

## **ARTICLE 4. Charter Change - Moderator**

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article II titled “LEGISLATIVE BRANCH” and article III entitled “ELECTED OFFICIALS”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~striketrough~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3's affirmative vote**

(Charter Review Committee)

### Section 2-2: Presiding Officer

The town moderator shall preside at all sessions of the town meeting. ~~At the first session of the annual meeting, the moderator may appoint a voter to serve as deputy moderator to assist the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting.~~

In the absence of the moderator, the duly ratified deputy moderator shall preside. In the absence of the moderator and ~~the duly ratified deputy at any session of the town meeting,~~ the town clerk shall open the meeting and preside over the election of a temporary moderator. In the absence of a moderator and the town clerk, the presiding officer ~~of the first session of the town meeting~~ shall be determined in accordance with the General Laws.

### Section 2-10: Rules of Procedure

The town meeting may, by bylaw, establish and from time to time amend, revise, or repeal rules to govern the conduct of all town meetings. The moderator may from time to time establish procedural rules for the conduct of town meetings that do not conflict with any such bylaws, this charter, or with the General Laws.

### Section 3-5: Town Moderator

(a) Term of Office There shall be a town moderator elected for a term of three years.

(b) Powers and Duties The town moderator shall be the presiding officer of the town meeting, shall regulate its proceedings, decide all questions of order and shall have such other powers and duties as may be provided for that office by the General Laws, by this charter, by bylaw, or by other town meeting vote. Rulings of the moderator regarding procedure and other matters of conduct of town meeting shall be final.

(c) Deputy – The town moderator may nominate a deputy moderator, subject to ratification by town meeting. The term shall be until a deputy moderator is ratified at the following annual town meeting, or such meeting is dissolved, whichever is first. The deputy shall have the authority to act as moderator if the town moderator is unable to act; if the moderator is absent; or for any other duties as assigned by the town moderator, or bylaw.

Notwithstanding section 3-1 (f)(1) “filling of Vacancies” or any other provision, if the office of moderator becomes vacant the deputy moderator nominated and ratified under 3-5(c) shall serve as moderator until the next election.

(d) Appointments - the town moderator shall appoint

- a Finance Committee and other committees as defined in section 2-4

- a regional vocational school committee representative, as defined in section 3-1

- a Charter Review Committee, as defined in section 7-7

- members of a town administrator search committee, as defined by section 4-6

- any other appointments authorized by law.

*The proposed changes provide a clear process to select a Deputy Moderator and clarify the Town Moderator’s appointments.*

### **ARTICLE 5. Charter Change – Investigations**

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article III entitled “ELECTED OFFICIALS”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

#### Section 3-2 Select Board ~~Board of Selectmen~~

(e) Investigations - ~~The board of selectmen may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any claims against the town. The report of the results of such investigation and any actions resulting there from shall be placed on file in the office of the town clerk separate from the minutes of the meetings of the board of selectmen. A report summarizing the results of such investigation shall be printed in the next annual town report.~~ The select board may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any claims against the town. The select board or town administrator may use outside counsel, or an independent investigator based on the nature of the claim.

*The proposed change updates and modernizes the investigation process.*

## ARTICLE 6. Charter Change – Town Administrator

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article IV entitled “Town Administrator”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in strikethrough; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

### Section 4-1: Appointment, Qualifications, Term

The ~~select board of selectmen~~ shall appoint a town administrator from a list prepared by the screening committee established by Section 4-6 of this charter. The ~~select board of selectmen~~ shall appoint the town administrator to serve for ~~an indefinite~~ a term established by contract with the select board, and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town administrator shall be appointed on the basis of demonstrated executive and administrative qualifications and especially fitted by education, training and previous experience to perform the duties of the office. A town administrator need not be a resident of the town or of the Commonwealth at the time of appointment, nor at any time during the period of such service. The town administrator shall not have served in an elective office in the town for at least twelve months prior to appointment. The town may from time to time establish, by bylaw, such additional qualifications as seem necessary and appropriate.

