

DRAFT

THE CHARTER

DRAFT

DRAFT

Chapter C

CHARTER

Article 1:
INCORPORATION, POWERS OF THE TOWN

- 1-1. Incorporation.**
- 1-2. Short Title.**
- 1-3. Division of Powers.**
- 1-4. Powers of the Town, Intent of Voters.**
- 1-5. Interpretation of Powers.**
- 1-6. Intergovernmental Relations.**

Article 2:
OPEN TOWN MEETING

- 2-1. Open Town Meeting.**
- 2-2. Presiding Officer.**
- 2-3. Clerk of the Meeting.**
- 2-4. Time of Meetings.**
- 2-5. Rules of Procedure.**
- 2-6. General Powers and Duties.**
- 2-7. Warrants and Articles.**
- 2-8. Publication of Warrants.**
- 2-9. Referendum Procedures on Town Meeting Votes.**

Article 3:
BOARD OF SELECTMEN

- 3-1. Board of Selectmen.**
- 3-2. General Powers and Duties.**
- 3-3. Appointments.**
- 3-4. Licensing Authority.**

Article 4:
TOWN MANAGER

- 4-1. Appointment, Qualification, Term.**

- 4-2. Powers and Duties.**
- 4-3. Special Meetings.**
- 4-4. Delegation of Authority.**
- 4-5. Acting Town Manager.**
- 4-6. Removal and Suspension of Town Manager.**

Article 5:
ADMINISTRATIVE ORGANIZATION

- 5-1. Establishment and Abolishment.**
- 5-2. Department of Public Works.**
- 5-3. Department of Municipal Finance.**
- 5-4. Department of Public Safety.**
- 5-5. Department of Parks and Recreation.**
- 5-6. Building Department.**
- 5-7. Council on Aging.**
- 5-8. School Committee.**
- 5-9. Regional School District Representative.**
- 5-10. Housing Authority.**
- 5-11. Town Clerk.**
- 5-12. Planning & Community Development Department.**
- 5-13. Conservation Commission.**

Article 6:
FINANCIAL MANAGEMENT

- 6-1. Fiscal Year.**
- 6-2. Budget and Budget Process.**
- 6-3. Finance Committee.**
- 6-4. Capital Planning Committee.**
- 6-5. Collections and Disbursements.**
- 6-6. Lapse of Appropriations.**
- 6-7. Audit.**

6-8. Personal Liability for Expenditures in Excess of Appropriation.

6-9. Internal Departmental Audits.

Article 7:
ELECTED OFFICERS

7-1. General Provisions.

7-2. Vacancies.

7-3. Recall.

7-4. School Committee.

7-5. Planning Board.

7-6. Housing Authority.

7-7. Moderator.

7-8. Selectmen.

7-9. Cemetery Commission.

7-10. Board of Health.

7-11. Board of Assessors.

7-12. Park Commission.

Article 8:
GENERAL PROVISIONS

8-1. Charter Changes.

8-2. By-law.

8-3. Severability.

8-4. Specific Provision to Prevail.

8-5. Rules and Regulations.

8-6. Limitation on Office Holding.

8-7. Enforcement of Charter Provisions.

8-8. Annual Report of the Town.

8-9. Notice of Vacancies.

8-10. Town Boards, Commissions and Committees.

8-11. Rescinding Power.

8-12. Filing of Notice.

8-13. Resignations.

8-14. Computing of Time.

8-15. Number and Gender.

8-16. By-Law Review.

Article 9:
TRANSITIONAL PROVISIONS

9-1. Continuation of Existing Laws.

9-2. Continuation of Government.

9-3. Existing Officials and Employees.

9-4. Continuation of Administrative Personnel.

9-5. Continuation of Obligation.

9-6. Transfer of Records and Property.

9-7. Time of Taking Effect.

9-8. Town Manager.

9-9. By-Law Study Review.

