4 Duties of Appointees  |             |
| 3.5 Duties of Volunteer Coordinating Committee                        |             |
| <b>Article 4 — Elected Offices</b>                                    | <b>v</b>    |
| 4.1 Offices, Length of Terms  |             |
| 4.2 Duties  |             |
| <b>Article 5 — Town Manager</b>                                       | <b>vi</b>   |
| 5.1 Conditions of Office, Duties                                      |             |
| 5.2 Responsibility for Budget Preparation                             |             |
| 5.3 Warrant Report  |             |
| <b>Article 6 — Financial Committees</b>                               | <b>viii</b> |
| 6.1 The Finance Committee   |             |
| 6.2 The Capital Expenditure Committee                                 |             |

|   |      |
|---|------|
| <b>Article 7 — Elections</b>  | viii |
| 7.1 Date of Annual Town Elections   |      |
| 7.2 Order of Names on Ballot  |      |
| <b>Article 8 — Recall of Elected Officials</b>  | ix   |
| 8.1 Holders of an Elective Office May Be Recalled                                     |      |
| 8.2 Affidavit, Petition, Preparation and Filing                                       |      |
| 8.3 Election as to Recall and Public Hearing  |      |
| 8.4 Officer Being Recalled May Be a Candidate   |      |
| 8.5 Incumbent to Continue Duties Until Recalled                                       |      |
| 8.6 Form of Ballots for Recall  |      |
| 8.7 Limitations on Petitions  |      |
| 8.8 Prohibition against Appointment of Recalled Officer                               |      |
| <b>Article 9 — General Provisions</b>   | xi   |
| 9.1 Definitions   |      |
| 9.2 Phasing of Terms of Members of Boards, Commissions and Committees                 |      |
| 9.3 Date of Appointments  |      |
| 9.4 Qualification of Elected and Appointed Officials                                  |      |
| 9.5 Voting of Boards, Commission, Committees  |      |
| 9.6 Coordination between Departments  |      |
| 9.7 Compensation  |      |
| 9.8 Resignation of Town Officers  |      |
| 9.9 Removal of Appointees   |      |
| 9.10 Interpretation of Powers   |      |
| 9.11 Severability   |      |
| 9.12 Specific Provisions Shall Prevail  |      |
| 9.13 Relation of Charter to Town Bylaws, Rules, Regulations, Orders, and Special Laws |      |
| 9.14 Charter Revision   |      |
| 9.15 Amendments   |      |
| 9.16 Publication of Charter and Bylaws  |      |
| <b>Article 10 — Effective Date of Charter</b>   | xiii |

The original effective date of this charter is July 1, 1974, a copy of which article is on file in the office of the Town Clerk

**ARTICLE 1  
INCORPORATION, POWERS**

**Section 1-1  
Incorporation**

The inhabitants of the Town of Bedford, within the territorial limits as now or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Bedford".

**Section 1-2  
Powers**

The form of government provided by this Charter shall be known as Select Board-Open Town Meeting. Pursuant to the provisions of this Charter and subject only to such limitations as may be imposed by the Constitution or General Laws of the Commonwealth of Massachusetts, the Town of Bedford shall have all powers possible for a town to have as fully and completely as though they were specifically enumerated in this Charter.

**Section 1-3  
Construction**

The powers of the Town under this Charter shall be construed liberally in favor of the Town and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article.

**Section 1-4  
Intergovernmental Relations**

Subject to the applicable requirements of any provision of the Constitution or General Laws of the Commonwealth of Massachusetts, the Town of Bedford may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

**ARTICLE 2  
THE TOWN MEETING**

**Section 2-1  
Form of Town Meeting Membership**

The legislative authority of the Town shall be vested in an open Town Meeting. All registered voters of the Town shall be eligible to vote on matters that come before it.

**Section 2-2  
Date of the Annual Town Meeting**

The Annual Town Meeting shall convene on the fourth Monday in March. A warrant shall be issued in accordance with Chapter 39 Section 10 of the Massachusetts General Laws.