*[Proposed amendments to 1st paragraph of Section 4-1. No changes proposed to 2nd or 3rd paragraphs]*

### Section 4-2(h): Powers and Duties

- (h) To recommend to the select board ~~proposals~~ policies for the rental and use of all town facilities and property except school property and property under the control of the conservation commission. The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator’s control by the select board, including school property if so voted by the local school committee.

### Section 4-4: Acting Town Administrator

- (a) Temporary Absence. By letter filed with the select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during a temporary absence. During a temporary absence the select board may revoke such designation whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator returns.
- (b) Vacancy. Any vacancy in the office of town administrator caused by absences greater than thirty days, suspension, removal, resignation, or death shall be filled as soon as possible by the select board in accordance with the procedures of Section 4-6 of this charter, but, pending such

regular appointment, the select board shall appoint a town employee or other person to perform the duties of the office on an acting basis. Any temporary appointment shall be for a period not exceeding 90 days and may be renewed for such additional periods, each up to 90 days, as may be determined necessary by the select board ~~an additional period not exceeding ninety days.~~ Compensation for such person shall be set by the select board.

(c) Powers and Duties. The powers of the temporary or acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay.

#### Section 4-6: Selecting a Town Administrator

Immediately upon notification of a vacancy or pending vacancy in the office of town administrator, the process of establishing a screening committee for the purpose of soliciting, receiving, and evaluating applications for the position of town administrator shall commence.

The screening committee shall consist of five voters, two of whom shall be appointed by the select board and three by the town moderator. Such voters, at the time of appointment, shall not be serving in any elective office or as a member of any multiple member board.

Not more than 30 ~~thirty~~ days following the appointment of the committee ~~notification of a vacancy or pending vacancy in the office of town administrator~~, the appointed members of the committee shall meet to initiate the process of selecting the new town administrator.

The screening committee shall review all applications received by it, screen all qualified applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary.

As soon as ~~it~~ feasible, the committee shall submit to the select board the names of not less than three nor more than five persons whom it believes to be available and suited to perform the duties of the office of town administrator.

The select board, in an expedient manner, shall choose by majority vote one of the said nominees to serve as town administrator or reject all nominees.

The entire selection process, beginning with the announcement of a vacancy or pending vacancy in the office of the town administrator, shall be completed within a period of 180 days in agreement with the provisions of Section 4-4(b) of this charter, or such longer period as approved by the select board.

Upon the appointment of a town administrator, the screening committee established hereunder shall be considered discharged.

*The proposed change to the first paragraph of Section 4-1 clarifies that the select board may appoint a town administrator for a particular term. The proposed change to Section 4-2(h) updates and clarifies the operational roles of the town administrator and select board. The proposed changes to Section 4-4 grant the select board increased flexibility in the designation of*

*an acting town administrator. The proposed changes to Section 4-6 update the town administrator selection process by establishing more practical time limits and procedures.*

## **ARTICLE 7. Charter Change – Elected Officials, Town Administrator, General Provisions**

To see if the Town will vote, pursuant to General Laws c. 43B, §10, and §§7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter Article III entitled “Elected Officials”, Article IV entitled “Town Administrator”, and Article VII entitled “General Provisions”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in strikethrough; provided however, that in accordance with G.L. c. 43B, §10, these proposed amendments shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

### Section 3-2:                    Select Board

- (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 officer 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. The select board shall serve as the chief policy making agency of the town.