**Charter Commission Statement;
Ballot Question; Definitions**

[HISTORY: Adopted by the Town of Ware 4-9-2007. Amendments noted where applicable.]

Article 1:
INCORPORATION, POWERS OF THE TOWN

1-1. Incorporation.

The inhabitants of the Town of Ware, within the territorial limits established by law, shall continue to be a municipal corporation, a body and politic, under the name, "Town of Ware."

1-2. Short Title.

This instrument shall be known and may be cited as the "Ware Home Rule Charter."

1-3. Division of Powers.

The administration of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Board of Selectmen, elected by and responsible to the voters, and a Town Manager, appointed by and responsible to the Board of Selectmen. All legislative powers of the Town shall be exercised by an Open Town Meeting.

1-4. Powers of the Town, Intent of Voters.

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

1-5. Interpretation of Powers.

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and specific mention of any particular power is not intended to limit in any way the general powers of the Town.

1-6. Intergovernmental Relations.

The Town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Article 2:

OPEN TOWN MEETING**2-1. Open Town Meeting.**

The legislative powers of the Town shall be exercised by a Town Meeting open to all registered voters of the Town of Ware.

2-2. Presiding Officer.

A Moderator, elected as provided in section 7-7 of this Charter, shall preside at all sessions of the Town Meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be given to moderators under the constitution and state law of the Commonwealth. The Moderator will take steps to ensure that only registered voters cast votes at Town Meeting and establish a proper written procedure for the accurate counting of all votes except those by secret ballot.

2-3. Clerk of the Meeting.

The Town Clerk shall serve as clerk of the Town Meeting, give notice of all its adjourned sessions, records its proceedings, and perform such additional duties in connection with the Town Meeting as may be provided by state law, by this Charter, by by-law, or by other Town Meeting vote. The Town Clerk will also be responsible for establishing methods for the tabulation of all votes taken by secret ballot at any Town Meeting. Such records shall be made available in the office of the Town Clerk for examination by the public as provided for by the Massachusetts Public Records Law and shall further be made available in printed form.

2-4. Time of Meetings.

The Annual Town Meeting shall be held in accordance with the Town by-law. Special Town Meetings shall be convened at such times as may be called by the Board of Selectmen, or by petition of registered voters as provided by state law.

2-5. Rules of Procedure.

- a. The conduct of the Town Meeting shall be governed by Town Meeting Time and such other rules and procedures as, from time to time, may be adopted by Town Meeting vote.
- b. The vote on any Town Meeting article which requires raising and appropriating, borrowing or the transfer of funds in the amount of \$75,000.00 or more shall be secret ballot if requested by 10 registered voters. Any other article shall be voted on by secret ballot if a majority of voters so request.
- c. The quorum at all Town Meetings shall be 100 registered voters.

2-6. General Powers and Duties.

All legislative powers of the Town shall be vested in the Town Meeting, except as otherwise provided by by-law or by this Charter. The Town Meeting shall provide for the exercise of all legislative powers of the Town and for the performance of all duties and obligations imposed upon the Town.

2-7. Warrants and Articles.

- a. The Board of Selectmen shall issue a warrant calling for every Town Meeting. The warrant shall state the time and location at which the meeting is to convene and it shall state, by separate articles, the subject matter to be acted upon.
- b. Petitions for submission of warrant articles for any Town Meeting action will be in accordance with MGL C39, s10.

2-8. Publication of Warrants.

- a. Following receipt by the Board of Selectmen of any subject for a Town Meeting warrant article, initiated by petition or by the Board of Selectmen, the Town Clerk shall post a copy of such subject on the Town bulletin board. The Town Clerk shall make additional copies available in printed form.
- b. Upon closing of a warrant for any Town Meeting, the Board of Selectmen shall post the warrant articles and publish as required by by-law. The petitioner of each article shall prepare a summary description of the intent of the article and submit it to the Board of Selectmen who will make it publicly available fifteen (15) days prior to the date of the Town Meeting. The Selectmen may draft an opposing position.

