

1 PLYMOUTH TOWN CHARTER-

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95  
96

97 **PREAMBLE**

98 We, the people of the ~~town~~Town of Plymouth, Massachusetts, in order to reaffirm the  
99 customary and traditional liberties of the people with respect to the conduct of our local  
100 government, do hereby combine ourselves together into a civil body politic, for our better  
101 ordering and preservation and by virtue, hereof do enact, constitute, and frame, this home  
102 rule charter for the general good of the ~~town~~Town.

103 It is the mission of the government of the Town of Plymouth:

104 1. To promote direct and inclusive democracy for all the citizens of Plymouth, and to  
105 encourage their participation in the governance of the Town.

106 2. To provide its citizens with an efficient and benevolent government that supports the  
107 creation and maintenance of equitable housing, provides education and employment  
108 opportunities, ensures public health and safety and is in harmony with, balanced by and  
109 protective of our natural environment.

110 3. To provide the infrastructure required to support an exceptional quality of life for its  
111 citizens: including facilities, public works, parks and open space.

112 4. To provide for long-range planning to assess the status of the purposes above, and  
113 proactively provide for adaptations to meet those goals.

114 To this mission, we the people of Plymouth, assert our willingness to have, exercise and enjoy  
115 all the rights, immunities, powers and privileges and be subject to all the duties and  
116 obligations provided for in this Charter, to live and grow in freedom, dignity and tranquility.

117 **CHAPTER 1**

118 **POWERS OF THE TOWN**

119 Section 1 Incorporation

120 1-1-1 The present Town of Plymouth, Massachusetts, within its territorial limits as now or may  
121 hereafter be established by law, is hereby continued as a body politic and corporate under  
122 the name Town of Plymouth.

123 Section 2 Scope of Town Powers

124 1-2-1 The town shall possess, exercise and enjoy all powers possible under the constitution  
125 and laws of the Commonwealth of Massachusetts as fully and completely as though they  
126 were expressly enumerated in this Charter.

127 Section 3 Form of Government

128 1-3-1 This Charter provides for the representative ~~town meeting-selectmen-town manager form~~  
129 Town Meeting-Select Board-Town Manager form of government.  
130 ~~of government.~~

131 Section 4 Construction of Charter

132 1-4-1 The powers of the town under this Charter shall be construed liberally in favor of the  
133 town and the specific mention of particular powers in this Charter shall not be construed as  
134 limiting in any measure the general powers of the town as stated in this chapter.

135 Section 5 Intergovernmental Relations

136 1-5-1 Consistent with any constitutional or statutory provision, the Town of Plymouth may  
137 exercise any of its powers or perform any of its functions, and may participate in the financing  
138 thereof, jointly or in cooperation, by contract or otherwise, with any one or more  
139 municipalities, civil divisions, subdivisions or agencies of the Commonwealth, other states or  
140 the United States government.

141 Section 6 Definitions

142 1-6-1 Unless another meaning is clearly apparent from the manner in which the word is used,  
143 the following words as used in this Charter shall have the following meanings:

144 a) By-law - The word "by-law" shall mean any by-law of the Town duly adopted by the Town  
145 Meeting or continued in effect as provided herein.

146 b) Charter - The word "Charter" shall mean this Charter and any amendments to it made  
147 through any of the methods provided under article LXXXIX of the amendments to the State  
148 Constitution.

149 c) Commonwealth - The word "Commonwealth" means the Commonwealth of  
150 Massachusetts.

151 d) COPC - refers to Committee of Precinct Chairs

152 e) Days - The word "days", unless ~~Unless~~ otherwise provided by law, bylaw, or this charter, when  
153 a time limit is less than seven (7) days, the word "days" shall refer to business days, not  
154 including Saturdays, Sundays, and legal holidays ~~when the time set is less than seven days; when~~  
155 ~~the.~~ When the time ~~set~~ limit is seven (7) days or more, every day shall be counted. When the  
156 last day falls on a Saturday, Sunday or legal holiday, the period shall be extended ~~to~~ until the  
157 ~~end of close of business at Plymouth Town Hall on~~ the next day ~~which~~  
158 that is not a Saturday, Sunday, or legal holiday.

159 ~~ef)~~ Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen  
160 happening, occurrence, event or condition which necessitates immediate action.

161 ~~fg)~~ Financial Interest - The words "financial interest" shall be determined pursuant to the  
162 interpretation of the term "financial interest" by the State Ethics Commission and applicable  
163 reported appellate court decisions. The "financial interest" of a Town Agency shall be defined  
164 as any particular warrant article and related motions or votes, which specifically refer to said  
165 Town Agency.

166 ~~gh)~~ Majority Vote - The words "majority vote" shall mean a majority of those present and  
167 voting in any body, provided that a quorum of the body is present.

168 ~~hi)~~ Multiple-Member Body - The words "multiple-member body" shall mean any board,  
169 commission or committee or subcommittee thereof consisting of two or more persons  
170 authorized to act collectively, whether elected or appointed but shall not include ~~town~~  
171 ~~meeting~~ Town Meeting.

172 j) Quorum - The word "Quorum", unless otherwise required by law or this Charter, shall mean  
173 a majority of the members of a multiple member body notwithstanding any vacancies, ~~which~~  
174 that might then exist.

175 k) Select Board - The words "Select Board" shall mean the Board of Selectmen as used for all  
176 purposes in the State Constitution, and general and special laws and in the Town by-laws and  
177 rules and regulations.

178 l) Select PersonBoard Member - the words "Select PersonBoard Member" shall mean a person  
179 elected to and currently serving on the Select Board. The definition of Select Board Member  
180 includes both At-Large Members and District Members of the Select Board pursuant to  
181 Chapter 3, Section 1, of this Charter.

182 m) Town - The word "Town" or "town" shall mean the Town of Plymouth.

183 n) Town Agency - The words "town agency" or "Town Agency" shall mean any board,  
184 commission, committee, department, or office of the Town government, whether elected,  
185 appointed or otherwise constituted.

186 o) Town Officer - The words "Town officer" or "Town Officer" or "town officer" shall mean an  
187 elected or appointed official of the Town who in the performance of his or her duties of office  
188 exercises some portion of the sovereign power of the Town, whether great or small. A person  
189 may be a Town officer whether or not the Town compensates that person.

190 p) Voters - The word "Voters" or "voters" shall mean registered voters of the Town.

191 q) Website - The word "Website" shall mean the electronic site officially owned and  
192 maintained by the Town of Plymouth and containing information concerning Town business.

## 193 **CHAPTER 2**

### 194 **THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING**

195 Section 1 Division of the Town into Precincts

196 2-1-1 The town shall be divided into voting precincts ~~which shall contain, as nearly as possible, as~~  
197 prescribed by state law.

198 ~~an equal number of inhabitants. Each voting precinct shall be composed of compact and~~  
199 ~~contiguous territory, as prescribed by general law.~~

200 a) In every year ending in a nine (9), there shall be appointed a Precinct Advisory  
201 Committee of 10 members, 5 of whom shall be appointed by the Select Board and 5 of  
202 whom shall be appointed by the COPC described in Section 2-6-4. The Town Clerk or  
203 the Town Clerk's designee shall serve as a nonvoting member ex officio. The Select  
204 Board shall not appoint multiple members from the same precinct, and the COPC  
205 shall not appoint multiple members from the same precinct.

206 b) Upon request of the COPC, or upon its own initiative, the Select Board and COPC may  
207 appoint the Precinct Advisory Committee as provided in subsection (a), as early as 5  
208 years prior to the decennial precinct review.

209 c) The Precinct Advisory Committee shall study the Town's precincts and population  
210 prior to the release of the final results of the decennial federal census, shall review the  
211 final results of the decennial federal census upon receipt, and shall propose any  
212 changes in precincts that the Committee deems necessary to the Select Board. The  
213 Precinct Advisory Committee shall hold one or more public hearings to solicit public  
214 input.

215 Section 2 Composition, Membership, and Eligibility

216 2-2-1 The town shall have a ~~representative town meeting~~Representative Town Meeting which  
217 shall consist of ~~representative~~

218 ~~town meeting members~~Representative Town Meeting Members who are elected for three-year  
219 (3) overlapping terms. The number of

220 ~~representative town meeting members~~Representative Town Meeting Members shall be  
221 determined as follows: Each precinct shall elect (9) ~~members~~Representative Members; this  
222 provision shall be implemented by each precinct electing three (3) members in each annual  
223 town election occurring after the effective date of this Charter. Should the number of  
224 precincts in the town change, the total number of regular ~~town meeting~~Town Meeting  
225 members shall increase or decrease accordingly.

226 2-2-2 Any registered voter of the town shall be eligible for election to ~~town meeting~~  
227 Representative Town Meeting membership.

228 2-2-3 The ~~town clerk~~Town Clerk shall serve as clerk of the ~~representative town~~  
229 ~~meeting~~Representative Town Meeting. The ~~town clerk~~

230 Town Clerk shall cause notice of all ~~meetings~~Town Meetings to be posted in the ~~town hall~~Town  
231 Hall, in the ~~town's~~Town's libraries and posted

232 ~~onto~~ the ~~town's~~Town's website and take reasonable efforts to post to the Town's social media  
233 sites. The ~~town~~

234 ~~clerk~~Town Clerk shall mail copies of the notice to the place of residence or provided mailing  
235 address or provided email address of all ~~representative town meeting~~



236 ~~members~~Representative Town Meeting Members, citing the place, date and time of the  
237 meeting.

238 2-2-4 (a) The Select Board shall ensure that a video recording of all Town Meeting sessions is  
239 created, along with a text record that includes time stamps when each warrant article is  
240 introduced by the moderator.

241 2-2-4 (b) The Town Clerk shall ~~keep a~~ensure that detailed ~~journal of all representative town~~  
242 ~~meeting minutes of all Town Meetings shall be created. Such minutes shall contain, at a~~  
243 ~~minimum, the warrant articles, and the action taken on each warrant article. The Town Clerk's~~  
244 ~~Minutes shall be deemed the official Minutes of the Town Meeting.~~

245 ~~proceedings and perform such other duties as may be assigned by this Charter, by law, or vote of~~  
246 ~~the representative town meeting.~~

247 2-2-4 (c) The Town Clerk shall be the custodian of both the video records and the minutes  
248 specified in subsections (a) and (b), and such records shall be stored in a location that is  
249 accessible for unrestricted public viewing.

250 2-2-5 Representative ~~town meeting members~~Town Meeting Members shall serve without  
251 compensation or monetary allowance for any expenses incurred in the performance of their  
252 duties.

253 2-2-6 Representative ~~town meeting members~~Town Meeting Members shall occupy sections  
254 assigned to them by the Town Clerk in a section of the hall which has been reserved  
255 exclusively for them.

256 2-2-7 Any ~~representative town meeting~~Representative Town Meeting member who is unable to  
257 attend a ~~representative town~~  
258 ~~meeting~~Representative Town Meeting session shall provide written or electronic notice of his  
259 or her anticipated absence, and the expected duration of the absence, to the Town Clerk  
260 prior to such session.

261 2-2-8 After the final adjournment of every Town Meeting, the Town Clerk shall post a  
262 complete attendance record ~~and voting record on the bulletin board at Town hall, in the Town's~~  
263 ~~libraries,~~ on the Town's website, ~~and on the Town's social media.~~

264

265

266 2-2-9 The Town Clerk shall publish the contact information provided by all Representative  
267 Town Meeting Members, including: address, phone number, eMail and email address ~~and the~~  
268 Each Representative Town Meeting Member shall receive a printed copy of the Advisory and  
269 Finance Committee report during ~~their~~ the Member's term of office unless the member  
270 indicates otherwise; provided statutory authority for withholding any of the information shall  
271 not be affected by this section.

272 Section 3 Powers

273 2-3-1 The ~~representative town meeting~~ Representative Town Meeting shall exercise all  
274 legislative powers of the town.

275 2-3-2 The ~~representative town meeting~~ Representative Town Meeting shall consider and act  
276 upon all proposed by-laws that are brought before Representative Town Meeting by action  
277 taken in accordance with applicable law, this Charter, and all applicable bylaws.

278 2-3-3 The ~~representative town meeting~~ Representative Town Meeting shall have the power to  
279 consider and act upon, pursuant to its legislative authority, with or without amendments, all  
280 proposed operating and capital improvement budgets, bond issues, and all other financial  
281 proposals of the town and such other matters as prescribed by law and all matters that  
282 appear on the town warrant, except as otherwise provided by general law.

283 ~~2-3-4 The Committee of Precinct Chairs described in Section 2-11-4 may from time to time~~  
284 ~~appoint subcommittees of itself or committees of Town Meeting members to review town bylaws, town~~  
285 ~~meeting rules, the status of past Town Meeting actions, and for such other purposes~~  
286 ~~as they shall deem appropriate and shall make recommendations to the Representative Town~~  
287 ~~Meeting and/or the moderator at least annually. The committee also may perform other duties~~  
288 ~~designated to facilitate the business of town meeting. In addition to any other powers conferred~~  
289 ~~upon it by the representative town meeting, the Committee of Precinct Chairs shall periodically~~  
290 ~~review the rules of procedure that govern the conduct of the representative town meeting and~~  
291 ~~report its finding to the representative town meeting at least annually.~~

292 ~~2-3-5 The precinct chairpersons shall meet together within thirty (30) days following each Town~~  
293 ~~election, and shall organize as a Committee of Precinct Chairs, electing a Chairperson, Vice~~

294 ~~Chairperson and a Clerk.~~

295 Section 4 Procedures

296 2-4-1 The ~~representative town meeting~~Representative Town Meeting shall be scheduled to  
297 meet at least ~~twice (2)~~three (3) times in each calendar year. The first such meeting, the ~~spring~~  
298 ~~annual representative town meeting~~Spring Annual Representative Town Meeting, shall be  
299 convened during the period of March through April, at a time fixed by by-law.

300 The ~~spring annual representative town~~  
301 ~~meeting~~Spring Annual Representative Town Meeting shall be concerned primarily with the  
302 determination of all matters that concern raising, appropriating, or transferring funds,  
303 including, but not limited to, the adoption of an annual operating budget covering all town  
304 agencies. The second such ~~meeting~~Representative Town Meeting shall be held during the last  
305 four calendar months of each calendar year, at a time fixed by by-law.