The select board shall be responsible for:

- (1) the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it; and
- (2) in conjunction with other elected town officers and multiple member bodies, the development and promulgation of policy guidelines designed to bring all town agencies into harmony; ~~and~~
- ~~(3) the maintenance and revision of any master plan developed in accordance with Section 7-7(c).~~

Nothing in this section shall be construed to authorize any member of the select board, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the select board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

### Section 3-6:                    Planning Board

- (b) Powers and Duties - The planning board shall make careful studies of the resources, possibilities, and needs of the town and shall make plans for the development of the town consistent with any master plan developed in accordance with ~~Section 7-7(e)~~ Section 81D of Chapter 41 of the General Laws and this charter. ~~The board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations.~~ The planning board shall make recommendations to the town meeting on all proposed warrant articles which affect land use and development, including, but not limited to, proposals to amend the zoning bylaw and zoning map. ~~The planning board shall make an annual report, giving information regarding the condition of the town, any plans or proposals for its development (including estimates of their costs), and indicating adherence to or deviations from any master plan.~~ The planning board shall have all of the other powers and duties which are given to planning boards under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by General Law, by this charter, by bylaw, or by other town meeting vote.

Section 4-2:                    Powers and Duties

The town administrator shall be the chief administrative officer of the town, directly responsible to the select board. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- (s) To coordinate the efforts of all town agencies in adhering to the intent of, and effectuating the implementation of, any master plan developed in accordance with the provisions of Section 81D of Chapter 41 of the General Laws and Section 7-7(c) of this charter and to recommend ~~to the board of selectmen~~ modifications and improvements to any such master plan.

Section 7-7:                    Periodic Review of Charter and ByLaws

- (c) Master Plan Committee: The Master Plan shall be reviewed at the direction of the ~~P~~planning ~~B~~board every five years, and updated in whole, or in part, in accordance with the general laws. When revisions are needed to the Plan, the planning board shall specify the desired composition of a master plan committee of at least five (5) members to oversee the plan revisions, which committee shall be composed of representatives of relevant boards, committees, and departments and at least one resident at large. Multiple member bodies shall select their own representatives, and any resident at large shall be jointly appointed by majority vote of the Select board and planning board, and a Master Plan Committee shall be appointed two years before the next update is due. The Board of Selectmen shall appoint a special committee of seven members comprised of a member of the Board of Selectmen, the Planning Board, the Board of Health, the Conservation Commission, and the Finance Committee and two Stow voters at large, who are not members of the above-named boards. The committee shall serve until the plan has been presented to and accepted by the planning board.

~~The appointed committee shall present a final report to the Planning Board and said report shall include a Master Plan or updates to any existing Master Plan as required by Chapter 41~~

~~of the General Laws. The committee shall be discharged six months after the Master Plan or Master Plan updates have been presented to the Planning Board.~~

*The proposed changes clarify that the Master Plan is primarily the responsibility of the Planning Board as provided in Mass General Laws and revise the membership of and process for appointing the Master Plan Committee. It also simplifies the description of the duties of the Planning Board.*

## **ARTICLE 8. Charter Change – Removal and Suspensions**

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article V entitled “ADMINISTRATIVE ORGANIZATION”, Section 5-4 “Removals and Suspensions” as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3's affirmative vote**  
(Charter Review Committee)

### Section 5-4: Removals and Suspensions

Any appointed officer, appointed member of a multiple member body, or employee of the town not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term "cause" shall include, but not be limited to incapacity (other than temporary illness), inefficiency, insubordination, and conduct unbecoming the office.

Any appointed officer, appointed member of a multiple member body, or employee of the town may be suspended from office by the appointing authority if such action is deemed by the appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, appointed member of a multiple member body, or employee of the town shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by hand or by certified mail to the last known address of the person sought to be removed; and
- (b) When acting under this section 5-4, the appointing authority shall comply with applicable law.

- ~~(b) Within five days after the delivery by hand or date of mailing of such notice, the officer, member of a multiple member body or employee of the town may request a public hearing from the appointing authority at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing;~~
- ~~(c) Between one and ten days after the public hearing is adjourned, or if the officer, member of multiple member body or employee of the town fails to request a public hearing, between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time period as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee of the town shall, forthwith, be reinstated.~~

~~Such officer, member of a multiple member body or employee of the town shall continue to receive salary and benefits until the effective date of removal.~~

Nothing in this section shall be construed as granting any rights to a right to such a hearing when a person who has been appointed for a fixed term and is not reappointed when the term expires.