2-9. Referendum Procedures on Town Meeting Votes.

- a. Effective Date of Final Votes

No final affirmative vote of a Town Meeting on any warrant article, except (a) a vote to adjourn or dissolve, (b) votes appropriating money for the payment of notes or bonds of the Town and interest thereon becoming due within the then current fiscal year, (c) votes for the temporary borrowing of money in anticipation of revenue, (d) the vote for the operating budget for the ensuing fiscal year, or (e) any vote declared by preamble by a two-thirds vote of the Town Meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town, shall be operative until after the expiration of ten (10) days, from the dissolution of the Town Meeting. If a referendum petition is not filed within the said ten (10) days, the vote of the Town Meeting shall become operative.

- b. Non-Final Votes

Any article disposed of by a vote to lay on the table or to postpone indefinitely, or by other dilatory vote, shall be deemed to have been rejected in the form in which it was presented or amended.

- c. Referendum Petition

If within said ten (10) days a petition signed by not less than three (3) percent of all registered voters, containing their names and addresses, is filed with the Board of Selectmen requesting that any question, not yet operative, as defined in Section (a) above be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The registrars of voters shall have 7 days to certify the signatures, and upon the petition's being certified, the Board of Selectmen shall, within ten (10) days after the filing of such petition, call a special election that shall be held within thirty-five (35) days after issuing the call, for the purpose of presenting the question or questions to the voters. If, however, a regular or special Town election is to be held within sixty (60) days following the date the petition is filed, the Board of Selectmen may put the question, or questions, to the voters at that same election.

d. Referendum Election

All votes upon any question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the Town Meeting shall be reversed unless at least twenty percent (20%) of the voters participate in the election.

e. Format of Questions

Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the Town Meeting, as appears in the records of the clerk of the meeting.

Article 3:

BOARD OF SELECTMEN ¹

3-1. Board of Selectmen.

There shall be a Board of Selectmen consisting of five (5) members elected at large for terms of three (3) years each so arranged that the term of office of nearly an equal number of members as possible shall expire each year.

If there is a failure to elect or if a vacancy occurs in the office of selectman and more than one hundred and eighty days remain before the next regular Town election will occur, the remaining selectmen shall call a special election to fill the vacancy. The Board of Selectmen shall also call a special election to fill a vacancy in the office of selectman if less than one hundred and eighty days remain before the next regular Town election will occur upon the request in writing of two hundred voters, provided, however, that no such special election shall be held within one hundred and twenty days of a regular Town election.

3-2. General Powers and Duties.

All executive powers of the Town, except as otherwise provided in this Charter, shall be vested in the Board of Selectmen, which shall be deemed to be the Chief Executive Officers of the Town.

- a. The Board of Selectmen shall serve as the chief policy making agency and shall exercise control over Town affairs by recommending major courses of action to the Town Meeting. The Board shall have the power to enact rules and regulations for the establishment of Town policies, not otherwise governed by statute or this Charter. Whenever an expenditure shall be necessary to implement such action, the vote of the Board shall be effective only if such appropriation has been made by Town Meeting.
- b. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all Town agencies. The Board of

1. Editor's Note: See Acts of 2022, Ch. 61, *An Act Changing the Name of the Board of Selectmen of the Town of Ware to Select Board.*

Selectmen and its members shall deal with the officers and employees serving under the Town Manager, solely through the Town Manager, and neither the Board of Selectmen nor any member of the Board of Selectmen shall give orders or directions to any such officer or employee, either publicly or privately.

3-3. Appointments.

The Board of Selectmen shall appoint a Town Manager.

The Board of Selectmen shall appoint all other positions and multiple member bodies and any other position, committee or board unless otherwise provided for in this Charter.

3-4. Licensing Authority.