306 A third Town Meeting may be scheduled for January of the calendar year following the  
307 Spring Annual Meeting; provided, however, this Town Meeting may be waived by a joint  
308 majority vote of the Select Board and the COPC. The vote to waive such meeting shall be  
309 taken no later than thirty (30) days prior to such January Town Meeting.

310 The second and third Town Meetings shall be conducted under the requirements and  
311 procedures and have all the powers and standing of an Annual Town Meeting.

312 The budget, as adopted at the spring annual representative ~~town meeting~~Town Meeting, may  
313 be reopened by a citizen-petitioned article pursuant to G.L. c.39, § 10, or any other  
314 applicable law.

315 As provided by G.L. c.39, §10, (i) the Select Board may, at any time upon at least fourteen days  
316 prior notice, call a special ~~town meeting~~Town Meeting, and (ii) the Select Board shall call a  
317 special ~~town~~

318 ~~meeting~~Town Meeting upon the request in writing of two hundred registered voters, such  
319 meeting to be held not later than forty-five days after receipt of such request, and the Select  
320 Board shall insert in the warrant therefor all subjects the insertion of which shall be  
321 requested by said petition.

322 ~~warrant therefor all subjects the insertion of which shall be requested by said petition.~~

323 2-4-2 The quorum necessary for the conduct of ~~representative town meeting~~ Representative  
324 Town Meeting business shall be two-thirds (2/3) of the total number of elected ~~representative~~  
325 ~~town meeting members~~ Representative Town Meeting Members. A majority of those present  
326 may adjourn any meeting forthwith to a stated date, time, and place, but no Town Meeting  
327 shall adjourn over the date of an election of Town Meeting Members.

328 2-4-3 The ~~representative town meeting~~ Representative Town Meeting shall always operate in  
329 open session and secret ballots shall not be allowed.

330 2-4-4 The order of consideration of the articles on the warrant may be changed only by a  
331 ~~two-thirds~~ two-thirds (2/3) vote of those present and voting.

332 2-4-5 The ~~representative town meeting~~ Representative Town Meeting may adopt rules and  
333 regulations relating to its procedures and its methods of operation which shall be  
334 implemented by the Moderator, and other persons as applicable.

335 2-4-6 An electronic roll call vote shall be required for:

336 a) all final main motions on every warrant article and on any matters with respect to the  
337 following subjects: adoption or amendment of zoning by-laws; adoption or  
338 amendment of general by-laws; and fiscal matters which are defined as any  
339 appropriation, borrowing, fund transfer or the creation of or re-authorization of such  
340 enterprise or revolving funds as may be authorized by state law; ~~provided, however, that~~  
341 in the or

342 b) for all motions to close debate, provided, however, that in the event of a vote which  
343 the Moderator reasonably believes is likely to be near unanimous, the Moderator may  
344 elect to take a verbal roll call of only those voting in the minority. In the event that the  
345 electronic voting system is unavailable, or determined in the Moderator's sole  
346 discretion to be malfunctioning, the Moderator may provide for a manual roll call vote  
347 in place of an electronic roll call.

348 ~~2-4-7 An electronic roll call vote shall be required for all motions to close debate; provided,~~  
349 ~~however, that in the event of a vote which the Moderator reasonably believes is likely to be near~~  
350 ~~unanimous, the Moderator may elect to take a verbal roll call of only those voting in the~~  
351 ~~minority. In the event that the electronic voting system is unavailable, or determined in the~~

352 ~~Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll~~  
353 ~~call vote in place of an electronic roll call.~~

354 Section 5 Attendance of Representative Town Meeting Members

355 2-5-1 Representative ~~town meeting members~~ Town Meeting Members shall attend all  
356 ~~representative town meeting~~  
357 Representative Town Meeting sessions. Each calendar day during which any portion or  
358 portions of a ~~representative town~~  
359 ~~meeting~~ Representative Town Meeting or meetings is/are conducted shall be deemed to be a  
360 single "~~representative town~~  
361 ~~meeting~~ Representative Town Meeting session.".

362 2-5-2 During each ~~representative town meeting~~ Representative Town Meeting session, the Town  
363 Clerk shall cause the attendance to be taken prior to the commencement of the session. A  
364 record of those in attendance shall be kept open until the end of each ~~representative town~~  
365 ~~meeting~~ Representative Town Meeting session to enable latecomers to be recorded as  
366 present. The attendance record shall be public and be made part of the  
367 ~~representative town meeting~~ Representative Town Meeting proceedings.

368 2-5-3 A ~~representative town meeting member~~ Representative Town Meeting Member who moves  
369 from the town shall cease to be a ~~town~~  
370 ~~meeting~~ Representative Town Meeting member and a ~~representative town meeting~~  
371 ~~member~~ Representative Town Meeting Member who moves from the precinct from which the  
372 ~~representative~~ Representative was elected, to another precinct may serve only until the next  
373 annual  
374 ~~town meeting~~ Town Meeting. The ~~town clerk~~ Town Clerk may also declare the seat vacant if the  
375 registrars of voters, under sections 47B, 48 and 49 of chapter 51 of the General Laws or any  
376 other applicable law, determine that the ~~representative town meeting member~~ Representative  
377 Town Meeting Member is illegally or incorrectly registered to vote in that precinct.

378 Section 6 Precinct Caucuses

379 2-6-1 The Representative Town Meeting Members from each precinct shall, within

380 fourteen (14) days following each town election, meet and elect from among their own  
381 precinct's Representative Town Meeting Members, a chairperson, vice-chairperson, and  
382 clerk, to serve for a term of one (1) year, and shall file a notice of such organization with the  
383 Town Clerk. If the Town Clerk fails to receive a notice of organization within sixteen (16)  
384 days following a town election, the Town Clerk shall immediately call a meeting of the  
385 Representative Town Meeting Members from such precincts that have failed to organize, for  
386 the purposes of organizing.

387 2-6-2 Each precinct delegation shall hold a caucus meeting for the purpose of  
388 reviewing the subject matter of the upcoming representative Town Meeting. Caucus  
389 meetings may be held in conjunction with other precinct delegations. In addition, the  
390 precinct chairperson shall be able to call caucus meetings of the precinct delegation for any  
391 purpose in furtherance of Town Meeting or to discuss town and precinct matters, as needed.

392 2-6-3 Each precinct chairperson shall arrange for the posting of notices of caucus meetings in  
393 town hall and on the town's website. The Open Meeting Law as established by  
394 Massachusetts General Laws Chapter 30A, Section 20, shall apply to caucus meetings held  
395 under this section.

396 2-6-4 The precinct chairpersons shall meet together within twenty (20) days following each  
397 town election, and shall organize as a COPC, electing a Chairperson, Vice Chairperson, and a  
398 Clerk.

399 Section 7 Committee of Precinct Chairs (COPC)

400 2-7-1 The COPC described in Section 2-6-4 shall function as a Town Meeting standing  
401 committee, whose purpose is to establish legislative branch continuity between Town  
402 Meetings and provide a voice for the legislative branch as a co-equal branch of government.

403 2-7-2 In furtherance of its purpose and mission, the Committee shall keep  
404 Representative Town Meeting Members informed about warrant articles, make  
405 recommendations concerning Town Meeting rules and procedures, facilitate oversight of  
406 articles passed by Town Meeting, review Town bylaws, and participate in other such  
407 activities as the Town Meeting or the Committee shall deem appropriate to support Town  
408 Meeting. The Town Manager shall provide support personnel to assist the Committee in  
409 carrying out its assigned duties.

410 2-7-3 The Committee shall make recommendations to Town Meeting on all warrant articles  
411 that it deems to be non-financial in nature. The Committee Chair will present the  
412 recommendations of the COPC to Town Meeting.

413 2-7-4 The Committee may, with a two-thirds vote, request that the Select Board call a  
414 Special Town Meeting within thirty (30) days.

415 2-7-5 The Committee shall make appointments to the Finance Committee as provided in  
416 Section 2-12-1, to the Charter Review Committee as provided in Section 8-6-1 and to other  
417 committees as provided by bylaw or vote of Town Meeting.

418 2-7-6 The Committee may from time to time appoint subcommittees of its own members f or  
419 committees of Representative Town Meeting Members to fulfill its duties under this section.

420 2-7-7 At least quarterly, the Committee shall report on its activities to all  
421 Representative Town Meeting Members, the Town Moderator, and the Select Board.  
422 The Committee shall meet jointly with the Select Board at least quarterly. The Committee  
423 and the Select Board may schedule additional joint meetings by a majority vote of both the  
424 Committee and the Select Board.

#### 425 Section 8 Moderator

##### 426 2-~~68~~-1 Election of Town Moderator

427 A Moderator shall be elected at the regular town electionsannual Town Meeting in the  
428 year that the incumbent Moderator's term expires. The incumbent Moderator shall preside  
429 over the spring annual Town Meeting, during which Representative Town Meeting Members  
430 shall elect one registered voter to serve as Moderator of all Town Meetings, except as  
431 otherwise provided by law, for a term of three (3) years or until a successor is elected and  
432 qualified. The Town Clerk, or the Assistant Town Clerk in the absence of the Town Clerk, or  
433 a person so designated by the Town Clerk, shall preside over the vote to elect a Town  
434 Moderator during the Annual Town Meeting. The list of candidates for the position  
435 of Moderator, as filed pursuant to Section 5-5-1 of this Charter, shall be  
436 announced at the beginning of such Town Meeting by such person presiding  
437 over the election of the Town Moderator. Voting shall be open during the first hour

438 of Town Meeting and election results shall be announced after the conclusion of the  
439 annual Town Meeting. The newly elected Moderator shall take office at the conclusion of the  
440 Town Meeting at which the Moderator is elected.

441 2-68-2 The Moderator shall have no vote on Town Meeting business, unless the ~~representative~~  
442 ~~town meeting members~~Representative Town Meeting Members present, and voting are equally  
443 divided.

444 2-68-3 The Moderator shall preside at all representative ~~town meeting~~Town Meeting sessions  
445 and shall perform such other duties as may from time to time be assigned to the office  
446 through by-law or vote of the representative Town Meeting.

447 ~~the representative town meeting.~~

448 2-68-4 Following the raising of a point of order at any Town Meeting, a motion to appeal the  
449 ruling on such point of order shall be allowed by the Moderator and shall be decided by a  
450 ~~two-thirds~~two-thirds (2/3) vote of the present and voting Town Meeting.

451 2-68-5 Promptly following the annual Town Meeting election of Town Moderator, the  
452 Moderator shall appoint an Assistant Moderator for a term commencing at the first Town  
453 Meeting following such ~~annual~~ election, or at such time as a vacancy occurs, and ending on  
454 the date ~~of that~~ the ~~annual Town election in the~~

455 ~~following year~~Moderator's term expires. Such appointment shall be subject to the approval of

456 ~~such~~the Town Meeting. The Assistant Moderator shall substitute for the Moderator in the

457 event that the Moderator is absent from a Town Meeting session, is recused due to a conflict

458 of interest, or at the discretion and request of the Moderator, and shall carry out the duties of

459 the Moderator excluding any exercise of appointing authority. In the event that the

460 Moderator ~~cannot carry out the duties of his office by reason of death or disability~~is not able to

461 serve, then the Assistant Moderator shall ~~carry out~~assume all of the duties of the office of

462 Moderator. The Assistant Moderator position shall be uncompensated except in the event of

463 the ~~death or disability~~inability to serve of the Moderator.

464 ~~Moderator.~~

465 2-68-6 The Town Manager shall provide support personnel to assist the Moderator in carrying  
466 out the Moderator's assigned duties.



467 ~~Section 7 Rights of Non-Members~~

468 ~~2-8-7-1~~ Residents and taxpayers of the town may speak, but shall have no vote, on any article  
469 in a warrant subject to such procedural rules as the Moderator or Town Meeting may impose.  
470 Town Meeting may override the Moderator's rulings under this section by following the  
471 procedure outlined in Section 2-8-4.

472 Section ~~89~~ Compulsory Attendance

473 ~~2-89-1~~ All town officers, the Town Manager, the town engineer, chairpersons of elected and  
474 appointed boards, commissions, ~~and the Advisory and~~ Finance Committee, and all department  
475 heads or those officials' designated representatives, shall attend all ~~representative town~~  
476 ~~meeting~~Representative Town Meeting sessions. They shall have all the privileges of  
477 ~~representative town meeting members~~Representative Town Meeting Members, except the  
478 power to vote, unless they have been elected to the office of ~~representative town meeting~~  
479 ~~member~~Representative Town Meeting Member. The absence of any such person shall not  
480 invalidate the actions of the ~~representative town meeting~~Representative Town Meeting.

481 Section ~~910~~ Filling of Vacancies in Precinct Town Meeting Members

482 ~~2-910-1~~ The Town Clerk shall notify forthwith ~~the any~~ precinct of any vacancy which occurs in a  
483 precinct delegation.

484 ~~precinct delegation.~~

485 ~~2-910-2~~ The person who received the highest number of votes among the unsuccessful

486 ~~representative town meeting member~~Representative Town Meeting Member candidates not  
487 elected at the most recent election in the precinct shall fill the vacancy until the next regular  
488 election. If such person declines, or is unable to fill the vacancy, or if thirty (30) days pass  
489 without the candidate taking his or her oath of office, the person who received the next  
490 highest number of votes among the ~~unsuccessful~~

491 ~~representative town meeting member~~Representative Town Meeting Member candidates not  
492 elected at the most recent election, shall fill the vacancy.

493 If the vacancy cannot be filled ~~in this manner as described above~~, the precinct caucus  
494 delegation shall vote to fill the vacancy. If necessary, the Town Clerk shall call members of  
495 the precinct caucus delegation together by written notice and shall conduct the election.

496 Section ~~1011~~ Conflict of Interest

497 ~~2-1011-1~~ Notwithstanding any general or special law to the contrary, ~~any representative town~~  
498 ~~meeting member who also holds a position of employment by the town shall be~~ Representative Town  
499 Meeting Members are prohibited from voting on any ~~town meeting~~ article in which ~~such~~  
500 ~~employee, the member and/or such employee's department, an immediate family member~~ has a  
501 financial interest. Representative Town Meeting Members are also prohibited from voting on  
502 articles involving a financial interest of a business or organization other than the Town in  
503 which the Representative serves as an officer, partner, or employee.