*The proposed changes add the word “appointed” before members of multiple member bodies to clarify that this provision is not relevant to elected officials. Language was added that the Notice of Intent can be sent certified mail to the appointee’s last known address. Further the town will comply with applicable law relative to the removal and/or suspension. Language regarding public hearings was removed. A person who is not reappointed to a fixed term is not granted any rights under this provision.*

## **ARTICLE 9. Charter Change – Select Board Appointments**

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article V titled “ADMINISTRATIVE ORGANIZATION”, as set forth below, with text to be underline (excluding section numbers and headings) and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

Section 5-5: Town Administrative Organization

Until such time as a different form of organization shall be provided, in accordance with the provisions of Section 5-1 of this charter, the following outline of organization shall be operative:



The select board of ~~selectmen~~ shall appoint:

- ~~a town administrator and assistant town administrator to serve for an indefinite;~~
- ~~an administrative assistant to the board of selectmen and town administrator whose duties shall be determined by said board;~~
- a conservation commission;
- an open space committee;
- a board of registrars of voters ~~in the manner provided by general law;~~
- a zoning board of appeals;
- a council on aging, ~~as provided by bylaw;~~
- a development and industrial commission, ~~as provided by bylaw;~~
- ~~an industrial development finance commission in the manner provided by general law~~
- a cable television advisory committee;
- ~~a public, education and government committee;~~
- a cultural council ~~as provided by general law;~~
- a board of cemetery trustees;
- constables;
- an emergency management officer and related personnel;
- an historical commission;
- ~~a superintendent of streets and employees of said department;~~
- a police chief and other police officers;
- a fire chief and other full time fire fighting personnel or a board of fire engineers;
- a forest fire warden;
- a town collector and treasurer;
- a town accountant;
- an inspector of buildings;
- a zoning enforcement officer;
- a wire inspector, a plumbing inspector and a gas inspector;
- a sealer of weights and measures;
- a recreation commission;
- ~~at least two~~ members of the Lake Boon Commission as provided by law;
- town counsel;
- the Randall Relief Fund Trustees;
- the Randall Town Fund Trustees;
- the Hale School Fund Trustees;
- a surveyor of wood and lumber;
- a fence viewer;
- ~~a field driver;~~
- a tree warden;
- ~~a pest control officer;~~
- a veterans' ~~agent~~-service officer; ~~and~~
- a veterans' graves committee,
- a municipal affordable housing trust,

and such other offices, employees, and committees as defined by law; or section 3-2(d) and any other relevant sections of this charter.

Consistent with applicable laws and any trust provisions, the town may regulate by bylaw the number, composition, term, and duties of any committee listed in this section; and any committee listed herein may be discontinued in the same manner as it was established.

*The proposed changes update the list of Select Board appointments. Should Article 3 pass, this article will be tabled and action will be taken under Article 14.*

## **ARTICLE 10. Charter Change – General Provisions**

To see if the Town will vote, pursuant to General Laws c. 43B, §10, and §§7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter Article VII entitled “General Provisions,” as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~strike through~~; provided however, that in accordance with G.L. c. 43B, §10, these proposed amendments shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

### Section 7-8: Procedures Governing Multiple Member Bodies

- (a) Meetings - All multiple member bodies shall meet ~~regularly~~ at such times ~~and places within the town~~ as they may by their own rules prescribe. Posting of notices, agendas and conduct of meetings shall be as required by applicable law. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chair or by one third of the members thereof. Each member shall be notified of the date and time of such meeting not less than the same public notice period established by law. ~~by notice to each member at least forty-eight hours in advance of the time set, of the respective chair or by one third of the members thereof. A copy of said notice shall also be posted on the town bulletin board.~~ Special meetings of any multiple member body shall also be called within ten days after the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. ~~Except as authorized by law, all meetings of all multiple member bodies shall be open and public.~~
- (b) Agendas - ~~At least one business day b~~Before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board in compliance with applicable law. ~~No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts by a separate vote a resolution declaring that an emergency exists and that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.~~