The Board of Selectmen shall be the licensing authority of the Town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose restrictions on any such license, as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

Article 4:

TOWN MANAGER

4-1. Appointment, Qualification, Term.

The Board of Selectmen shall appoint a Town Manager to serve for a term fixed by contract. The Town Manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management as well as on the basis of demonstrated executive and administrative qualifications. A Town Manager need not be a resident of the Town or of the Commonwealth at the time of appointment, and residency is not a requirement of this position at any time.

The Board of Selectmen shall annually fix the compensation for such person within the amount appropriated for such purpose.

The Town Manager shall not have served in an elective office in Ware's government for at least twelve months prior to appointment. The Town may, by by-law, establish such additional qualifications as necessary and appropriate.

The Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor actively engage in any other business, occupation or profession during such service, unless such action is approved in advance and in writing by the Board of Selectmen.

The Board of Selectmen shall provide for an annual review of the job performance of the Town Manager, which shall, at least in summary form, be a public record.

4-2. Powers and Duties.

The Town Manager shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen. The powers and duties of the Town Manager shall include, but are not intended to be limited to the following:

- a. To supervise, direct and be responsible for the efficient administration of all functions and activities in the executive/administrative branch of the Town government for which the office of Town Manager is hereby given the authority, responsibility and control by this Charter, by-law, Town Meeting vote, the vote of the Board of Selectmen, or otherwise.

- b. Appointment Power

To appoint, subject to review by the Board of Selectmen, all department heads as provided in the Town by-laws and this Charter. Appointments made by the Town Manager shall be for a specific term. All appointments made by the Town Manager shall be based on qualifications, knowledge and experience. Each person appointed to fill an office or position shall be a person especially fitted by education, training, and previous work experience to perform the duties of the office or position for which chosen.

Except as otherwise specifically provided in this Charter, the Town Manager shall appoint all other Town employees, except those serving under Town officers or multiple member bodies elected directly by the voters.

- c. Removal and Suspension Power

To remove or suspend any person appointed under this section, subject to civil service laws and any agreements, including collective bargaining agreements, where applicable, and also subject to review by the Board of Selectmen, as provided below.

The Town Manager shall submit to the Board of Selectmen the name of the person the Town Manager desires to suspend or remove who has been appointed under this section. Suspensions or removals made by the Town Manager shall become effective immediately unless the Board of Selectmen shall have voted to reject such suspension or removal. Rejection by the Board of Selectmen shall require a four (4) member vote.

- d. Additional Powers and Responsibilities

- a. To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other Town agency under the manager's jurisdiction.
- b. To fix the compensation of all Town employees and officers appointed by the Town Manager, subject to civil service and collective bargaining agreements, within the limits established by appropriation and any applicable compensation plan.
- c. To be responsible for the administration of a Town personnel system, including, but not limited to personnel policies and practices, rules and regulations, and an employee handbook, including provisions for an annual employee performance review. The Town Manager shall also prepare and keep current a plan

establishing the personnel staffing requirements for each Town agency under the Manager's jurisdiction.