504 Such ~~representative town meeting member~~ Representative Town Meeting Member shall notify  
505 the Town Clerk, in writing, prior to the ~~representative town meeting~~ Representative Town  
506 Meeting session or during such session at such time as such member becomes so aware, as  
507 to any articles giving rise to such financial interest. ~~This~~

508 ~~section shall apply to the annual budget article, or any later amendment thereto, as follows: The~~

509 ~~representative town meeting member~~ When such financial interest is attributed to a budget line  
510 item, the Representative Town Meeting Member is prohibited from voting on the budget line  
511 item ~~for his or~~

512 ~~her department or agency, but shall~~ is not ~~be~~ prohibited from voting on any other line item, or  
513 from voting on the overall budget appropriation.

514 ~~2-10-2~~ Notwithstanding any general or special law to the contrary, ~~no representative town~~

515 ~~meeting member shall vote on any town meeting article in which an immediate family member,~~

516 ~~or any business or organization in which the representative town meeting member serves as an~~

517 ~~officer, director, partner, or employee, or has a financial interest.~~ For purposes of this section,

518 Section 2-11-1, "immediate family member" shall be defined as the ~~representative town~~  
519 ~~meeting member~~ Representative Town Meeting Member, his or her spouse and each of their  
520 parents, children, brothers, and sisters. ~~Any such representative town~~

521 ~~meeting member shall notify the Town Clerk, in writing prior to the representative town meeting~~

522 ~~session, as to any articles giving rise to such financial interest.~~

523 2-~~10-311-2~~ For the purposes of Section ~~1011~~ of Chapter 2 of this Charter, the "financial  
524 interest" of a  
525 ~~representative town meeting member~~Representative Town Meeting Member shall be  
526 determined pursuant to the interpretation of the term "financial interest" by the State Ethics  
527 Commission and applicable reported appellate court decisions, which are hereby  
528 incorporated by reference. ~~The "financial interest" of a department~~  
529 ~~shall be defined as any particular warrant article and related motions or votes which specifically~~  
530 ~~refer to said department.~~

531 ~~Section 11 Caucuses~~

532 ~~2-11-1 The representative town meeting members from each precinct shall, within twenty (20)~~  
533 ~~days following each town election, meet and elect from among their own precinct's~~  
534 ~~representative town meeting members, a chairperson, vice-chairperson, and clerk, to serve for a~~  
535 ~~term of one (1) year, and shall file a notice of such organization with the Town Clerk. If the~~  
536 ~~Town Clerk fails to receive a notice of organization within twenty one (21) days following a~~  
537 ~~town election, the Town Clerk shall immediately call a meeting of the representative town~~  
538 ~~meeting members from such precincts that have failed to organize, for the purposes of~~  
539 ~~organizing.~~

540 ~~2-11-2 Each precinct delegation shall hold a caucus meeting for the purpose of reviewing the~~  
541 ~~subject matter of the upcoming representative town meeting. Caucus meetings may be held in~~  
542 ~~conjunction with other precinct delegations.~~

543 ~~2-11-3 Each precinct chairperson shall arrange for the posting of notices of caucus meetings in~~  
544 ~~town hall and on the town's website. Each such caucus meeting shall be conducted under the~~  
545 ~~open meeting law established by section 20 of chapter 30A of the General Laws.~~

546 ~~2-11-4 The precinct chairpersons shall meet together within forty five (45) days following each~~  
547 ~~town election, and shall organize as a Committee of Precinct Chairs, electing a Chairperson and~~  
548 ~~a Clerk.~~

549 Section 12 ~~Advisory and~~ Finance Committee

550 ~~2-12-1 An advisory and finance committee~~

551 2-12-1 There shall be a Finance Committee of 15 members, 5 of whom shall be appointed by  
552 the ~~moderator~~

553 Moderator for 3-year overlapping terms ~~and 10 of whom shall be appointed by the COPC~~  
554 for 3-year overlapping terms. There shall be no more than 3 members from each precinct of  
555 the town; provided, however, that in the event that the number of incumbent members from  
556 a particular precinct increases due to redistricting or the change in residency of that member  
557 or another, no incumbent member need be removed, and may serve out their respective  
558 terms. The

559 ~~advisory and finance~~ Finance Committee shall choose from its members a chairperson and fill  
560 ~~the any~~ other offices as it may create. ~~The moderator may fill any. Should a vacancy by occur, it~~  
561 shall be filled by the appointing authority responsible for initially appointing the member -  
562 the Moderator or COPC, respectively. The appointment ~~and the term of that~~

563 ~~appointment~~ shall be for the remainder of the unexpired term of the ~~person causing the vacancy.~~

564 member whose seat is now vacant. Persons not registered to vote in the Town of Plymouth,  
565 Town of Plymouth employees, and

566 ~~representative town meeting members~~ persons holding an elective office of the Town other than  
567 the office of Representative Town Meeting Member, shall not be eligible for appointment to,  
568 or service on, the Finance Committee.

569 ~~Advisory and Finance Committee.~~

570 2-12-2 (a) The ~~Advisory and~~ Finance Committee shall conduct 1 or more public hearings on the  
571 proposed operating and capital budget and shall issue its recommendations in a detailed  
572 written report that shall be electronically posted to the Town's website, and mailed by US  
573 mail to Representative Town Meeting Members, in both cases no later than fourteen (14)  
574 days prior to the scheduled date of the Town Meeting. In preparing its report, the committee  
575 may require any Town department, board or office to furnish it with appropriate financial  
576 reports and budgetary information. ~~(b) If~~

577 2-12-2 (b) If the ~~Advisory and~~ Finance Committee has failed to consider a warrant article, the  
578 Town Meeting may consider that article, provided that two-thirds of the Representative Town  
579 Meeting Members in attendance vote to do so.

580 ~~vote to do so.~~2-12-2 (c) If the article proponent has not appeared at a meeting of the Advisory  
581 and

582 Finance Committee to explain their article and answer reasonable questions with respect  
583 thereto, or with the permission of the Chair of the Committee, instead submitted a written  
584 explanation, the Town Meeting may act on that article, provided that two-thirds of the Town  
585 Meeting Members in attendance vote to do so.

586 2-12-2 (d) In the event that the ~~Advisory and~~ Finance Committee fails to timely issue its  
587 recommendations as required by 2-12-2 (a), the scheduled Town Meeting shall convene and  
588 then adjourn to a date that would allow the ~~Advisory and~~ Finance Committee to electronically  
589 post copies of its detailed written report no later than 14 days prior thereto; provided,  
590 however, that two-thirds of the Representative Town Meeting Members in attendance may  
591 instead vote to waive the 14-day posting requirement and proceed with the scheduled Town  
592 Meeting.

593 2-12-3 The ~~Advisory and~~ Finance Committee shall present the proposed budget to the  
594 Representative Town Meeting. The municipal budget presentation shall be organized in a  
595 format that allows separate votes by the Representative Town Meeting to encourage full  
596 transparency of recorded votes. The school budget may be presented in detail at a  
597 departmental level, but only the overall school budget shall be subject to a single vote by the  
598 Representative Town Meeting.

599 ~~representative town meeting.~~

600 2-12-4 ~~In the final month of the fiscal year, no department, commission, office or agency may~~  
601 ~~expend, except for amounts previously encumbered, more than one twelfth (1/12) of its annual~~  
602 ~~appropriation, unless expenditures have been approved by the Advisory and Finance Committee.~~

603 2-12-5 The ~~Advisory and~~ Finance Committee may appoint such subcommittees as it may deem  
604 advisable.

605 2-12-~~6~~5 The ~~Advisory and~~ Finance Committee shall have authority at any time to investigate the  
606 Town's accounts and management, and the books, records, and accounts of all departments

607 of the Town shall be open to the inspection of the ~~Advisory and~~ Finance Committee or any of  
608 its authorized subcommittees and any person employed by it.

609 Section 13 Legislative Oversight Committee

610 2-13-1 There shall be a Town Meeting Legislative Oversight Committee to track the status of  
611 articles passed by any Town Meeting.

612 2-13-2 The Committee shall be comprised of five members as follows: the COPC shall  
613 annually appoint three of its members to the Legislative Oversight Committee within 30 days  
614 following the close of the Town Meeting. The other members shall be the Town Manager or  
615 designee, and the Town Clerk or designee. Appointments to the Committee shall be made  
616 within 30 days following the Town Meeting.

617 2-13-3 In furtherance of its purpose, the Committee may interview one or more members of a  
618 multiple-member body or a Town Department Head and/or request any information that is  
619 within the scope of responsibility of that multiple-member body, officer, department head or  
620 employee in relation to the implementation and/or enforcement of Town Meeting Warrant  
621 Articles.

622 2-13-4 The Committee shall provide two status reports to all Representative Town Meeting  
623 Members regarding the status of implementation of Town Meeting Warrant Articles and any  
624 information regarding their implementation, enforcement, or impediments to  
625 implementation.

626 Each report shall contain an appendix prepared by the Town Manager that includes any  
627 articles still not implemented from prior Town Meetings and the most recent updates that  
628 may be available from prior reports on their status. The appendix shall be maintained and  
629 updated at least twice a year.

630 Such reports shall be filed as follows:

631 First Report: 180 days following Town Meeting

632 Second Report: 300 days following Town Meeting

633 2-13-5 At least twice a year, the Committee and the Select Board shall meet in a joint session  
634 to review the most recent Committee report and discuss any issues relating to  
635 implementation of Town Meeting Warrant Articles.

636 **CHAPTER 3**

637 **THE EXECUTIVE BRANCH: THE SELECT BOARD, THE TOWN MANAGER AND PLANNING**  
638 **BOARD**

639 Section 1 The Select Board: Composition and Terms

640 3-1-1 3-1-1A Select Board of ~~five (5)~~seven (7) members shall be elected as follows:

641 a) At-Large Members: There shall be four (4) at large members elected for three-year (3)  
642 overlapping terms.

643 b) District Members: There shall be three (3) district members elected for three-year terms.  
644 These members shall be elected during the same election year, with the inaugural term as  
645 specified in Section 9-6-1 and elected every three years thereafter.

646 c) Election: The regular election for the office of ~~selectman~~Select Board Members shall be  
647 held in accordance with Chapter Five of this Charter.

648 d) 3-1-2Vacancies: Vacancies in the office of ~~selectman~~at-large Select Board members shall be  
649 filled by special election in accordance with G.L. c. 41, § 10~~7~~, and any other applicable law.  
650 Vacancies in the office of district Select Board members shall be filled by special election in  
651 accordance with G.L. c. 41, s. 10, and any other applicable law; provided, however, that two  
652 hundred (200) registered voters of the town and 20 percent of the total number of registered  
653 voters shall be replaced by "100 registered voters of the district or 10 per cent of the total  
654 number of registered voters of the district", as follows:

655 "If there is a failure to elect or a vacancy occurs in the office of district Select Board  
656 member the remaining Select Board Members may call a special election to fill the  
657 vacancy and shall call such election upon the request in writing of one-hundred  
658 registered voters of district, or ten per cent of the total number of registered voters of  
659 the district, whichever number is the lesser; provided, that such request is filed with  
660 the Select Board at least one hundred days prior to the date of the next annual  
661 election."

662 e) Districts shall be initially determined as provided in Section 9-6-1 and may be revisited  
663 following the same procedure and timeframe used for determination of the town's precincts.  
664 Revisions made to precincts must also address adjustments to districts, as needed, to ensure,  
665 to the extent possible, that each district is composed of adjoining precincts that are to the  
666 extent possible, equal in the number of residents.

667 Section 2 Select Board: General Powers and Duties

668 3-2-1 The executive powers of the town shall be vested in the Select Board which shall be the  
669 chief executive body of the town. ~~It shall serve as the~~ The Select Board shall have all of the  
670 powers and duties given to boards of selectmen or Select Boards as may be authorized by  
671 the laws of the commonwealth, this Charter, and bylaws or other Town Meeting votes, except  
672 those powers granted to the Town Manager under this Charter. The Select Board shall be the  
673 chief goal setting, policy-making and long-range planning ~~and policy-making body~~ agency of the  
674 town. ~~It and~~ shall make recommendations on major courses of action to the representative  
675 ~~town meeting. It~~ Town Meeting and create Town Meeting warrants for such recommendations.  
676 The Select Board shall adopt and issue policy ~~directives and~~ guidelines ~~which the officers and~~  
677 directives to be implemented and followed by all town agencies, boards, committees,  
678 ~~commissions and~~  
679 and their respective officers and employees ~~of the town shall implement. The Select Board shall~~  
680 ~~maintain a policy handbook~~  
681 ~~containing such,~~ appointed by or under its authority. The Town Manager shall be the officer  
682 responsible for the implementation of policy directives and guidelines adopted by the Select  
683 Board. The daily administration of the affairs of the town shall be the exclusive responsibility  
684 of the Town Manager, and no individual member of the Select Board, nor a majority of them,  
685 shall at any time, interfere in the day-to-day administration of the affairs of the town.

686 3-2-2 The Select Board shall have the power to enact rules and regulations to implement its  
687 policies.

688 3-2-3 The Select Board shall review the annual proposed operating and capital budgets  
689 submitted by the Town Manager and make recommendations with respect thereto as it  
690 deems advisable. ~~The Town Manager shall present the budget,~~ including an identification of



691 costs and operations by department, incorporating the recommendations of the Select  
692 Board, to the Finance Committee.

693 3-2-4 The Select Board shall act as the licensing authority of the town and shall have the  
694 power and responsibility to issue licenses, to make all necessary rules and regulations  
695 regarding the issuance of licenses, to attach conditions and impose restrictions in the public  
696 interest, and to enforce, or cause to be enforced, laws, rules and regulations relating to all  
697 businesses for which it issues licenses.

698 3-2-5 The Select Board shall have the power to approve all collective bargaining agreements  
699 ~~to~~for which the town is the contracting agency and may designate one (1) Select Person  
700 Board Member to participate in the negotiating of collective bargaining agreements.