**Section 2-3  
Call of Special Town Meetings**

Special Town Meetings shall be called by the Select Board at their discretion or by petition of two hundred registered voters of the Town as provided in Chapter 39 of the Massachusetts General

Laws.

#### **Section 2-4**

##### **Adjournment**

Adjourned sessions of Annual and Special Town Meeting shall reconvene within twenty-one days of adjournment.

#### **Section 2-5**

##### **The Moderator, Election, Deputy Moderator**

A Moderator shall be elected for a three-year term to preside over sessions of the Town Meetings. At the first session of the Annual Town Meeting, the Moderator shall appoint a Deputy Moderator to serve until the next Annual Town Meeting in the event of the Moderator's absence or disability, provided that the Town Meeting shall ratify such appointment.

The Deputy Moderator shall have all of the powers of the Moderator when presiding at Town Meeting sessions, but shall have no other powers or duties of the Moderator. In the absence of the Moderator and the Deputy Moderator, the Town Meeting shall elect a temporary Moderator.

#### **Section 2-6**

##### **Clerk of the Town Meeting**

The Town Clerk shall record all votes and preserve as public records all proceedings of the Town Meeting. If at a session of Town Meeting the office of Town Clerk is vacant, or if the Town Clerk is absent, the Meeting shall elect a temporary Clerk.

#### **Section 2-7**

##### **Petitioners' Warrant Articles**

Petitioners' warrant articles shall be submitted to the Select Board in written form. Ten signatures shall be required on a petition to have an article inserted in the warrant for an Annual Town Meeting, and one hundred signatures shall be required on a petition to have an article inserted in a warrant for a Special Town Meeting.

#### **Section 2-8**

##### **Petitioners' Advisory Committee**

The Moderator shall appoint an advisory committee of three persons to aid petitioners requesting assistance in preparing warrant articles. Appointees shall serve for a term of one year and shall be attorneys or persons otherwise qualified by their experience in town government.

#### **Section 2-9**

##### **Town Meeting Vote by Consent**

In preparing the warrant for Town Meeting the Select Board may place two or more items subject to a vote into a consent article. A vote on a consent article shall be a vote on all items it contains; however, each item shall be printed in the article in a separate paragraph so that it is identifiable and distinct. The Town Meeting may vote to amend a consent article by removing from it any item, making that item subject to a separate vote. In that event a consent article shall be voted, as amended.

#### **Section 2-10**

##### **Closing of the Warrant to Petitioners for Annual Town Meeting**

The warrant for the Annual Town Meeting shall be closed to the insertion of petitioners' articles

on the second Monday in January.

### **Section 2-11**

#### **Submission of Budgets by Elected Boards and Elected Committees to the Finance Committee**

All elected boards and elected committees shall submit their budget to the Finance Committee no later than the second Monday in January. The Select Board's budget shall be in the form specified in Article 5, Section 2 of this Charter. Exceptions to this date will be subject to the decision of the Finance Committee.

### **Section 2-12**

#### **Submission of non-budget Articles to the Finance Committee**

The Select Board shall submit all warrant articles for the Annual Town Meeting, except the budget article, to the Finance Committee no later than the fourth Monday of January.

### **Section 2-13**

#### **Town Meeting Rules**

Except where they are specified by Massachusetts General Laws and this Charter, rules governing the structure and conduct of Town Meeting shall be established as Town Bylaws.

### **Section 2-14**

#### **Quorum**

The presence of one hundred registered voters shall be required to constitute a quorum at any Town Meeting for the transaction of business. However, a motion to adjourn to some other date shall not require a quorum.

### **Section 2-15**

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

Every elected and appointed member of a board, commission or committee shall consider it their responsibility to represent their board, commission, or committee at all Annual and Special Town Meetings. At a minimum, the chairperson or a designated member shall attend every Town Meeting session to provide information pertinent to their board, commission, and committee activities that relate to Town Meeting Articles. However, no Town Meeting power or action otherwise authorized under the Massachusetts General Laws, this Charter, or the Town Bylaws shall be nullified if one or more said Town Officers or members does not comply with this section.