- d. To attend all regular and special meetings designated by the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.
- e. To assure that full and complete records of the financial and administrative activities of the Town are kept and to render as often as may be required by the Board of Selectmen, but not less than once in each year, a full report of all Town administrative operations during the period reported on, which report shall be made available to the public.
- f. To keep the Board of Selectmen fully advised as to the needs of the Town and recommend to the Board of Selectmen and to other Town officers and agencies for adoption such measures requiring action by them as the Town Manager may deem necessary or expedient.
- g. To have full jurisdiction over the rental and use of all Town facilities and property except property under the control of the School Committee.
- h. To be responsible for the rental, use, maintenance and repair of all Town buildings and facilities placed under the Town Manager's control by this Charter, or otherwise.
- i. To prepare and present, in the manner provided in Article Six (6) a proposed annual operating budget for the Town and a proposed capital outlay program for first of five fiscal years next ensuing.
- j. To develop and maintain a full and complete inventory of all Town-owned real and personal property.
- k. To negotiate all contracts involving any subject within the jurisdiction of the office of Town Manager, including contracts with Town employees, involving wages, hours and other terms and conditions of employment; and may participate in negotiations relating to teachers as the General Laws provide. All such proposed contracts shall be subject to approval or ratification by the Board of Selectmen except those pertaining to the school committee. The Town Manager may employ special counsel to assist in the performance of these duties.
- l. To be the chief procurement officer of the Town responsible for purchasing all supplies, material and equipment for all departments and activities of the Town, except books and other educational materials for schools and libraries, as provided in MGL, Chapter 30B. The Town Manager may delegate this authority to others. The Town Manager shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any Town agency.
- m. To see that all of the provisions of the state law, this Charter, Town by-laws and other votes of the Board of Selectmen which require enforcement by the Town Manager or officers subject to the direction and supervision of the Town Manager are faithfully executed, performed or otherwise carried out.

- n. To attend all sessions of all Town Meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the Town Manager exercises any supervision.
- o. To perform any other duties as are required to be performed by the Town Manager by by-laws, administrative code or votes of the Board of Selectmen.

4-3. Special Meetings.

The Town Manager may at any time call a special meeting of the Board of Selectmen, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the Board of Selectmen. Such notice shall, except in an emergency of which the Town Manager shall be the sole judge, be delivered at least two (2) days in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the Town bulletin board in accordance with state law.

4-4. Delegation of Authority.

The Town Manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of Town Manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Manager.

4-5. Acting Town Manager.

a. Temporary Absence

By letter filed with the Town Clerk, the Town Manager shall designate a qualified Town administrative officer or employee to exercise the powers and perform the duties of Town Manager during a temporary absence. During a temporary absence the Board of Selectmen may not revoke such designation until at least ten (10) working days have elapsed, whereupon it may appoint another qualified Town administrative officer or employee to serve until the Town Manager shall return.

b. Vacancy

Any vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen, but, pending such regular appointment, the Board of Selectmen shall appoint a qualified Town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six months, but one renewal may be voted by the Board of Selectmen not to exceed three months. Compensation for such person shall be set by the Board of Selectmen.

c. Powers and Duties

The acting Town Manager shall have only those powers of the Town Manager as are essential to conduct the business of the Town in an orderly and efficient manner and on which action may not be delayed. The acting Town Manager shall have no authority to

make any permanent appointment or removal from Town service unless the disability of the Town Manager shall extend beyond sixty (60) days.

4-6. Removal and Suspension of Town Manager.

The Board of Selectmen may, by a four (4) member vote, terminate and remove, or suspend from office, the Town Manager, for cause, including but not limited to the following reasons: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office, in accordance with the following procedure.

- a. The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of four (4) members, which must state the reason or reasons for removal. This preliminary resolution may suspend the Town Manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the Town Manager forthwith.
- b. Within five (5) days following delivery of the preliminary resolution the Town Manager may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held by of the Board of Selectmen at least twenty (20) days but not more than thirty (30) days after the request is filed. The Town Manager may file with the Board of Selectmen a written statement responding to the reasons stated in the resolution of removal provided the same is received at its office more than two (2) days in advance of the public hearing.
- c. The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of four (4) members not less than ten (10) nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the Town Manager, if the Town Manager has not requested a public hearing; or, within ten (10) days following the close of the public hearing if the Town Manager has requested such hearing. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Town Manager shall, at the expiration of said time, forthwith resume the duties of the office. The Town Manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the Board of Selectmen.
- d. In the event of a removal or suspension of a Town Manager pursuant to this section, the authority of the Town Manager to appoint a temporary or acting Town Manager shall be suspended. The assistant Town Manager, if any, shall forthwith be the acting Town Manager, subject to a majority vote of the Board of Selectmen. The Board of Selectmen may substitute another person to serve as acting Town Manager.