701 3-2-6 The Select Board, and individual members thereof shall be responsible, through the  
702 Town Manager, for the efficient and orderly operation of all agencies of the town except  
703 those under the direction of another elected town agency. Furthermore, neither the Select  
704 Board nor its individual members shall give orders to any employee who is under the  
705 direction and supervision of the Town Manager.

706 ~~town agency.~~

707 3-2-7 The Select Board may investigate or authorize the Town Manager, or another town  
708 officer or any agency, to investigate the conduct of any town department, office, or agency. A  
709 detailed written report of any such investigation shall be filed in the Town Manager's office,  
710 and to the extent permitted by law, including the public records law, a report summarizing  
711 such investigation shall be printed in the next published annual town report.

712 3-2-8 The Select Board shall meet jointly with the School Committee, Planning Board and ~~all~~  
713 ~~other elected boards~~Finance Committee of the Town for the purpose of sharing information,  
714 including discussing the Town's progress towards implementing the goals of the Master Plan.

715 The Select Board shall schedule ~~the~~such joint meeting(s), which shall be held no less than  
716 twice ~~(2)~~ a year. At least one of these meetings, which shall also include the Finance  
717 Committee, shall be held at the beginning of the annual budget process and shall be for the  
718 purpose of reviewing projections and other information relevant to the development of the  
719 annual budget. In addition to the aforesaid meetings, the Select Board and Planning Board

720 shall hold joint meetings not less than twice per year, to consider the Town's Master Plan and  
721 other planning initiatives.

722 Section 3 Appointments

723 3-3-1 The Select Board shall appoint a Town Manager, town counsel, registrars of voters,  
724 election officers, constables, and members of all multiple-member boards, committees, and  
725 commissions except as otherwise provided in this Charter and/or the town by-laws.

726 In furtherance of this section, not less than every three years, the Select Board shall review the  
727 appointment of outside independent legal counsel and/or the employment of one or more  
728 attorneys as employee(s) of the Town, at a duly noticed public meeting, where the review is  
729 clearly noticed on the meeting agenda. The review process shall include at a minimum an  
730 opportunity for public comment.

731 Section 4 Town Manager: Appointment and Removal

732 3-4-1 The Select Board shall appoint a Town Manager by an affirmative vote of ~~four (4)~~  
733 five (5) members of the Board.

734 3-4-2 The Town Manager shall be appointed solely on the basis of executive and  
735 administrative qualifications. The Town Manager shall be a professionally qualified person of  
736 proven ability, especially fitted to perform the duties of the office by education, training, and  
737 previous experience in municipal administration. The Town Manager shall have had at least  
738 five (5) years of full-time paid experience as a City or Town Manager, Assistant City or Town  
739 Manager, Town Administrator or Assistant Town Administrator, or the equivalent level of  
740 experience. The town may, from time to time, establish such additional qualifications as  
741 deemed necessary and appropriate. The Town Manager shall not be subject to a personnel  
742 by-law, if any. In addition to other terms as set forth in this Charter generally and in this  
743 Section 4 of Chapter 3 specifically, the Town Manager shall devote full time to the office and  
744 shall not hold any other public office, elective or appointive, nor engage in any other  
745 business or occupation during the term of office, unless such action is approved in advance,  
746 in writing, by the Select Board. With the approval of the Select Board, the Town Manager  
747 may serve as the town's representative to regional boards, commissions, and the like, but the  
748 Town Manager may not receive additional compensation from the town for such services. To

749 the extent permitted by law, the terms of the Town Manager's employment shall be the  
750 subject of a written agreement between the parties setting forth the length of service,  
751 compensation, vacation, sick leave, benefits, and such other matters (excluding tenure) as are  
752 customarily included in an employment contract.

753 3-4-3 The Select Board may discipline or discharge the Town Manager at any time by an  
754 affirmative vote of ~~four (4)~~ five (5) members of the Select Board. Within seven (7) days  
755 thereafter, the Town Manager may appeal the decision of the Select Board by filing a written  
756 request for a public hearing with the Select Board. If such a request is filed, the Select Board  
757 shall conduct a public hearing within fourteen (14) days of the written request, and act upon  
758 the appeal within seven (7) days after the public hearing.

759 3-4-43-4-4 (a): The Town Manager shall designate, by letter filed with the Select Board and  
760 Town Clerk, a qualified officer of the Town as Temporary Town Manager to perform the  
761 duties of the Town Manager during a temporary absence or inability to serve. The Select  
762 Board may not revoke such designation until at least 30 days have elapsed, whereupon it  
763 may appoint another officer as Temporary Town Manager to perform the duties of the  
764 Town Manager. In the event of failure of the Town Manager to make such designation, or if  
765 the person so designated is for any reason unable to serve or is deemed not qualified by  
766 the Select Board, the Select Board may designate some other qualified officer as  
767 Temporary Town Manager to perform the duties of the Town Manager until the Town  
768 Manager returns. The powers of a Temporary Town Manager shall be limited to matters  
769 not admitting of delay. No Temporary Town Manager shall have authority to make any  
770 permanent appointment to, or removal from, any office or position, unless such appointment  
771 or removal is authorized by a majority of the Select Board.

772 3-4-4 (b): The Select Board shall designate a qualified person to serve as Acting Town  
773 Manager and to perform the duties of the office during any vacancy of the Town Manager  
774 exceeding thirty (30) days caused by the Town Manager's ~~absence, illness~~inability to serve,  
775 suspension, removal, or resignation. The term of appointment of an Acting Town Manager  
776 shall not exceed one hundred eighty (180) days.

777 Section 5 Town Manager: Powers and Duties

778 3-5-1 The Town Manager shall be the chief administrative officer of the town. ~~The Town-The~~  
779 ~~Town Manager shall be responsible to the Select Board for the effective management of all~~  
780 ~~town affairs placed in the Town Manager's charge by this Charter, the Select Board, by-law,~~  
781 ~~or vote of the representative Town Meeting. The Town Manager shall be responsible for the~~  
782 ~~implementation of town policies established by the Select Board.~~

783 ~~The Town~~ Manager shall ~~be responsible to the~~ have the following authorities and  
784 responsibilities:

785 **General:**

786 a. supervise all town departments under the jurisdiction of the Select Board ~~for~~ and  
787 direct the ~~effective management operations~~ of ~~all~~ the town affairs;

788 ~~placed in~~ b. establish, reorganize, consolidate, or abolish any department or position  
789 under the Town Manager's ~~charge by this Charter,~~ direction and supervision with the  
790 approval of the Select Board;

791 c. administer, either directly or through designated persons, all provisions of general  
792 and special laws applicable to the town, and all by-laws and regulations established  
793 by ~~law~~ the Select Board;

794 d. coordinate the operational and strategic planning for the town;

795 e. represent the town at local, state, and regional meetings, and undertake public  
796 relations activities for the Select Board;

797 f. have authority to examine, without notice, the activities of any agency under the  
798 Town Manager's control, or the conduct of any officer or employee thereof;

799 g. have access to all town books and records necessary for the performance of the  
800 duties of Town Manager;

801 h. conduct periodic operational and staffing evaluations of selected town  
802 departments, and provide a written report of the assessments performed to the Select  
803 Board and to the representative Town Meeting; and

804 i. perform any other duties required by town by-laws, the Select Board, or vote of the  
805 representative Town Meeting.

806 ~~representative town meeting. The Town Manager shall be responsible for the implementation of~~

807 ~~town policies established by the Select Board.~~

808 ~~The Town Manager shall:~~

809 ~~a~~ **Personnel, hiring, and bargaining:**

810 ~~j.~~ unless otherwise provided herein and in Section 2 of Chapter 6 of this Charter, and  
811 except as may be otherwise provided in Civil Service Law, appoint, suspend, or  
812 remove all department heads, a Board of Assessors, and all officers, subordinates, and  
813 employees of the town, including those under grant funding, except employees of the  
814 school department. ~~The Town Manager shall~~

815 The Town Manager shall appoint a ~~town-clerk~~ Town Clerk, whose duties shall be as  
816 specified in general or special legislation.

817 In the case of an employee who works with a multiple-member board or the Plymouth  
818 Public Library Corporation, the Town Manager shall act in accordance with this  
819 Section only after consultation with that multiple-member board, or the Plymouth  
820 Public Library Corporation, as the case may be.

821 ~~be.~~ Except as may be otherwise provided in Civil Service Law, appointments,  
822 suspension, or removals of Department and Division Heads, or equivalents regardless  
823 of title, shall take effect on the fifteenth (15) day after the Town Manager files notice of  
824 the action with the Select Board unless the Board shall within that period, by a vote of  
825 four members veto the action. The Select Board may, by a majority vote, waive this  
826 fifteen (15) day period, whereupon the action shall become effective forthwith. This  
827 same authority to veto the actions of the Town Manager provided herein to the Select  
828 Board shall accrue to the Planning Board in the case of the appointment, suspension  
829 or removal of the Director of Planning and Development; The above-referenced  
830 fifteen-day period and any veto by the Select Board shall not apply to a decision to  
831 place an employee on paid administrative leave.

832 ~~bk.~~ fix the compensation of all town officers and employees appointed by the Town  
833 Manager within the limits of existing appropriations and personnel bylaws;

834 ~~e. supervise all~~ l. administer and enforce collective bargaining contracts, and personnel  
835 rules, regulations, and by-laws adopted by the ~~town departments under the jurisdiction;~~

836 m. negotiate collective bargaining contracts on behalf of the Select Board ~~and direct~~  
837 ~~the,~~ unless the Town Manager specifically designates another negotiator or

838 negotiating team;

839 ~~operations of the town;~~

840 ~~d. establish, reorganize, consolidate or abolish any department or position under the Town~~  
841 ~~Manager's direction and supervision with the approval of the Select Board;~~  
842 ~~e. administer, either directly or through designated persons, all provisions of general and special~~  
843 ~~laws applicable to the town, and all by-laws and regulations established by the Select Board;~~  
844 ~~f. coordinate the operational and strategic planning for the town;~~

845 **gFinancial:**

846 n. administer, or designate an appropriate administrator of, all grants received by the  
847 town;

848 ~~h~~o. submit to the Select Board a written proposed operating budget for the ensuing  
849 fiscal year, providing in detail the estimated revenue from all sources and all  
850 expenditures, including debt services, for the previous, current, and ensuing year;

851 ~~i~~p. submit annually to the Select Board a five-year (5) capital improvements program,  
852 including a list of all capital improvements proposed for the next five (5) fiscal years  
853 with supporting data, cost estimates, methods of financing, recommended time  
854 schedules, and the effect on the operating budget or revenues for each proposed  
855 capital improvement;

856 ~~j~~q. keep full and complete records of the financial and administrative activities of the  
857 town and render a detailed written report on all operations as often and for such  
858 periods as may be required by the Select Board;

859 ~~by the Select Board;~~

860 ~~k. administer and enforce collective bargaining contracts, and personnel rules, regulations, and~~  
861 ~~by-laws adopted by the town;~~

862 lr. approve all warrants or vouchers for payment of town funds submitted by the Town  
863 Accountant;

864 **Property, facilities, procurement and communications:**

865 s. develop and maintain a complete inventory of real and personal property of the  
866 town, except school property, at least annually.

867 ~~m~~t. procure from the school department, a detailed written report of the complete  
868 inventory of real and personal school property for annual submission to the Select

869 Board. The school department shall be obligated to prepare the detailed written  
870 report;  
871 ~~pu.~~ have full jurisdiction over the lease, rental, disposal, and use of all Town property,  
872 except schools, after approval of the Select Board, and shall be responsible for the  
873 maintenance and repair of all Town property;  
874 ~~ov.~~ be the Chief Procurement Officer under the provisions of G.L. c. 30B, responsible  
875 for the purchasing of all supplies, materials, and equipment for the town, including  
876 the bidding and awarding of all contracts, except for the school department; and  
877 ~~p. approve all warrants or vouchers for payment of town funds submitted by the Town~~  
878 ~~Accountant;~~  
879 ~~q. negotiate collective bargaining contracts on behalf of the Select Board, unless the Town~~  
880 ~~Manager specifically designates another negotiator or negotiating team;~~  
881 ~~r. represent the town at local, state, and regional meetings, and undertake public relations~~  
882 ~~activities for the Select Board;~~  
883 ~~s. have authority to examine, without notice, the activities of any agency under the Town~~  
884 ~~Manager's control, or the conduct of any officer or employee thereof;~~  
885 ~~t. have access to all town books and records necessary for the performance of the duties of Town~~  
886 ~~Manager;~~  
887 ~~u. conduct periodic operational and staffing evaluations of selected town departments, and~~  
888 ~~provide a written report of the assessments performed to the Select Board [Amended by Article~~  
889 ~~20, Motion 2 Fall Town Meeting 10-20-2018] and to the representative town meeting; and~~  
890 ~~v. perform any other duties required by town by laws, the Select Board [Amended by Article 20,~~  
891 ~~Motion 2 Fall Town Meeting 10-20-2018], or vote of the representative town meeting.~~  
892 w. be responsible for Town government communications, including, but not limited  
893 to, developing a comprehensive communication strategy, coordinating the  
894 announcements and messages from department heads, communicating regularly with  
895 residents via accessible and practicable media avenues, ensuring that the Town's  
896 website is kept up- to-date, and soliciting recommendations for greater  
897 communication from residents.

898 Section 6 Department of Public Works

899 3-6-1 The Director of the Department of Public Works shall be appointed by the Town  
900 Manager. The Director of the Department of Public Works shall be especially fitted by  
901 education, training and experience to perform the duties of the office.

902 3-6-2 The ~~department~~ Department of Public Works shall be responsible for:

903 (a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm  
904 drains, bridges and other public way related structures;

905 (b) the maintenance, repair and cleaning and custodial services of all buildings and grounds  
906 owned or leased by the town;

907 (c) the development and maintenance of all cemeteries, parks and recreation facilities;

908 (d) snow and ice removal;

909 (e) providing for and supervising the collection and disposal of garbage and other refuse and  
910 the maintenance and operation of all facilities for the disposal of the same;

911 (f) the supervision, care and replacement of trees;

912 (g) the design, construction, operation and maintenance of all water and sewer facilities;

913 (h) other functions as the ~~town manager~~ Town Manager assigns; and

914 (i) the master planning of all infrastructure elements under ~~their~~ the department's jurisdiction  
915 including, but not limited to, public roadways, sidewalks, ~~storm drains~~ storm drains, bridges,  
916 cemeteries, parks and recreation; facilities, solid waste and ~~waste water~~ wastewater facilities all  
917 of which shall be coordinated and consistent with the comprehensive master plan provided  
918 for in ~~section 14~~ Section 13-4 of ~~chapter~~ Chapter 3.