### **Section 2-16**

#### **Procedure to Create a General Bylaw**

Every proposed General Bylaw shall be inserted in the warrant as an article to be voted upon by Town Meeting. A public hearing shall be held by the Select Board on each General Bylaw inserted in the warrant. Within fourteen days after they are approved by Town Meeting, proposed Bylaws shall be delivered to the Attorney General for his or her review. If not denied by the Attorney General, the General Bylaw will take effect as provided by the Massachusetts General Laws and shall continue in force until amended or repealed.

### **Section 2-17**

#### **Conflicting Meeting**

No elected or appointed board, commission or committee shall hold a meeting during a

session of any Town Meeting.

## **ARTICLE 3 THE SELECT BOARD**

### **Section 3-1**

#### **Establishment, General Powers**

Five Select Board shall be the chief executive body of the Town. They shall have all of the powers possible for Select Board to have under the General Laws of the Commonwealth of Massachusetts and Town Bylaws, including powers not specifically set forth in this Charter.

### **Section 3-2**

#### **Specific Powers**

The Select Board's specific powers shall include, but not be limited to, the following:

- conducting the affairs of the Town not specifically granted to another office, board, commission, or committee by the Massachusetts General Laws, Town Bylaws, or this Charter.
- investigating the conduct and operation of any Town department. Upon completion of such investigation a report shall be submitted to the Town Clerk and be printed in the Annual Town Report.
- making appointments to the offices specified in Section 3 of Article 3 of this Charter. They shall also make appointments to any temporary posts and committees they create for a special purpose.

The Select Board may delegate to the Town Manager their authority in whole or in part under Chapter 41 Section 52 of the Massachusetts General Laws, to approve all bills or payrolls for Town departments before they are paid by the Treasurer.

### **Section 3-3**

#### **Appointments**

In addition to appointments to temporary posts and committees they may create, the Select Board shall make the following appointments for the terms specified:

| <i>Office</i>                                  | <i>Number of Members</i> | <i>Term (Years)</i> |
|--|--------------------------|---------------------|
| <i>Conservation Commission</i>                 | 7                        | 3                   |
| <i>Constables</i>                              | 4                        | 3                   |
| <i>Council on Aging</i>                        | 9                        | 3                   |
| <i>Historic District Commission</i>            | 5                        | 3                   |
| <i>Historic District Commission Alternates</i> | 2                        | 3                   |
| <i>Historic Preservation Commission</i>        | 7                        | 3                   |
| <i>MBTA Representative</i>                     | 1                        | 3                   |
| <i>Metropolitan Area Planning Council</i>      | 1                        | 3                   |
| <i>Recreation Commission</i>                   | 5                        | 3                   |
| <i>Registrars of Voters</i>                    | 3                        | 3                   |
| <i>Town Counsel</i>                            | 1                        | 1                   |
| <i>Town Historian</i>                          | 1                        | 3                   |
| <i>Veterans' Agent/Service Officer</i>         | 1                        | 1                   |
| <i>Veterans' Graves Officer</i>                | 1                        | 1                   |
| <i>Volunteer Coordinating Committee</i>        | 5                        | 3                   |

|  |   |   |
|--|---|---|
| <i>Youth and Family Services</i>         | 9 | 3 |
| <i>Zoning Board of Appeals-Associate</i> | 3 | 3 |

**Section 3-4**

**Duties of Appointees**

Members of appointed offices shall carry out the duties and have the authority set forth in the Constitution and General Laws of the Commonwealth of Massachusetts, this Charter, Town Bylaws, statutes and regulations of other government jurisdictions as applicable and as instructed and delegated by the Select Board where they have the power to confer.

**Section 3-5**

**Duties of Volunteer Coordinating Committee**

The Volunteer Coordinating Committee shall identify qualified candidates for appointive offices in the Town, except for the following:

- appointees who work full or part time for remuneration,
- the Volunteer Coordinating Committee,
- incumbents under consideration for reappointment,
- appointees of elected and appointed boards and committees other than those of the Select Board.