- (c) Rules and Minutes - Each multiple member body shall determine its own rules and order of business unless otherwise provided by applicable law, ~~this charter or by bylaw~~ and shall provide for the keeping of minutes of their proceedings. ~~These rules and minutes shall be public records, and e~~Copies of approved rules and minutes shall be delivered to, and kept available in, the office of the town clerk for the convenience and review of the public.
- (d) ~~Reserved. Voting—Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the ayes and nays shall be recorded by name in the minutes provided, however, if the vote is unanimous only that fact need be recorded.~~
- (e) ~~Reserved. Quorum—A majority of the full multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.~~
- (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If at the expiration of forty-five days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body may fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.
- (g) Composition of Multiple Member Bodies - All multiple member bodies when established shall be composed of an odd number of members.
- (h) Associate Members – Except as otherwise provided by applicable law, Aall multiple member bodies may establish, and select one or more positions of non-voting associate member to assist in the work of the multiple member body subject to such rules as may be adopted in accordance with this section.
- (i) Subcommittees - Except as otherwise provided by applicable law, all multiple member bodies may establish, appoint, and oversee or one or more subcommittees as they deem necessary for the purpose of carrying out their duties.
- (j) Organization of Multiple Member Bodies - All multiple member bodies shall annually elect from among its members a Chair, Vice Chair and, as needed, a Clerk.

*The proposed changes 1) remove language that conflicts with the current open meeting law with regard to the posting of agendas; 2) simplify the charter with references to existing law rather*

*than restating those laws; 3) remove the requirement for votes to be affirmative votes of the majority of the committee, rather than a majority of those present; 4) clarify that boards can appoint associate members and subcommittees; and 5) require an annual reorganization of every board.*

## **ARTICLE 11. Charter Change – Elected Officials**

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article III entitled “Elected Officials”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~striketrough~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3's affirmative vote**

(Charter Review Committee)

### **Section 3-1: General Provisions**

#### **(g) Recall of Elected Officers**

- (1) Who Can Be Recalled - Any holder of an elective office, as defined in Section 3-1(a), who has served at least six months of, and has at least six months remaining of, the term for which elected, may be recalled therefrom by the voters as herein provided.
- (2) Recall Petition - Any two hundred or more voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled, the position held, and a statement of the grounds for recall. If the affidavit shall be found and certified by the registrars of voters to be sufficient, the town clerk shall within ~~two~~ five business days notify the primary petitioner, who shall be the voter first named on such affidavit, that copies of such petition blanks are available at the office of the town clerk during normal business hours. deliver to the first ten voters named on such affidavit, copies of petition blanks demanding such recall. The petition blanks when issued shall be signed by the town clerk and shall have the official town seal attached ~~thereto and may be completed by hand or by typewriting.~~ The petition blanks shall be dated, addressed to the select board and contain the names of the ten voters first named ~~all persons to whom they are issued,~~ the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within thirty days after the date the clerk notifies the primary petitioner of the availability of the petition, or the next business day if the thirtieth day falls on a Saturday, Sunday or legal holiday. The clerk shall notify the primary petitioner of

the final date and hour for filing. The recall petition shall be signed by not less than ~~delivery of the petition blanks to the petitioners and shall have been signed by at least fifteen~~ 15 percent of the voters as of the last annual town election and every signature shall include the place of residence of the signer with ~~who shall add to their signatures~~ the street and number, if any, of their residence.

The town clerk shall, prior to 5:00 p.m. within the next two business days following the receipt of an affidavit or petition under this section, submit the affidavit or petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters.