919 3-6-3 Nothing in this Section 3-6 shall limit or restrict the authority of the Town Manager to  
920 establish, reorganize, consolidate, or abolish any department or position under the Town  
921 Manager's direction and supervision with the approval of the Select Board as provided in  
922 Section 3-5-1(b) of this Charter.

923 Section 7 Board of Health

924 3-7-1 A Board of Health of five (5) members shall be appointed by the Select Board for three-  
925 year (3) overlapping terms. Members of the Board of Health shall be especially fitted by  
926 education, training, and experience to perform the duties of the office.



927 3-7-2 The Board of Health shall exercise such powers and duties as prescribed by the  
928 General Laws, this Charter and town by-laws.

929 Section 8 Establishment and Scope of the Department of Finance

930 3-8-1 There shall be a Department of Finance responsible for the fiscal and financial affairs of  
931 the town and for the coordination and overall supervision of all fiscal and financial activities of  
932 all town government agencies except the School Department. The Department of Finance  
933 shall include the functions of Accountant, Treasurer, Collector, Assessors and ~~Director of Data~~  
934 ~~Processing Procurement.~~

935 3-8-2 The Department of Finance shall be responsible for, and shall include, the following  
936 functions:

- 937 a) coordination of all financial services and activities of town government;
- 938 b) maintenance of all accounting records and other financial statements for all town  
939 government offices and agencies;
- 940 c) payment of all financial obligations on behalf of the town;
- 941 d) investment of town funds and management of debt;
- 942 e) receipt of all funds due to the town from any source;
- 943 f) maintenance of the system of property valuation;
- 944 ~~a)g)~~ rendering of advice, assistance, guidance and recommendations to all other town  
945 offices, agencies in any financial or fiscal affairs;
- 946 h) monitoring throughout the fiscal year of the expenditure of funds by town offices and  
947 agencies; and
- 948 i) general supervision of the purchase of all goods, services, materials and supplies by the  
949 town;

950 3-8-3 Nothing in Section 3-8 shall limit or restrict the authority of the Town Manager to  
951 establish, reorganize, consolidate, or abolish any department or position under the Town  
952 Manager's direction and supervision with the approval of the Select Board as provided in  
953 Section 3-5-1 (b) of this Charter.

954 Section 9 Director of Finance

955 3-9-1 The Town Manager shall appoint a Director of Finance. The Director of Finance shall be  
956 especially fitted by education, training, and experience to perform the duties of the office.

957 3-9-2 At the discretion of the Town Manager, the Director of Finance may serve as the head  
958 of any division within the department. The Town Manager also may designate a person to  
959 serve as head of more than one (1) division within the department.

960 3-9-3 The Director of Finance shall be responsible to the Town Manager for the effective  
961 operation of the Department of Finance and all fiscal and financial activities of town  
962 government. The Director shall coordinate and provide overall supervision for all activities of  
963 the department and, in consultation with the division head and the Town Manager, shall have  
964 the authority to direct and assign all personnel serving in that department.

965 3-9-4 The Director of Finance shall be responsible to the Town Manager and shall have the  
966 following specific powers and duties, subject to the direction of the Town Manager:

967 a) coordination of the financial functions of all departments and agencies and supervision of  
968 the following functions: accounting, treasury, tax collections, assessing, ~~data processing,~~  
969 budgeting and procurement. ~~;~~

970 b) ensure that each function is operating efficiently and in accordance with the applicable  
971 statute, by-law, code and/or accepted practice;

972 c) accountability for planning, organizing and providing administrative direction for all  
973 financial functions.

974 d) working with the Town Manager and the Select Board in developing strategic financial  
975 plans and policies; ~~and~~

976 e) compilation and submission of an annual operating budget and an annual capital  
977 improvement plan to the Town Manager.

978 The Director shall receive all requests made for the expenditure of town funds from every  
979 town office and agency and shall assemble all such requests into a form deemed to be best  
980 suited to show a complete financial plan for all town funds and activities for the ensuing fiscal  
981 year. The proposed budget shall show in detail all estimated income from the proposed  
982 property tax levy and from every other source by category; and general oversight,  
983 throughout the year, of the expenditure of all town funds pursuant to such budgets and  
984 expenditures as authorized by the ~~representative~~ Representative town meeting, Town Meeting.

985 Section 10 Conservation Commission

986 3-10-1 The Select Board shall appoint a Conservation Commission of seven (7) members for  
987 three-year (3) overlapping terms.

988 3-10-2 The ~~commission~~Commission shall exercise such powers and duties as prescribed by  
989 general law, this Charter, and town by-laws.

990 Section 11 ~~Development and Industrial Commission~~

991 ~~Section 12~~-Zoning Board of Appeals

992 ~~3-1211~~-1 The Select Board shall appoint a Zoning Board of Appeals of five (5) members and  
993 two (2) associate members for three-year (3) overlapping terms.

994 ~~3-1211~~-2 The board shall exercise such powers and duties as prescribed by general law, this  
995 Charter, and town by-laws.

996 Section ~~13~~12 Establishment and Scope of the Department of Planning and Development

997 ~~3-1312~~-1 There shall be a Department of Planning and Development responsible for the  
998 planning of the land use, environmental, community planning, and economic planning and  
999 development functions of the town. The Department of Planning and Development shall  
1000 supervise and coordinate all planning and development activities of all town government  
1001 offices and agencies.

1002 The Department of Planning and Development shall include the functions of comprehensive  
1003 planning, subdivision control, zoning appeals, preservation of natural open space,  
1004 community development, economic development, design review, redevelopment, and  
1005 planning of new buildings and facilities.

1006 ~~3-1312~~-2 The Department of Planning and Development shall be responsible for, and shall  
1007 have the following specific duties:

1008 a) development and maintenance of a Comprehensive Master Plan;

1009 b) coordination of all land use planning and development activities of town government;

1010 c) administration of subdivision control rules and regulations;

1011 d) preservation of natural open space, and land acquisition and management;

1012 e) conservation administration and enforcement;

- 1013 f) redevelopment, revitalization and rehabilitation activities;
- 1014 g) administration of design review, historic district review, and zoning board of appeals,  
1015 review and planning of affordable housing;
- 1016 h) administration of economic development;
- 1017 i) maintenance of all land use planning, development, and related records and reports for  
1018 all town government offices and agencies;
- 1019 a)j) rendering of advice, assistance, guidance, and recommendations to all other town offices  
1020 and agencies on land use, environmental, community and economic planning, and  
1021 development matters; and
- 1022 k) cooperation with, and participation in, regional area planning.

1023 ~~Section 14 Planning Board~~

1024 ~~3-14-1 The town shall elect a Planning Board of five (5) members for five-year (5) overlapping~~  
1025 ~~terms.~~

1026 ~~3-14-3-12-3 Nothing in Section 3-12 shall limit or restrict the authority of the Town Manager to~~  
1027 ~~establish, reorganize, consolidate, or abolish any department or position under the Town~~  
1028 ~~Manager's direction and supervision with the approval of the Select Board as provided in~~  
1029 ~~Section 3-5-1 (b) of this Charter.~~

1030 ~~3-12-4 Compliance with Master Plan~~

1031 ~~A) Proposed By-law, Ordinance, or Rule/Regulation. Any proposed change or addition to~~  
1032 ~~any by-law, ordinance, or rule/regulation that relates to any area within the purview of~~  
1033 ~~the Department of Planning and Development (specifically land use, environmental,~~  
1034 ~~community planning, and economic planning and development functions of the town)~~  
1035 ~~shall be presented to the Director of Planning and Development at least 30 days prior~~  
1036 ~~to implementation. The Director or the Director's designee shall issue a~~  
1037 ~~recommendation regarding the proposed action, which shall specifically address~~  
1038 ~~whether the proposed action aligns with the Master Plan. The Director's or designee's~~  
1039 ~~recommendation shall be presented to the Planning Board which shall vote to adopt,~~  
1040 ~~amend, or reject such recommendation. Such recommendation, along with the action~~  
1041 ~~of the Board, shall be provided to the Town Manager prior to implementation of the~~  
1042 ~~proposed action.~~

1043  
1044 B) Town Meeting Warrant Article. Proposed Town Meeting Warrant Articles relating to  
1045 any area within the purview of the Department of Planning and Development  
1046 (specifically land use, environmental, community planning, and economic planning  
1047 and development functions of the town) shall be presented to the Director of Planning  
1048 and Development for review and commentary. The Director or the Director's  
1049 designee shall prepare comments on the proposed Warrant Article; such comments  
1050 shall specifically address whether the proposed action aligns with the Master Plan. The  
1051 Director's or designee's comments shall be presented to the Planning Board which  
1052 shall vote to adopt, amend, or reject such comments. The comments of the Director or  
1053 designee and the Board's action on the proposed warrant article shall be printed in  
1054 the Town Meeting Warrant and provided for Town Meeting review.

1055 C) Planning Board Approvals. For all projects that are within the purview of the  
1056 Department of Planning and Development, the Director of Planning and Development  
1057 or the Director's designee shall prepare comments regarding the project, which shall  
1058 specifically address whether the proposed action aligns with the Master Plan. The  
1059 comments shall be presented to the Planning Board, which shall vote to adopt,  
1060 amend, or reject them. The comments of the Director or designee and the action  
1061 taken by the Board, shall be included in any project approval decisions issued by the  
1062 Board.

1063 Section 13 Planning Board

1064 3-13-1 The Town shall elect a Planning Board of five (5) members for five-year (5) overlapping  
1065 terms. The Planning Board may appoint one (1) associate member for a three (3) year term.

1066 The associate member may:

1067 1) attend meetings, participate in discussions, and provide administrative and  
1068 advisory support to the Board; and

1069 2) sit on the Board as a voting member in the case of absence, inability to act, or  
1070 conflict of interest on the part of any member of the Planning Board or in the event of  
1071 a vacancy on the Board.

1072 3-13-2 The Planning Board shall exercise such powers and duties as prescribed by general  
1073 law, this Charter, and applicable town by-laws.

1074 ~~3-14-3~~ 3-13-3 In conjunction with the Select Board, the Planning Board shall serve as the  
1075 long-range planning body of the town with respect to the planning of the physical,  
1076 environmental, community, and economic development of the town. The Planning Board  
1077 shall be responsible, through the Director of Planning and Development, for the efficient and  
1078 orderly operation of all Planning Board functions and all related activities.

1079 ~~3-14~~13-4 The Planning Board shall develop and maintain a Comprehensive Master Plan  
1080 (CMP) which, in coordination with the town's zoning bylaws, shall be the guidance document  
1081 for departmental duties under Section ~~3-13~~12-2, above, and for the Board's  
1082 recommendations to the representative ~~town meeting~~Town Meeting. The CMP shall be  
1083 updated periodically at least every ten (10) years to address current issues concerning the  
1084 physical, environmental, community and economic development of the town, including  
1085 planning strategies for Open Space Preservation, Land Acquisition, Village Centers  
1086 Development, Economic Development, Housing, and Historic Preservation. The Board shall  
1087 report annually to the representative ~~town meeting~~Town Meeting to inform the town of all  
1088 updates to the CMP and any implementation measures that may require ~~town meeting~~  
1089 Town Meeting approval. The Planning Board's recommendations on zoning by-law  
1090 amendments to the representative ~~town meeting~~Town Meeting shall be consistent with the  
1091 CMP. The Planning Board shall solicit public comment and participation throughout the  
1092 Comprehensive Master Planning Process and shall adopt the CMP and/or annual CMP  
1093 updates only after a duly noticed public hearing.

1094 ~~3-14~~13-5 The Planning Board shall make recommendations to the ~~representative~~  
1095 Representative ~~town meeting~~Town Meeting and to the Select Board on all matters concerning  
1096 the planning of the physical, environmental, community, and economic development of the  
1097 town as prescribed by general law, this Charter, and applicable town by-laws, and specifically  
1098 with reference to the consistency of such matters with the current CMP.

1099 ~~3-14~~13-6 At the request of the Planning Board any town board or agency dealing with  
1100 significant public improvements relating to the physical, environmental, community or  
1101 economic development of the town, shall report the status of such plans or development to

1102 the Planning Board so as to be evaluated and included in the CMP and in the Planning  
1103 Board's recommendations to the representative ~~town meeting~~Town Meeting, and the Select  
1104 Board.

1105 3-14-13-7 The Planning Board shall appoint a Master Plan Task Force and may appoint other  
1106 committees to assist and advise the Board in ~~carrying~~  
1107 ~~out its duties under this charter such as a Master Plan committee and such other committees as~~  
1108 ~~the Board deems necessary to assist the Board in~~ performing its duties ~~under this Charter~~. Failure  
1109 of the Board to appoint such committees shall not relieve the Board of its responsibilities to  
1110 fulfill all the duties enumerated under this Charter.

1111 ~~3-14-8 An Open Space Committee comprised of nine (9) persons to act in an advisory capacity~~  
1112 ~~to the Planning Board and the Town Meeting with respect to the preservation of natural open~~  
1113 ~~space shall be appointed as follows: Five (5) members shall be appointed by the Planning Board;~~  
1114 ~~two (2) by the Select Board and two (2) by the Conservation Commission. The Open Space~~  
1115 ~~Committee shall report its activities and recommendations directly to Town Meeting at least~~  
1116 ~~once each calendar year~~

1117 ~~3-14-93-13-8~~ A Land Use and Acquisition Committee comprised of seven (7) members to act  
1118 in an advisory capacity to the Select Board with respect to the acquisition of real estate by the  
1119 Town pursuant to the provisions of Chapter 60, Chapter 61, Chapter 61A and Chapter 61B of  
1120 the Massachusetts General Laws, shall be appointed as follows: ~~Two~~

1121 ~~(2) members~~One (1) member shall be appointed by the Select Board, two (2) by the Planning  
1122 Board, two (2) by the Conservation Commission, one (1) by the Agricultural Commission, and  
1123 one (1) by the Open Space Committee. The Land Use and Acquisition Committee, the Open  
1124 Space Committee, and all department heads, along with the Select Board, shall be notified  
1125 by the Town Manager and sent direct notice of intent to sell for, or to convert to another use,  
1126 any parcel of land taxed under the provisions of Chapter 60, Chapter 61, Chapter 61A or  
1127 Chapter 61B of the General Laws.