For each appointment made by each appointing authority, except for the exceptions specified above, the Committee shall present the appointing authority with a list of the name or names from which to choose. The appointing authority may not choose an appointee whose name does not appear on such list. However, the Volunteer Coordinating Committee shall provide an additional name or names if the appointing authority requests them or if any candidate on a list refuses appointment. The appointing authority may make an appointment without following the procedure set forth in this paragraph if the Volunteer Coordinating Committee fails to supply a list of candidates within sixty days of the date of a request.

**ARTICLE 4  
ELECTED OFFICES**

**Section 4-1**

**Offices, Length of Terms**

The following offices shall be filled by popular vote at the regular town elections or by special election, as required:



| <u>Office</u>                                 | <u>No. of<br/>Positions</u> | <u>Length of Term<br/>Years</u> |
|---|-----------------------------|---------------------------------|
| Select Board                                  | 5                           | 3                               |
| Board of Assessors                            | 3                           | 3                               |
| Board of Health                               | 5                           | 3                               |
| Bedford Housing Authority                     | 4                           | 5                               |
| Planning Board                                | 5                           | 3                               |
| Trustees of the Bedford Free Public Library   | 7                           | 3                               |
| Moderator                                     | 1                           | 3                               |
| Regional Vocational Technical School District | 2                           | 3                               |
| School Committee                              | 5                           | 3                               |

## **Section 4-2**

### **Duties**

Members of elected offices shall carry out duties and have the authority set forth in the Constitution and General Laws of the Commonwealth of Massachusetts, this Charter, Town Bylaws, and statutes and regulations of other government jurisdictions as applicable.

## **ARTICLE 5 TOWN MANAGER**

### **Section 5-1**

#### **Conditions of Office, Duties**

The Select Board shall appoint a Town Manager who shall be qualified by education and experience in public administration to perform the duties of the office. He or she shall be the chief administrative officer of the Town. The individual shall not have served in an elective office in the Town during the twelve months prior to the appointment. He or she shall devote full-time to the business of the Town. The Town Manager's compensation shall be set by the Select Board within the amount appropriated by the Town Meeting. The Town Manager shall serve at the pleasure of the Select Board; however, at least four Select Board must vote for dismissal from the position. The Town Manager shall be responsible for the conduct of affairs placed in his or her charge by this Charter or by other legal source or delegation of authority. Among the powers and duties of the Town Manager are the following:

- a. Recommend policies and long-range goals to the Select Board to guide plans and programs of offices and departments.
- b. Specific Authority for Assessor Appointment. Appoint and remove, subject to the approval of the Select Board, and supervise the heads of departments for which the Select Board are responsible and all other town officers whose appointment is required to perform a necessary town function and who are not listed in Section 3 of Article 3. The Town Manager shall also have the power to appoint and remove, subject to the approval of the Board of Assessors, and supervise the Town Assessor. The Town Manager shall have the power of final review and approval of subordinates' appointments, removal, and supervisions of personnel under the subordinates' jurisdiction.

- c. Prepare the Salary Administration Plan Bylaw amendment for approval of Town Meeting. He/she shall administer the Bylaw and perform all administrative and policy functions in said Bylaw.
- d. Keep complete records of the Town Manager's office and render a report of his or her activities as often as may be required by the Select Board but not less than once each quarter.
- e. Provide staff support to the Capital Expenditure Committee.
- f. Keep Select Board informed as to the financial condition and needs of the Town and make such recommendations to them as necessary.
- g. Maintain a list of fixed assets that are valued over \$5,000 as required by GASB Standards.
- h. Be responsible for the negotiation of all contracts within the Select Board's jurisdiction. For the purposes of collective bargaining under Chapter 150E of the Massachusetts General Laws, the Select Board shall be the Chief Executive Officer and the Town Manager shall be the designated representative under Section 1 of said Chapter. Contracts negotiated by the Town Manager shall be subject to the policy of and final approval of the Select Board. The Select Board may authorize the use of additional persons to assist the Town in negotiating collective bargaining contracts as they deem advisable.
- i. Search for economies that may accrue to the Town through joint purchasing of materials, property or services by two or more municipalities or two or more Town departments, offices, boards, commissions or committees.
- j. Approve and execute required grant agreements or procurement contracts for materials, supplies, services or equipment, when such procurement does not require public advertising in accordance with Chapter 30B of the Massachusetts General Laws providing any necessary funds are available through appropriation or gift to the Town.
- k. Perform any other duties required by Bylaws, Town Meeting, or the Select Board.