- (3) Select Board's Action Upon Receiving Petition - If the petition shall be found and certified by the registrars of voters to be sufficient, the town clerk shall submit the same with a certificate so stating to the select board without delay. The select board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five business days thereafter, order an election to be held on a date fixed by the select board not less than thirty five days nor more than sixty days after the date of the town clerk's certificate that a sufficient petition has been filed. However, if any other town election is to occur within ninety 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 a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
- (4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to succeed to the office in the event the vote on the recall is in the affirmative. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.
- (5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. If recalled, such person shall be deemed removed upon the qualification of the successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.
- (6) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer) [office held]  
Against the recall of (name of officer) [office held]

Immediately to the right of each proposition there shall be a ~~square~~ space in which the voter, ~~by making a cross mark (X)~~, may vote for either of the said propositions. Just above the space, there shall appear the direction “Vote for 1”. Under the propositions shall appear the word “candidates” and the direction “Vote for 1”, the directions to voters required by Section 42 of Chapter 54 of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. The proposition for the recall shall fail unless greater than twenty five percent of the voters cast ballots at the election. If at least two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If less than two-thirds of the votes cast is in the affirmative, the ballots for candidates need not be counted.

- (7) Repeat of Recall Petition - No recall petition shall be filed against an officer subjected to a recall election and not recalled thereby during the remainder of such officer’s then current term of office.
- (8) Appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within two years after such recall or such resignation.

*The proposed changes to Section 3-1(g) modernize and clarify the procedures to be used in the event of a petition to recall an elected official.*

## **ARTICLE 12. Charter Change – General Provisions**

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article VII entitled “General Provisions”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~striketrough~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

### Section 7-5: Definitions

- (g) Town Bulletin Board - The place designated by the ~~town clerk~~ select board for posting notices required by bylaw, charter, constitution or general law and any other

location designated by the select board from time to time. May also be referred to as the “official bulletin board.”

(a)(h) Voter – The word “voter” shall mean a registered voter of the town.

(i) Master Plan – the plan developed in accordance with chapter 41, Section 81D of the General Laws, and other applicable law. May also be referred to as “comprehensive plan”.

*The proposed changes to Section 7-5(g) clarify the definition of the “town bulletin board”. The proposed change to Section 7-5(h) corrects a typographical error. The proposed changes to Section 7-5(i) clarify the definition of “master plan” and provide for the alternative use of the term “comprehensive plan”.*

### **ARTICLE 13. Charter Change – Administrative**

To see if the Town will vote, pursuant to General Laws c. 43B, §10, and §§7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter Article V entitled “Administrative Organization,” and Article VI entitled “Finance and Fiscal Procedures,” as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~strike through~~; provided however, that in accordance with G.L. c. 43B, §10, these proposed amendments shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**  
(Charter Review Committee)

#### **Section 5-1: Organization of Town Agencies**

- (b) Administrative Code - Subject only to express prohibitions in the General Laws or this charter, the town administrator, after consultation with the select board, may from time to time prepare and submit to the town meeting a plan of organization or reorganization to consolidate, abolish, or reorganize any town agency, in whole or in part, establish such new town agencies as is deemed necessary to the same extent as is provided in Section 5-1(a) for bylaws, and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another, provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

Whenever the town administrator prepares such a plan, the select board shall hold one or more public hearings on the proposal giving notice by publication on the town bulletin board ~~in a newspaper of general circulation in the town~~, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held not less than seven ~~nor more than fourteen~~ days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of 60 ~~sixty~~ days following the date of the town meeting at which the proposal is approved by a majority vote. The town meeting may vote only to approve or disapprove the plan and may not vote to amend or alter the plan in any substantive manner.

Section 6-2:                    Submission of Budget and Budget Message

- (a) At least 30 ~~sixty~~ days prior to the date scheduled for town meeting in accordance with the bylaws, the town administrator, after consultation with the select board, shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town administrator shall simultaneously provide for the publication, ~~in a newspaper of general circulation in the town~~ on the town bulletin board and/or website (if different), of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the operating budget for the current fiscal year and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

Section 6-5:                    Action on the Budget

- (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget, the finance committee shall provide for the publication on the town bulletin board ~~in a newspaper of general circulation in the town~~ of a notice stating the time and place, not less than seven ~~nor more than fourteen~~ days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

Section 6-6:                    School Committee Budget

- (a) Public Hearing: The local school committee shall conduct a public hearing on its proposed annual budget not less than seven days prior to the meeting at which it is scheduled to vote on such budget. Notice of the public hearing shall be published on the town bulletin board ~~in a newspaper of general circulation in the town~~ not less than seven days prior to the hearing. The notice shall contain a general summary of its proposed budget and shall specifically indicate any major variations from the budget for the then current fiscal year and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public.