1128 Section 14 Open Space Committee

1129 3-14-1 An Open Space Committee comprised of nine (9) members to report directly to Town  
1130 Meeting and to act in an advisory capacity to the Planning Board and to the Land Use and

1131 Acquisition Committee with respect to the preservation of natural open space in order to  
1132 protect the environment and to ensure appropriate access to public lands, shall be  
1133 appointed as follows: Five (5) members shall be appointed by the Planning Board, two (2) by  
1134 the Select Board, and two (2) by the Conservation Commission. The Open Space Committee  
1135 shall report its activities and recommendations directly to Town Meeting at least once each  
1136 calendar year.

1137 Section 15 Director of Planning and Development

1138 3-15-1 There shall be a Director of Planning and Development appointed by the Town  
1139 Manager with veto authority by the Planning Board as delineated in Chapter 3. The Director  
1140 shall be a professionally qualified person of proven ability, especially fitted ~~to perform the~~  
1141 ~~duties of the office~~ by education ~~and~~ training. ~~The Director of Planning and Development shall have~~  
1142 ~~had at least five (5) years of full-time paid~~ and experience ~~in community planning and~~  
1143 ~~development~~ to perform the duties of the office.

1144 3-15-2 At the discretion of the Town Manager, the Director of Planning and Development  
1145 may serve as the head of any division within the Department of Planning and Development.  
1146 The Town Manager may also designate one person to serve as the head of more than one  
1147 division within the Department.

1148 3-15-3 The Director of Planning and Development shall be responsible to the Planning Board  
1149 for the effective operation of all Planning Board functions and all related activities. The  
1150 Director shall coordinate and provide overall supervision of all activities of the Department of  
1151 Planning and Development, and shall have, in consultation with the division head and the  
1152 Town Manager, the authority to direct and assign all personnel serving in the Department of  
1153 Planning and Development.

1154 3-15-4 The Director of Planning and Development shall be responsible for, and shall have,  
1155 the following specific duties:

1156 a) coordination of the land use, environmental, community, and economic planning and  
1157 development functions of all town departments and agencies;

1158



- 1159 b) supervision of the following functions: planning, preservation of natural open space, land  
1160 acquisition, community development, economic development, design review, subdivision  
1161 control, affordable housing, and zoning appeals;  
1162 c) ~~assuring~~ ensure that each function is operating efficiently and in accordance with the  
1163 applicable statute, by-law, code, and/or accepted practice;  
1164 d) accountability for long-range planning and organizing;  
1165 e) provision of administrative direction for all functions of the Department of Planning and  
1166 Development; and  
1167 f) working with the Planning Board, Town Manager, and Select Board in developing  
1168 strategic plans and policies.

1169 Section 16 Building Committee

1170 3-16-1 ~~The select~~ There shall be a Building Committee composed of nine members.  
1171 One member shall be appointed by the Planning Board ~~shall appoint a building, and two~~  
1172 members by the School Committee, each of which shall ~~consist of 9 members.~~  
1173 ~~The committee shall have among its members 1 member of the planning board, serve for one year.~~  
1174 Six members shall be appointed by the Select Board for three year overlapping  
1175 terms, of which one shall be an attorney, one shall be a registered  
1176 ~~professional~~ engineer or architect, an attorney, a person and one shall be employed in the  
1177 construction industry or a related trade or occupation, ~~2 members of the school committee~~  
1178 ~~and 3 other residents. Members of the committee shall be appointed for 3 year overlapping terms.~~

1179 3-16-2 Upon the request of the ~~town manager~~ Town Manager or a department head, the  
1180 ~~building committee~~ Building Committee shall meet with various town departments from time to  
1181 time to determine the need for additions or renovations to any existing buildings or facilities,  
1182 for the construction of new buildings or facilities or for the demolition or disposal of existing  
1183 buildings. The committee shall report its recommendations to the Select Board and the  
1184 ~~representative~~ Representative town meeting Town Meeting and the ~~school~~  
1185 ~~committee~~ School Committee when applicable. Whenever this work is authorized by the  
1186 ~~representative~~ Representative town  
1187 meeting Town Meeting, the ~~building committee~~ Building Committee shall be responsible for the  
1188 oversight of all work relating thereto, including site planning, preliminary architectural  
1189 drawings, final plans and the oversight of all construction.

1190 3-16-3 Upon request of the Building Committee the ~~town manager~~Town Manager may provide  
1191 support personnel to assist the Building Committee in carrying out its duties.

1192 Section 17 Appointments Advisory Committee

1193 3-17-1 The Town Manager shall appoint an Appointments Advisory Committee to assist with  
1194 recruitment, evaluation, and recommendation of candidates for appointment to multiple-  
1195 member bodies. There shall be five (5) members who shall serve for 3-year overlapping  
1196 terms. The Town Manager shall provide administrative support to assist the Appointments  
1197 Advisory Committee in performance of its duties under this section.

1198 3-17-2 Duties of the Appointments Advisory Committee shall include notice, posting and  
1199 active recruitment and advertising of vacancies, creation of a standardized application  
1200 process and protocol for review of applicants, and timely submission of recommended  
1201 candidates to the appointing authority.

1202 3-17-3 In making appointments to multiple-member bodies, the appointment authority shall  
1203 seek to appoint individuals with relevant education, expertise, or experience. Desired  
1204 qualifications for vacant positions shall be determined by the appointing authority and  
1205 communicated to the Appointments Advisory Committee. The Town Manager shall work with  
1206 the Appointments Advisory Committee to establish policies and practices to encourage a  
1207 diverse pool of applicants for multiple-member bodies. At minimum, every individual seeking  
1208 appointment to a Town board or committee must submit a resume and/or a letter of intent.

1209 3-17-4 This section shall not apply to appointments made by the legislative branch, including  
1210 appointments made to the Finance Committee, COPC, and Warrant Oversight Committee,  
1211 provided, however, that legislative branch appointment authorities may seek the assistance  
1212 of the Appointments Advisory Committee at their discretion.

1213 **CHAPTER 4**

1214 **ELECTED TOWN BOARDS AND OFFICERS**

1215 Section 1 General Provisions

1216 4-1-1 Beginning with the first town election held after the effective date of this Charter, the  
1217 town shall elect the following boards and offices:

1218 a. ~~a select board~~ Representative Town Meeting Members as provided in Section 2-1 of ~~five~~  
1219 ~~(5)~~ this Charter.

1220 b. Select Board of seven (7) members; ~~comprised of four (4) at-large members and~~  
1221 three (3) district members;

1222 ~~a schoolc.~~ School committee of seven (7) members who shall be elected for three-year (3)  
1223 overlapping terms;

1224 d. ~~a~~ A housing authority of five (5) members, ~~four (4)~~ three (3) to be elected, and ~~one (1)~~ two  
1225 (2) to be appointed in accordance with applicable law, for five-year (5) overlapping  
1226 terms;

1227 e. ~~a planning board~~ Planning Board of five (5) members; who shall be elected for five-year  
1228 (5) overlapping terms, and

1229 f. ~~a redevelopment authority~~ Redevelopment Authority of five (5) members, four (4) to be  
1230 elected, and one (1) to be appointed in accordance with applicable law, for five-year  
1231 (5) overlapping terms.

1232 4-1-2 The terms of office of multiple-member boards shall overlap, except as general or  
1233 special law may provide otherwise.

1234 ~~Representative town meeting members shall be elected in accordance with Section 2-2-1 of this Charter.~~

1235 4-1-3 During the term for which a member is elected, and for one (1) year following  
1236 expiration of such term, no member of any elected board under this Charter shall be eligible  
1237 to accept any paid position under such board or in the same department.

1238 4-1-4 Vacancies in boards established under this chapter, except the Select Board, shall be  
1239 filled by the Select Board, together with the remaining members of the appropriate board in  
1240 accordance with the provisions of general law.

#### 1241 Section 2 Simultaneous Elected Offices

1242 4-2-1 A ~~representative~~ Representative town meeting ~~Town Meeting member~~ Member or  
1243 elected town official representing the entire town shall not simultaneously hold another  
1244 elected town office other than member of a charter commission. A person who holds  
1245 multiple offices in violation of this section shall promptly inform the ~~town clerk~~ Town Clerk of

1246 which office that person will vacate. Election to a county, state or federal office other than a  
1247 county charter commission shall be an event disqualifying an elected town official, including,  
1248 but not limited to, ~~representative~~ Representative ~~town meeting~~ Town Meeting  
1249 ~~member~~ Member, from continuing in an elected town office beginning the day the individual  
1250 is sworn ~~in to~~ into the county, state or federal office.

### 1251 Section 3 School Committee

1252 4-3-1 The School Committee shall have all powers which are conferred on School  
1253 Committees by law, this Charter, bylaw, or otherwise and are not inconsistent with the grant  
1254 of powers conferred by the General Laws.

1255 4-3-2 The powers and duties of the School Committee shall include the following:

1256 (a) To appoint a superintendent of the schools who shall manage the school system in a  
1257 fashion consistent with law and the policy determinations of the School Committee and, upon  
1258 the recommendation of the Superintendent, the School Committee may also establish and  
1259 appoint positions of assistant or associate superintendents as provided by law.

1260 (b) To establish educational goals and policies for the schools in the Town consistent with the  
1261 requirements of law and statewide goals and standards established by the State Board of  
1262 Education.

1263 (c) To propose and to oversee the administration of an annual operating budget for the  
1264 School Department, subject to appropriation by the Town Meeting.

1265 (d) To have general charge and superintendence of all school buildings and grounds and  
1266 furnish all school buildings with proper fixtures, furniture and equipment.

1267 4-3-3 The School Committee shall report on the state of the schools directly to Town Meeting  
1268 at least once each calendar year and shall meet jointly with the Select Board as directed by  
1269 section 3-2-8 of this Charter.

## 1270 **CHAPTER 5**

### 1271 **ELECTIONS**

#### 1272 Section 1 Town Elections

1273 5-1-1 The regular election for all town offices shall be by official ballot held on the third  
1274 Saturday of May of each year, with the exception of Town Moderator, who shall be elected  
1275 every third year by the Representative Town Meeting Members at the spring annual Town  
1276 Meeting.

1277 5-1-2 The order in which names of candidates appear on election ballots for any office,  
1278 including that of ~~representative town meeting member~~Representative Town Meeting Member,  
1279 shall be determined by a drawing by lot conducted by the ~~town clerk~~Town Clerk which shall  
1280 be open to the public. Notification to the candidates and to the public shall be by publication  
1281 in a local newspaper during the week preceding the week in which the day of the drawing is  
1282 to take place. ~~The ballot shall identify candidates seeking re-election with the phrase "Candidate for~~  
1283 ~~Re-election" placed next to the candidate's name.~~

1284 5-1-3 Information for Voters: Notwithstanding ~~section~~Section 22A of ~~chapter~~Chapter 55 of the  
1285 General Laws, ~~section~~Section 21C of ~~chapter~~Chapter 59 of the General Laws or any other  
1286 general or special law to the contrary, the official election ballot in the town of Plymouth shall  
1287 include a fair and concise summary of any binding or non-binding question to be submitted  
1288 solely to the voters of the town, along with a 1-sentence statement describing the effect of a  
1289 yes or no vote, both the summary and the statement of the effect of a yes or no vote shall be  
1290 prepared by town counsel and approved by the Select Board. Submission to the ~~town~~  
1291 ~~clerk~~Town Clerk of the summary and 1-sentence statement shall be governed by section 42C  
1292 of ~~chapter~~Chapter 54 of the General Laws. The Select Board shall, not less than 7 nor more  
1293 than 14 days before an election at which a question is to be voted upon, publish the  
1294 following in a newspaper of general circulation in the town: (1) the full text of the question; (2)  
1295 a fair and concise summary of the question; and (3) the 1-sentence statement describing the  
1296 effect of a yes or no vote on the question; provided, however, that failure to timely publish  
1297 such information shall not affect the validity of the election. The Select Board shall also post  
1298 the full text of each ballot question, the summary and the ~~one~~-sentence statement in at least  
1299 1 location in the town or on the town's official website and shall make the same available at  
1300 each polling place on the day of the election. The town may, by by-law, require additional  
1301 posting or publishing of such information, subject to available funds and any other conditions  
1302 that may be imposed by by-law.

1303 Section 2 Elections to be Nonpartisan

1304 5-2-1 All town elections shall be nonpartisan, and election ballots for town offices shall be  
1305 printed without any party mark, emblem, vignette, or designation whatsoever.

1306 Section 3 Time of Taking Office

1307 5-3-1. An elected official cannot act in any capacity until the Oath of Office is taken. Any  
1308 person, other than Representative Town Meeting Members, duly elected to any office or  
1309 board, shall ~~take up the duties of the office immediately upon certification, provided that such person~~  
1310 ~~shall first have been~~ be sworn to the faithful performance of the duties of that office ~~by the Town~~  
1311 ~~Clerk immediately upon certification prior to assuming office~~

1312 5-3-2 Elected Representative Town Meeting Members shall present themselves within 30  
1313 days of election, to the office of the Town Clerk for the administering of the Oath of Office or  
1314 make alternate arrangements with the Town Clerk. Failure to comply with the previous  
1315 sentence shall result in a vacancy. An elected official cannot act in any capacity until the Oath  
1316 of Office is taken.

1317 Section 4 Nomination of Candidates for Election to Representative Town Meeting

1318 5-4-1 The nomination of a candidate for election or reelection as ~~representative town meeting~~  
1319 ~~member~~ Representative Town Meeting Member shall be made by separate nomination papers  
1320 signed by not less than ten (10) registered voters of the precinct in which the candidate  
1321 resides, or in accordance with the requirements of G.L. C. 43A, Section 6 to the extent  
1322 applicable. Nomination papers shall be filed with the Town Clerk no later than the last day on  
1323 which the nomination papers of candidates for other town offices must be filed.