## **Section 5-2**

### **Responsibility for Budget Preparation**

The Town Manager shall be responsible for the preparation of the annual budgets for departments under the authority of the Select Board and shall submit these budgets to them for their approval. The Town Manager shall also prepare and submit a budget message to the Select Board. It shall address the financial policies and the assumptions that affect the department budgets and enumerate and explain the differences between the current and proposed budgets. In the budget message the Town Manager shall also comment upon the budgets of boards, commissions, committees and offices not under the authority of the Select Board and give an overview of budgetary trends and issues for town government as a whole.

### **Section 5-3**

#### **The Warrant Report**

The Town Manager shall prepare a warrant report and arrange for its distribution to all the Town's registered voters a minimum of seven days before each Annual Town Meeting and a minimum of fourteen days before a Special Town Meeting.

The warrant report shall be constructed as follows:

1. The text of the proposed article;
2. A non-partisan summary of the article and any related factual information;
3. For an article submitted by petition, a statement by the petitioners supporting the article;
4. Recommendations by the Select Board and Finance Committee. The Select Board may request recommendations from other boards and committees.
5. The residential tax impact, if any, of the article.

The warrant report for a Special Town Meeting need not be prepared if the Select Board and the Finance Committee agree that the time required for its preparation would delay the holding of such a meeting sufficiently to do harm to the Town.

The Select Board may also invite the Town officers, boards, commissions and committees affected by an article to submit recommendations for the report. The warrant report for a Special Town Meeting need not be prepared if the Select Board and the Finance committee agree that the time required for its preparation would delay the holding of such a meeting sufficiently to do harm to the town.

## **ARTICLE 6 FINANCIAL COMMITTEES**

### **Section 6-1**

#### **The Finance Committee**

The Finance Committee shall consist of nine members who shall serve for three-year terms. Members shall be appointed by unanimous vote of the Chair of the Finance Committee, the Moderator, and the Chair of the Select Board. The Finance Committee shall have the powers and duties set forth in the Massachusetts General Laws and Town Bylaws.

### **Section 6-2**

#### **The Capital Expenditure Committee**

The Capital Expenditure Committee shall consist of nine members who shall serve for three-year terms. The Select Board, the School Committee and the Finance Committee shall each designate a person from its membership to serve on the Capital Expenditure Committee. The remaining six members shall be appointed by unanimous vote of the Chair of the Select Board, the Chair of the Finance Committee and the Chair of the School Committee. The Capital Expenditure Committee shall have the responsibilities set forth in the Bylaws of the Town.

The Capital Expenditure Committee shall review and comment upon all studies of capital requirements of the Town and may itself conduct such studies it deems necessary to perform its duties. The committee shall review and comment upon all warrant articles for capital expenditure.

## **ARTICLE 7 ELECTIONS**

### **Section 7-1**

#### **Date of Annual Town Elections**

Annual Town elections shall be held on the second Saturday in March. A warrant shall be issued in accordance with Chapter 39 Section 10 of the Massachusetts General Laws.

### **Section 7-2**

#### **Order of Names on Ballot**

For each office on the ballot the placement of a candidate's name in the list of candidates shall be determined by a number selected at random by the Town Clerk. The Town Clerk shall determine the method of random selection. Candidates, or their representatives, shall have the right to be present when the Town Clerk prepares the ballot listing for their office.