*Communities are increasingly challenged by this newspaper requirement as they no longer have newspapers of general circulation in the community.*

*The proposed changes to section 5-1(b) removes the requirement for newspaper posting of notices, allowing them to be posted on the designated bulletin board for the town. Increasingly communities are challenged by this newspaper requirement as they no longer have newspapers of general circulation in the community.*



*The proposed change to section 6-2 and section 6-5 decreases the time for the budget to be made public from 60 to 30 days before town meeting and provides that the summary of the budget be made available to the public on the town bulletin board.*

## **ARTICLE 14. Charter Change – Select Board Appointments and to Vest Authorities for Cemeteries and Streets in Director of Public Works**

To see if the Town will vote, pursuant to General Laws c. 43B, §§10 and 11 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article V titled “ADMINISTRATIVE ORGANIZATION”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. **Requires 2/3’s affirmative vote**  
(Charter Review Committee)

### Section 5-5: Town Administrative Organization

Until such time as a different form of organization shall be provided, in accordance with the provisions of Section 5-1 of this charter, the following outline of organization shall be operative:

- (a) The select board ~~of selectmen~~ shall appoint:
- ~~a town administrator and assistant town administrator to serve for an indefinite;~~
  - ~~an administrative assistant to the board of selectmen and town administrator whose duties shall be determined by said board;~~
  - a conservation commission;
  - an open space committee;
  - a board of registrars of voters ~~in the manner provided by general law;~~
  - a zoning board of appeals;
  - a council on aging, ~~as provided by bylaw;~~
  - a development and industrial commission, ~~as provided by bylaw;~~
  - ~~an industrial development finance commission in the manner provided by general law~~
  - a cable television advisory committee;
  - ~~a public, education and government committee;~~
  - a cultural council ~~as provided by general law;~~
  - ~~a board of cemetery trustees;~~
  - constables;
  - an emergency management officer and related personnel;
  - an historical commission;
  - ~~a superintendent of streets and employees of said department;~~
  - a director of public works, who shall be vested with the powers of cemetery commissioners and superintendents of streets in the General Laws;
  - a police chief and other police officers;
  - a fire chief and other full time fire fighting personnel or a board of fire engineers;
  - a forest fire warden;
  - a town collector and treasurer;

a town accountant;  
an inspector of buildings;  
a zoning enforcement officer;  
a wire inspector, a plumbing inspector and a gas inspector;  
a sealer of weights and measures;  
a recreation commission;  
~~at least two~~ members of the Lake Boon Commission as provided by law;  
town counsel;  
the Randall Relief Fund Trustees;  
the Randall Town Fund Trustees;  
the Hale School Fund Trustees;  
a surveyor of wood and lumber;  
a fence viewer;  
~~a field driver~~;  
a tree warden;  
~~a pest control officer~~;  
a veterans' ~~agent~~-service officer; ~~and~~  
a veterans' graves committee,  
a municipal affordable housing trust,

and such other offices, employees, and committees as defined by law; or section 3-2(d) and any other relevant sections of this charter.

Consistent with applicable laws and any trust provisions, the town may regulate by bylaw the number, composition, term, and duties of any committee listed in this section; and any committee listed herein may be discontinued in the same manner as it was established.

*This article incorporates the changes the Charter Review Committee are recommending and makes the final changes needed to consolidate the Highway and Cemetery Departments into a Department of Public Works. Should Article 3 not pass – this article will be tabled.*