1324 5-4-2 Nomination papers shall identify ~~representative town meeting members~~ Representative  
1325 Town Meeting Members seeking re-election with the phrase "Candidate for Re-election"  
1326 placed next to each candidate's name.

1327 ~~5-4-3~~ Section 5 Nomination of Candidates for Election to Town Moderator

1328 5-5-1 Any registered voter seeking the office of moderator shall file a declaration of intent to  
1329 serve as moderator with the Town Clerk. Such declaration shall be filed no later than 60 days  
1330 prior to the end of the incumbent Moderator's term, and no earlier than the first business day  
1331 of the calendar year during which such term ends.

1332 5-5-2 The COPC may provide a forum for all moderator candidates to present campaign  
1333 platforms.

1334 Section 6 Nomination of Candidates for Election to District Select Board Positions

1335 5-6-1 The nomination of a candidate for election or reelection as District Select Board  
1336 member shall be made by separate nomination papers signed by not less than fifty  
1337 registered voters of the district in which the candidate resides. Nomination papers shall be  
1338 filed with the Town Clerk no later than the last day on which the nomination papers of  
1339 candidates for other offices must be filed.

1340 Section 7 Nominations for Other Elected Positions

1341 5-7-1 The nomination procedure for all other elected positions shall be as set forth in general  
1342 or special law.

1343 Section 58 Initiative

1344 5-58-1 Any ten (10) registered voters of the town may secure the inclusion of an article in the  
1345 warrant for either any of the annual representative ~~town meetings~~ Town Meetings by written  
1346 petition to the Select Board. At least one hundred (100) registered voters may secure the  
1347 same for any special ~~town~~ Town Meeting.

1348 ~~meeting.~~

1349 Section 69 Referendum

1350 5-69-1 A vote of the ~~town meeting~~ Town Meeting under any article in the warrant shall not be  
1351 operative until ten (10) days after its final passage other than the following: (a) to adjourn; (b)  
1352 to appropriate money for the payment of principal and interest of bonds and notes of the  
1353 town; (c) to authorize the temporary borrowing of money in anticipation of revenues and (d)  
1354 to amend zoning bylaws or as otherwise provided by statute.

1355 5-69-2 If within ten (10) days of an affirmative vote of final passage by the Town Meeting, a  
1356 referendum petition is filed with the Town Clerk signed by not less than three (3) percent of  
1357 the registered voters in the Town as of the date of the most recent annual Town election  
1358 asking that any question involved in such a vote be submitted to the voters of the Town at an

1359 election, then the Town shall hold a referendum election for such purposes. Within 5 days  
1360 after receipt of the petition the Town Clerk shall determine whether the petition contains a  
1361 sufficient number of signatures and provide notice to the Select Board. of such  
1362 determination. If there are sufficient number of signatures, the Select Board shall provide for  
1363 a referendum election to be held no less than 35 days from its vote and provision of written  
1364 notice to the Town Clerk and no more than 90 days after the Town Clerk's determination,  
1365 provided, however, that if there is another election already scheduled within 100 days of the  
1366 Clerk's determination, the referendum question may appear on the ballot at such election.  
1367 The referendum question shall take the following form:

1368 "Shall the Town vote to approve the action of the [date] Town Meeting under Article  
1369 [#] whereby it was voted that (here insert a brief summary of the substance of the  
1370 vote)?

1371 ~~5-6-9--3~~ A non-binding public opinion advisory question may be placed on the ballot at an  
1372 annual or special town election by vote of the Select Board with no less than thirty-five (35)  
1373 days written notice to the Town Clerk of the form of the question. A non-binding question  
1374 may also appear on the ballot at a regular town election by vote of the annual Town Meeting  
1375 under a warrant article for such purpose, or in conformity with the following procedure: A  
1376 proposal to place a nonbinding public opinion advisory question on the ballot for a regular  
1377 Town election may be presented to the Select Board no less than 100 days prior to the date  
1378 of the next regular election on a petition signed by at least ten registered voters of the Town.  
1379 If ~~such~~the Select Board shall not approve said petition at least ninety (90) days before said  
1380 election, then the question may be so placed on said ballot when a petition signed by at least  
1381 three (3) per cent of the registered voters in the Town requesting such action is filed with the  
1382 Board of Registrars no less than 42 days prior to the date of the next annual election. Upon  
1383 certification of the required number of signatures, the Town Clerk shall cause the question to  
1384 be placed on the ballot at the next regular Town election held more than thirty-five days after  
1385 such certification.

1386 ~~5-6-9-4~~ The vote on a referendum question shall be in accordance with the provisions of  
1387 general law relating to special Town elections.

1388 Section 710 Recall of Elective Officeholders



1389 5-~~710~~-1 Voters may recall any elected ~~townwide~~town-wide officeholder as herein provided.

1390 5-~~710~~-2 Five hundred (500) registered voters of the Town may file with the Town Clerk an  
1391 initial petition signed under the penalty of perjury containing the name of the officeholder  
1392 sought to be recalled and a statement of the grounds for recall. No more than fifty (50) names  
1393 shall be counted ~~form~~from any one (1) precinct of the Town. One (1) voter shall be identified  
1394 as the "lead petitioner", and the lead petitioner shall notify the Town Clerk of the names of  
1395 the registered voters listed thereon who shall be deemed to be the "first ten (10) signers" for  
1396 purposes of section 5-~~710~~-3.

1397 5-~~710~~-3 The Town Clerk shall thereupon prepare recall petition blanks and notify the lead  
1398 petitioner that a sufficient number of such blanks may be picked up at the Town Clerk's office  
1399 containing the number of signature lines required, plus at least two-fifths (2/5ths) more. The  
1400 Town Clerk shall keep these printed forms available. The Town Clerk shall sign and affix the  
1401 official seal to the recall petition blanks that are issued. Photocopies of recall petitions shall  
1402 not be accepted by the Town Clerk. The recall petition blanks shall be dated and addressed  
1403 to the Select Board, demanding the election of a successor to such office. The recall petition  
1404 blanks shall contain the names of the first ten (10) signers, the number of recall petitions  
1405 issued, the name and office of the officeholder whose recall is sought, and the grounds for  
1406 recall as stated in the initial petition

1407 5-~~710~~-4 The Town Clerk shall enter a copy of the recall petition in the town records. The recall  
1408 petition shall bear the signatures and residential addresses of at least fifteen (15) percent of  
1409 the registered voters as of the date of the most recent annual town election and shall be  
1410 returned to the Town Clerk within twenty (20) business days after the notification to the lead  
1411 petitioner of the availability of the recall petitions. All completed recall petitions containing  
1412 the signatures requesting a recall election need not be submitted simultaneously.

1413 5-~~710~~-5 The Town Clerk shall submit the recall petition to the board of registrars of voters  
1414 within one (1) business day of receipt. The registrars of voters shall certify thereon the  
1415 number of signatures which represent registered voters within seven (7) business days.

1416 5-~~710~~-6 If the recall petition is certified by the board of registrars of voters as sufficient, the  
1417 Town Clerk shall submit the same with a certificate so stating to the Select Board. Within

1418 three (3) business days of receipt of the certificate of sufficiency, the Select Board shall give  
1419 written notice, of the receipt of the certificate to the officeholder sought to be recalled.

1420 5-~~7~~10-7 If the officeholder does not resign within five (5) business days after the date the  
1421 notice is given, the Select Board shall order a special election to be held on a date fixed by  
1422 them, which shall be not less than 64 days from the date of the Select Board's vote to call for  
1423 the election nor more than ninety (90) days after the date of the Town Clerk's certificate that a  
1424 sufficient recall petition has been filed; provided, however, that if any other Town election is  
1425 to occur within one hundred (100) days after the date of the certificate, the Select Board shall  
1426 postpone the holding of the special election to the date of such other election and the  
1427 question of recall shall appear on the ballot at such other election. If a vacancy occurs in said  
1428 office after a recall election has been ordered, the election shall nevertheless proceed.

1429 5-~~7~~10-8 An officeholder sought to be removed may be a candidate at the recall election and,  
1430 unless such officeholder requests otherwise in writing, the Town Clerk shall place the  
1431 officeholder's name on the ballot without nomination. The nomination of candidates, the  
1432 publication of the warrant for the recall election, and the conduct of the same, shall all be in  
1433 accordance with the provisions of general law relating to elections unless otherwise provided  
1434 herein.

1435 5-~~7~~10-9 The incumbent shall continue to perform the duties of office until the recall election.  
1436 If not recalled, the incumbent shall continue in office for the remainder of the unexpired term  
1437 or sooner vacating of office. An incumbent having successfully survived a recall election shall  
1438 not again be subject to recall during the same term of office. If recalled, the incumbent shall  
1439 be deemed removed upon the qualification of the successor who shall hold office for the  
1440 remainder of the unexpired term. If the successor fails to qualify within ten (10) business days  
1441 after receiving notification of election, the incumbent shall thereupon be deemed removed  
1442 and the office vacant.

1443 5-~~7~~10-10 The form of the question to be voted upon shall be substantially as follows: "Shall  
1444 (here insert the name and title of the elective officeholder whose recall is sought) be  
1445 recalled?" The action of the voters to recall shall require a majority vote, but shall not be  
1446 effective unless the total of those voting for and against recall exceeds twenty (20) percent of  
1447 the registered voters of the town as of the date of the last annual election. If the question of

1448 recall is not approved as provided in this section, the votes for candidates shall not be  
1449 counted.

1450 5-~~710~~-11 No person, having been removed from office by recall or having resigned from  
1451 office following certification of names on an initial petition filed under Section 5-~~710~~-2, shall  
1452 be appointed to any town office within two (2) years following said removal or resignation.

1453 5-~~710~~-12 Recall proceedings shall not be initiated during the first or last one hundred eighty  
1454 (180) days of any officeholder's term of office.

1455 Section ~~811~~ Recall of Representative Town Meeting Members

1456 5-~~811~~-1 Representative ~~town meeting members~~Town Meeting Members shall be subject to  
1457 recall as generally provided in Section ~~710~~ of Chapter 5 of this Charter, provided:

1458 that the words "representative ~~town meeting~~Town Meeting member" shall be substituted for  
1459 the word "officeholder" throughout Section ~~710~~ of Chapter 5 of this Charter;

1460 that in Section 5-~~710~~-2 the number "one hundred twenty-five (125)" shall be substituted for  
1461 the number "five hundred (500)," and that names submitted shall be those of registered  
1462 voters residing in the precinct of the intended recall election;

1463 that in Section 5-~~710~~-4, the recall petition shall include the signatures and residential  
1464 addresses of at least fifteen (15) percent of the registered voters residing in the precinct, and  
1465 the words "ten (10) business days" shall be substituted for the words "twenty (20) business  
1466 days";

1467 that in Section 5-~~710~~-7 the words "special precinct election" shall be substituted for the words  
1468 "special election";

1469 that in Section 5-~~710~~-10 the words "of the precinct" shall be substituted for the words "of the  
1470 town"; and

1471 that any vacancy created by a recall election shall be filled in accordance with the provisions  
1472 of Section 10 of Chapter 2 of this Charter.

1473 Section ~~912~~ Recall of District Select Board Members

1474 5-12-1 District Select Board Members shall be subject to recall as generally provided in  
1475 Section 10 of Chapter 5 of this Charter, provided:  
1476 that the words "district Select Board member" shall be substituted for the word "officeholder"  
1477 throughout Section 10 of Chapter 5 of this Charter;  
1478 that in Section 5-10-2 the number "two hundred fifty (250)" shall be substituted for the  
1479 number "five hundred (500)," and that names submitted shall be those of registered voters  
1480 residing in the district of the intended recall election;  
1481 that in Section 5-10-4, the recall petition shall include the signatures and residential  
1482 addresses of at least fifteen (15) percent of the registered voters residing in the district;  
1483 that in Section 5-10-10 the words "of the district" shall be substituted for the words "of the  
1484 town"; and  
1485 that any vacancy created by a recall election shall be filled in accordance with the provisions  
1486 of Section 10 of Chapter 2 of this Charter.

1487 **CHAPTER 6**

1488 **TOWN BOARDS, COMMISSIONS, COMMITTEES, AND DEPARTMENT AND DIVISION**  
1489 **HEADS**

1490 Section 1 General Provisions

1491 6-1-1 All boards, commissions, and committees of the town shall organize annually as soon  
1492 after the annual election as practicable, to elect necessary officers, establish quorum  
1493 requirements, adopt rules of procedure, and maintain minutes. All boards, commissions, and  
1494 committees of the town regularly shall file approved meeting minutes with the Town Clerk.  
1495 upon approval by the board, commission, or committee. Such minutes shall be made  
1496 available for inspection to all persons requesting them.

1497 Section 2 Delegation of Appointment, Discipline, and Removal Power

1498 6-2-1 The powers conferred upon the Town Manager in Section 3-5-1(a) of this Charter, for  
1499 all employees subject to the provisions of G.L. c.31, the Civil Service Law, (except Department  
1500 and Division Heads, or their equivalents regardless of title, and school employees), may be  
1501 delegated to the appropriate Department Heads. To the extent permitted by law, such  
1502 powers, which shall include the ability to appoint, discipline, or discharge an employee, shall  
1503 be subject to final approval by the Town Manager, without appeal or recourse to the Select  
1504 Board. [Added by Chapter 336 of the Acts of 2012, Massachusetts General Court]

1505 6-2-2 All multi-member board and committee appointments made under this charter shall be  
1506 for a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12-  
1507 month period, and such attendance record has been duly certified to the Town Clerk by a  
1508 majority vote of such board or committee, shall upon such certification be deemed to have  
1509 resigned from the appointed position. Thereafter, the position shall be considered vacant for  
1510 all purposes.

1511 6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by a  
1512 vote of the appointing authority, as defined in the establish process developed by the  
1513 appointing authority.