## **ARTICLE 8 RECALL OF ELECTED OFFICIALS**

### **Section 8-1**

#### **Holders of an Elected Office May Be Recalled**

Any holder of an elected office may be recalled and removed by the registered voters of the Town as detailed in this article. Recall is intended to be utilized when, in the opinion of the number of voters specified below, an elected official, acting as such, has caused a loss of confidence in his/her judgment, or the ability to reasonably perform the duties and responsibilities of the office.

### **Section 8-2**

#### **Affidavit, Petition, Preparation and Filing**

Any ten registered voters seeking to recall an elected officer of the Town may file an affidavit with the Town Clerk containing the name of said officer and a statement of the grounds for recall. The Clerk shall promptly transmit a copy of the affidavit to the officer sought for recall and to the Select Board. Within five days from the affidavit filing date, the Town Clerk shall deliver a sufficient number of recall petition blanks to the ten filing voters.

The blanks shall

1. be consecutively numbered with the signature and official seal of the Town Clerk attached
2. be dated and addressed to the Select Board
3. contain the name of the person sought to be recalled
4. contain the grounds for recall as stated in the affidavit
5. contain the names of the persons who filed the recall affidavit
6. demand a recall election be held
7. demand the election of the successor to the office, as detailed in Section 8-6.

The completed recall petition shall be returned and filed with the Town Clerk at or before 5:00 p.m. of the thirtieth (30<sup>th</sup>) day after issuance of the petition to the filers. The petition shall be signed by at least ten percent of registered voters and every signature shall also include the place of residence with street and number, of the signer. The Town Clerk shall promptly

deliver the petition to the Registrars of Voters, and the Registrars shall certify the number of Town voter signatures within five days.

### **Section 8-3**

#### **Election as to Recall and Public Hearing**

If the petition has a sufficient number of valid signatures and is certified by the Town Clerk and the Registrars of Voters, the Town Clerk shall allow five working days for the filing of legal challenges to the signatures on the petition.

If no challenges are filed within five working days, the Town Clerk shall immediately submit the certified petition to the Select Board.

The Select Board shall, within three working days, give written notice to the officer subject to recall that they have received the certification. If the officer does not resign within five working days of the date of the notice, the Select Board shall order an election to be held on a day fixed by them not less than 60 nor more than 80 days after the date of the Town Clerk's certification.

If any other Town election is to occur within 120 days after the date of certification, the Select Board have the discretion to postpone the recall election to the date of the scheduled election. If a vacancy occurs in the office subject to recall after the election has been ordered, the election shall nevertheless proceed as provided in this section.

If the officer sought to be recalled requests a public hearing in writing, the Select Board shall make provision for a public hearing on the matter. This hearing shall take place not less than seven days prior to the election.

### **Section 8-4**

#### **Officer Being Recalled May Be a Candidate**

Any officer sought to be recalled may be a candidate to succeed to the office, and unless the officer requests otherwise in writing, the Town Clerk shall place his or her name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of the law relating to elections, unless otherwise provided in this Charter.

### **Section 8-5**

#### **Incumbent to Continue Duties Until Recalled**

The incumbent shall continue to perform the duties of the office until the recall election. If then re-elected, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in Section 8-7.

If not re-elected in the recall election, s/he shall be deemed removed upon certification of the election by the Town Clerk.

If the successor fails to take the oath of office within five working days after receiving official notification from the Town Clerk of their election, the office shall thereupon be deemed vacant.

## **Section 8-6**

### **Form of Ballots for Recall**

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the removal of (name of officer).

Against the removal of (name of officer).

Under the propositions shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as herein before provided. In the event the recall petition is passed, the candidate receiving the greatest number of votes shall be deemed elected.

## **Section 8-7**

### **Limitations on Petitions**

No recall petition shall be filed against an officer within six months after taking office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

## **Section 8-8**

### **Prohibition Against Appointment of Recalled Officer**

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him or her shall be appointed to the office from which the person has been removed within one year after such removal by recall or resignation.