1514

1515 **CHAPTER 7**

1516 **GENERAL PROVISIONS**

1517 **CHAPTER 7**

1518 **COMMUNICATIONS AND PUBLIC ENGAGEMENT**

1519 Section 1 Communications and Public Engagement Principles

1520 7-1-1 Communication with residents and the larger community is a basic obligation of  
1521 government and an essential component of the democratic process. The Town shall treat  
1522 communication and public engagement as integral parts of effective and trusted governance,  
1523 not just as an occasional process or activity. The Town shall recognize that engagement is a  
1524 "multi-channel" endeavor that includes face-to-face meetings, virtual interactions, and other  
1525 online communications.

1526 7-1-2 The Town shall encourage collaboration in public engagement efforts with individual  
1527 residents, other government jurisdictions and authorities, anchor institutions, community-  
1528 based organizations, civic groups, business communities, corporations, and visitors and  
1529 individual residents. The Town shall endeavor to provide a positive, forward- looking, public-  
1530 facing, open, and transparent window to the work of Town government.

1531 7-1-3 The Town shall strive to ensure that communications and public engagement activities  
1532 are timely, effective, reliable, inclusive, and accessible in order to reach a wide range of  
1533 residents and organizations, encourage informed participation in local government, and  
1534 provide a high level of services for the residents of Plymouth.

1535 7-1-4 The Town shall strive to ensure that communications align with Plymouth's  
1536 comprehensive Master Plan vision and goals.

1537 7-1-5 The Town shall work to monitor and report its progress under this chapter in order to  
1538 provide transparency, accountability, and the opportunity to communicate expectations and  
1539 results to the public.

1540 7-1-6 All Town agencies and officers, including Representative Town Meeting itself, shall  
1541 make efforts to follow these principles.

## 1542 Section 2 Communications and Engagement Strategy

1543 7-2-1 The Town Manager shall be responsible for developing and implementing a  
1544 comprehensive communication and engagement strategy as provided in section 3.5.1(w).

## 1545 **CHAPTER 8**

### 1546 **GENERAL PROVISIONS**

#### 1547 Section 1 Charter Amendment

1548 ~~7~~8-1-1 This Charter may be replaced, revised, or amended in accordance with the provisions  
1549 of general law.

1550

1551

1552 Section 2 Specific Provisions to Prevail

1553 ~~78~~-2-1 To the extent that any specific provision of this Charter conflicts with any general  
1554 provision, the specific provision shall prevail.

1555 Section 3 Severability of Charter

1556 ~~78~~-3-1 If any provision of this Charter is held invalid, the other provisions of this Charter shall  
1557 not be affected thereby. If the application of this Charter or any of its provisions to any person  
1558 or circumstances is held invalid, the application of this Charter and its provisions to other  
1559 persons and circumstances shall not be affected thereby.

1560 Section 4 Continuation, Revision, and Republication of By-Laws

1561 ~~78~~-4-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the ~~town~~  
1562 meetingTown Meeting in force on the effective date of this Charter, not inconsistent with its  
1563 provisions, shall continue in force until amended or repealed.

1564 Section 5 Enforceability of this Charter

1565 ~~78~~-5-1 The provisions of this Charter may be enforced by any applicable general or special  
1566 law, including, but not limited to G.L. c.43B, § 14 and G.L. C. 231A.

1567 8-5-2 All persons subject to this Charter must respect and comply with all provisions of this  
1568 Charter.

1569 Any person who has reason to believe that a town official or governmental body has not  
1570 complied with any provision of this charter by action or failure to act may file a written  
1571 complaint with the Town Clerk, setting forth the circumstances which constitute the alleged  
1572 violation.

1573 a) The written complaint shall identify the official or governmental body, specify the  
1574 date and time of the alleged violation, and cite the section of the charter allegedly  
1575 violated. The written complaint shall be signed by the complaining party.

1576 b) The written complaint shall be filed within sixty (60) days of the alleged violation.  
1577 Upon receiving the written complaint, the Town Clerk shall forward a copy thereof to

1578 the alleged offender (either the town official or the chairperson of the governmental  
1579 body).

1580 8-5-3 The official or chairperson of the governmental body so cited in the written complaint  
1581 shall file a reply with the Town Clerk.

1582 a) The reply shall either acknowledge the alleged violation with proposed remedial  
1583 action, if appropriate and feasible, or deny the alleged violation with a statement of  
1584 reasons, therefore.

1585 b) If the complaint is filed against a town official, the reply shall be so filed by a said  
1586 official within thirty (30) days of receipt of a copy of the complaint. In the case of a of a  
1587 complaint against a governmental body, the body's chairperson shall file a reply within  
1588 thirty (30) days of the receipt of the copy of the complaint or within ten (10) days after  
1589 the second regularly scheduled meeting of the governmental body following receipt of  
1590 the copy of the complaint, whichever is greater.

1591 c) The Town Clerk shall forward a copy of the complaint and reply to the complainant,  
1592 Town Manager and the Select Board, to the extent permissible under state and federal  
1593 law, including the Public Records Law.

1594 8-5-4 A complainant who is aggrieved by the alleged Charter non-compliance and the  
1595 alleged insufficiency of the reply may pursue any remedy available at law or in equity.

1596 8-5-5 Subject to the exemptions of the Public Records Law, complaints and replies filed  
1597 pursuant to this section will be considered public records.

1598 Section 6 Periodic Charter Review

1599 ~~78~~-6-1 At least once every 5 years, a Charter Review Committee shall review this Charter and  
1600 make a report, with recommendations, to the Town Meeting concerning any proposed  
1601 amendments which the Committee may determine to be necessary or desirable. The  
1602 members of the Charter Review Committee shall be appointed by a special committee  
1603 consisting of the Moderator, who will serve as Chairman, one member of the Select Board  
1604 and one ~~(1)~~ member of the COPC.

1605



1606 **CHAPTER 9**

1607 **TRANSITION PROVISIONS**

1608 Section 1 Effective Date

1609 9-1-1 This Charter shall become effective on July 1, 2023, except as provided herein.

1610 Section 2 Transfer of Records and Property

1611 9-2-1 All records, property, and equipment whatsoever of any Town agency, or part thereof,  
1612 the powers and duties of which are assigned in whole or part to another Town agency, shall  
1613 be transferred forthwith to such agency.

1614 Section 3 Continuation of Government

1615 9-3-1 All committees, commissions, boards, departments, officers, and other agencies of the  
1616 town shall continue to perform their duties until reappointed, re-elected, or until  
1617 successors to their respective positions are duly appointed or elected or their duties have  
1618 been transferred.

1619 Section 4 Continuation of Administrative Personnel

1620 9-4-1 Any person holding an office or position in the administrative services of the town, or  
1621 any person serving in the employment of the town shall retain such office or position and  
1622 shall continue to perform his duties until provisions shall have been made in accordance  
1623 with this charter for the performance of the said duties by another person or agency;  
1624 provided however, that no person in the permanent full time service or employment of the  
1625 town shall forfeit his pay grade or time in service. All such persons shall be retained in a  
1626 capacity as similar to their former capacity as it is practical so to do.

1627 Section 5 Effect on Obligations, Taxes, etc.

1628 9-5-1 All official bonds, recognizances, obligations, contracts, and other instruments  
1629 entered into or executed by, with or on the behalf of the municipality before the adoption  
1630 of this charter, shall continue to be obligations of the municipality and all taxes,  
1631 assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the

1632 municipality, shall be enforced and collected; and all writs, prosecutions, actions and  
1633 causes of action, except as herein otherwise provided, shall continue without abatement and  
1634 remain unaffected by the charter; and no legal act done by or in favor of the municipality shall  
1635 be rendered invalid by reason of the adoption of this charter.

1636 Section 6 District Implementation Committee

1637 9-6-1 Within 90 days of the effective date of this Charter, the Town Manager shall create a  
1638 District Member Implementation Committee to propose a method of devising district  
1639 representation for three (3) District Select Board members. The Committee shall be selected  
1640 as follows:

1641 COPC- 2 voter appointments

1642 Select Board - 2 voter appointments

1643 Moderator - 1 voter appointment

1644 Town Clerk or designee

1645 Town Manager or designee

1646 9-6-2 The Committee shall review Plymouth's existing voting precincts and create a  
1647 proposal dividing the existing precincts as equally as possible into three (3) districts for the  
1648 purpose of electing three (3) District Select Board members. A district is a geographical area  
1649 comprising approximately one third of the population and one third of the Town's precincts.  
1650 In formulating its recommendation, the Committee shall follow all guidelines established by  
1651 M.G.L. Ch. 54, sec. 6 and any other applicable state laws.

1652 9-6-3 Within 90 days after convening, the Committee shall publish its proposal, including a  
1653 preliminary map, to the Town's website and hold a public meeting to elicit public input and  
1654 feedback at least 14 but no more than 21 days after the map is posted.

1655 9-6-4 The Committee shall present its proposal for three (3) representative districts to the  
1656 Select Board within four (4) months of convening. The Select Board shall act on this  
1657 recommendation within 30 days of receipt, either approving or rejecting the proposal.  
1658 Should the Select Board fail to enact the proposed recommendation of the Committee, the  
1659 Select Board shall establish the districts within 30 days of the vote to reject. The inaugural  
1660 election of District Select Board members shall occur at the next regular Town election.

1661 Section 7 Communications and Engagement

1662 9-7-1 The Town Manager shall be charged with the creation of a transition plan for the  
1663 implementation of Chapter 7 - Communications and Public Engagement. The Town  
1664 Manager shall solicit input into the transition plan from residents, community groups,  
1665 businesses, elected and appointed Town officials, and Town Department Heads. Within six  
1666 (6) months of the effective date of this Charter, the Town Manager shall provide an update  
1667 to the Select Board on the transition plan, including the Town Manager's anticipated  
1668 strategy for fulfilling the requirements of Chapter 7.

1669 Section 8 Consolidated Maintenance Study Committee

1670 9-8-1 Within six (6) months of the effective date of this charter, the Town Manager shall  
1671 create a 5- (five) member Consolidated Facilities Management and Maintenance Study  
1672 Committee to study possible consolidation of Town and School facilities management and  
1673 maintenance. The directive of this study committee is to consider a full range of options as  
1674 practicable, provide analysis of the potential benefits and barriers of each option, and  
1675 consider which are the best fit for the Town.

1676 9-8-2 The committee shall issue recommendations to the Select Board within nine (9)  
1677 months of creation. The Select Board shall take action on the recommendations within six (6)  
1678 months of receipt.

1679 Section 9 Elected and Appointed Officials

1680 9-9-1 All those in elected office at the time the charter is adopted shall complete the  
1681 terms to which elected or appointed before the provisions of the charter relating to  
1682 election or appointment, and term take effect, except as otherwise provided in the charter.

1683 9-9-2 Vacancies in any such position prior to end of the term following the charter's adoption  
1684 can be filled under the charter provisions. Appointments to the Finance Committee by the  
1685 Moderator and the COPC as vacancies occur shall adhere to the intent and requirements of  
1686 section 2-12-1.

1687 9-9-3 Moderator

1688 A Moderator, as provided for in this Charter, shall be elected at the first spring Annual Town  
1689 Meeting following the effective date of this Charter. At such election, the term of office of the  
1690 incumbent Moderator shall expire, notwithstanding the term for which the incumbent  
1691 Moderator was elected. The election shall be conducted in accordance with the provisions of  
1692 Section 2-8-1.

1693 9-9-4 Select Board

1694 A seven-member Select Board, as provided for in this Charter, shall be elected at the first  
1695 regular town election following the effective date of this Charter. At such election, the terms  
1696 of office of all members of the incumbent Board of Selectmen shall expire, notwithstanding  
1697 the term for which they were elected or appointed. At such election, a new seven-member  
1698 Select Board, as provided for in this charter, shall be elected as follows:

1699 At-Large: The two At-Large candidates receiving the first and second greatest number  
1700 of votes among At-Large Select Board candidates shall each be elected to a two-year  
1701 term. The two At- Large candidates receiving the third and fourth greatest number of  
1702 votes among At-Large Select Board candidates shall be elected to a one-year term.  
1703 Ties, with respect to votes deciding the length of term, shall be resolved by a drawing  
1704 scheduled and conducted by the Town Clerk. Such drawing shall be open to the  
1705 public. In subsequent elections, At-Large Select Board candidates shall be elected for  
1706 terms of three years.

1707 District: The three District Select Board members shall be elected for terms of three  
1708 years.

1709 9-9-5 Housing Authority

1710 At the first regular Town election following the effective date of this Charter, the term of  
1711 office of the incumbent tenant appointment to the Housing Authority shall expire,  
1712 notwithstanding the original term of appointment. Within 30 days following the appointment  
1713 expiration, a tenant member shall be appointed in accordance with the applicable state law.  
1714 Nothing in this provision shall prevent the incumbent from being appointed to the new term.

1715

1716 9-9-6 Finance Committee

1717 The incumbent members of the Finance Committee on the effective date of this Charter shall  
1718 continue to serve for the balance of the terms for which they were appointed. Upon the  
1719 expiration of the term of office, vacancies shall be filled as follows:

1720 Term beginning July 1, 2023: Five members of the Finance Committee shall be  
1721 appointed by the COPC for three-year terms effective July 1, 2023, through June  
1722 30, 2026, and thereafter appointed by the COPC pursuant to Section 2-12-1 of this  
1723 Charter.

1724 Term beginning July 1, 2024: Five members of the Finance Committee shall be  
1725 appointed by the COPC for three-year terms effective July 1, 2024, through June  
1726 30, 2027, and thereafter appointed by the COPC pursuant to Section 2-12-1 of this  
1727 Charter.

1728 Term beginning on July 1, 2025: Five members of the Finance Committee shall  
1729 be appointed by the Moderator for three-year terms effective July 1, 2025, through  
1730 June 20, 2028, and thereafter appointed by the Moderator pursuant to Section 2-12-  
1731 1 of this Charter.

1732 9-9-7 Legislative Oversight Committee

1733 The Town Clerk shall convene the Legislative Oversight Committee within 60 days of the  
1734 effective date of this Charter, pursuant to the procedure outlined in Section 2-13,  
1735 except that the time limits for appointment outlined in Section 2-13-2 will not apply.

1736 Section 10 Adoption of Measures to Assist with Transition

1737 9-10-1 The Select Board shall have the authority to adopt measures that clarify or confirm any  
1738 of the transition provisions in order that the transition may be made in the most  
1739 expeditious and least contentious manner possible.