## **ARTICLE 9 GENERAL PROVISIONS**

## **Section 9-1**

### **Definitions**

Where it appears in this Charter, the following term shall be explained as follows: Town shall mean the Town of Bedford. General Laws shall mean the General Laws of the Commonwealth of Massachusetts as amended to date.

## **Section 9-2**

### **Phasing of Terms of Members of Boards, Commissions and Committees**

Elections and appointments to all boards, commissions and committees consisting of more than one member and where terms are greater than one year shall be made in a manner that all terms of all incumbents do not expire in the same year. Wherever possible, an equal number of members of each board, commission and committee shall come to the end of their terms of office in each year.

## **Section 9-3**

### **Term of Appointments**

Terms of appointment shall end on June 30, or until another person is duly appointed and qualified.

## **Section 9-4**

### **Qualification of Elected and Appointed Town Officers**

To be qualified, a person must be duly elected or appointed, and have taken the oath of office. All elected and appointed Town officers shall be qualified by the Town Clerk within thirty

days of their election or appointment, and may not begin their official duties until they are qualified.

### **Section 9-5**

#### **Voting of Boards, Commission, Committees**

Except as otherwise provided by Massachusetts General Law, a majority vote of the total membership of any elective or appointive board, commission or committee shall be required to pass a motion.

### **Section 9-6**

#### **Coordination between Departments**

It is the intent of this Charter that all Town boards, commissions, committees and offices shall work to avoid unnecessary duplication of maintenance, personnel, equipment and services.

### **Section 9-7**

#### **Compensation**

All elected officials who receive remuneration shall be compensated in an amount approved annually by Town Meeting.

### **Section 9-8**

#### **Resignation of Town Officers**

Any person holding an appointive or elective office may resign his or her office by giving a resignation in writing to the Town Clerk and such resignation shall be effective immediately, unless a time certain is specified when it shall take effect.

### **Section 9-9**

#### **Removal of Appointees**

Any person appointed to an office, board, commission or committee may be removed by the appointing authority. Where the appointing authority is a body consisting of more than one member, a two-thirds vote shall be required for removal.

### **Section 9-10**

#### **Interpretation of Powers**

Where questions arise concerning the power of the Town Meeting versus the powers of other bodies of Town government, the intent of this Charter is that a liberal interpretation shall be given to the powers of the Town Meeting.

### **Section 9-11**

#### **Severability**

If any provisions of this Charter are 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 9-12**

#### **Specific Provisions Shall Prevail**

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

**Section 9-13**

**Relation of Charter to Town Bylaws, Rules, Regulations, Orders, and Special Laws**

Where provisions of this Charter conflict with provisions of Town Bylaws, rules, regulations, orders and special laws, this Charter's provisions shall govern. All provisions of Town Bylaws, rules, regulations, orders and special laws not superseded by this Charter shall remain in force.

**Section 9-14**

**Charter Revision**

The Select Board shall five years from the effective date of this Charter and every five years thereafter, appoint a committee to review the working of Town government and recommend revisions and amendments considered advisable.

**Section 9-15**

**Amendments**

Amendments to this Charter relating in any way to the composition of the Town Meeting or the composition or mode of election or terms of office of the Select Board may be proposed only by a Charter Commission elected under Chapter 43B of the Massachusetts General Laws.

Amendments to this Charter relating to other matters may be proposed by a two-thirds vote at a duly called Town Meeting in accordance with the said Massachusetts General Law.

Proposed amendments under this Charter shall be acted upon by ballot of the whole Town at a regular or special election of Town officers in accordance with the Massachusetts General Laws.

**Section 9-16**

**Publication of Charter and Bylaws**

The Select Board shall, within one year of the adoption of this Charter and thereafter at five-year intervals, cause to be prepared a recodification of all existing Bylaws of the Town. Copies of the said Bylaws and copies of this Charter shall be made available in the office of the Town Clerk. An amount not to exceed the actual cost per copy of reproduction may be charged

**ARTICLE 10**  
**Effective Date of Charter**

The effective date of this Charter is July 1, 1974, a copy of which is on file in the office of the Town Clerk.