Article 5:

ADMINISTRATIVE ORGANIZATION**5-1. Establishment and Abolishment.**

The Town Manager, subject to the approval of the board of Selectmen, may reorganize, create, consolidate or abolish committees, commissions, offices, departments and agencies under his supervision, in whole or in part, and may establish new committees, commissions, offices, departments and agencies as deemed necessary, and may for such purposes transfer duties and powers. The Board of Selectmen shall hold at least one public hearing on any such proposal within thirty (30) days of receipt. Within sixty (60) days following the public hearing(s), the Board of Selectmen shall vote to approve or disapprove the proposal, with or without amendments. The plan becomes effective sixty (60) days following the public hearing(s) unless sooner approved or disapproved.

5-2. Department of Public Works.

There shall be established a Department of Public Works under the direction of the Town Manager. The Town Manager shall appoint a Director of Public Works who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director shall be required to hold a Bachelors degree in Civil Engineering or equivalent public works experience. The Director shall be responsible for the supervision and coordination of all public works operations of the Town that are placed under control of the Director by this Charter.

The Department of Public Works shall consist of the following:

- Highway Division
- Cemetery Division
- Wastewater Treatment Division
- Water Division
- Forestry Division
- Facilities Management Division*

* Facilities Management Division

The responsibility for the maintenance and repair of all Town owned buildings and grounds, with the exception of the School Department and the Park and Recreation Department, shall be consolidated in the department of public works. The Town Manager, after consultation with the Director of Public Works, shall determine the manner in which such responsibility shall be assumed and the services delivered.

The Town Manager and the Director of Public Works, shall together determine the procedures for regular maintenance of all Town owned buildings.

5-3. Department of Municipal Finance.

There shall be established a Department of Municipal Finance under the direction of the Town Manager. The Town Manager shall appoint a Director of Municipal Finance who shall

be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director of Municipal Finance shall be required to be a Certified Public Accountant (CPA) or hold a degree in Public Finance or a related field. The director shall be responsible for the supervision and coordination of all municipal finance operations of the Town that are placed under the control of the director by this Charter.

The Department of Municipal Finance shall include accounting, treasury management, collection and assessing.

The Accountant and Treasurer/Collector shall be persons especially suited by education, training, and previous experience to perform the duties of the office.

5-4. Department of Public Safety.

- a. There shall be established a Department of Public Safety under the direction of the Town Manager. The Department of Public Safety shall consist of the following:
 - Police Department
 - Fire Department
 - Emergency Management Agency
 - Dog Officer
 - Constables
 - Other departments as may be subsequently determined
- b. Appointment of Personnel in Police and Fire Departments
 1. The Fire Chief shall be responsible for the appointment promotion of all officers and subordinates in the Fire Department.
 2. The Board of Selectmen, acting as the Police Commissioners, shall be responsible for the appointment and promotion of all officers and subordinates in the Police Department.

5-5. Department of Parks and Recreation.

The Department of Parks and Recreation shall consist of the following:

- Three (3) elected Park Commissioners
- One (1) Parks and Recreation Manager shall be appointed by the Park Commissioners.

5-6. Building Department.

The Building Department shall include all building related inspection functions and one (1) appointed Building Inspector.

5-7. Council on Aging.

The Council on Aging shall consist of the following:

- There shall be a Council on Aging, which shall consist of nine (9) members. Eight shall be appointed by the Board of Selectmen and one (1) shall be appointed by the Town Manager and shall also serve as the Senior Center Director.
- The Director shall have a Bachelors Degree in education, social services or a related field, or shall have equivalent experience. He shall be especially suited by education, training and previous experience to perform the duties of the office.

5-8. School Committee.

There shall be five (5) elected members of the School Committee

5-9. Regional School District Representative.

There shall be representation to any regional school district that the Town chooses to belong, and they shall be elected in accordance with state law.

5-10. Housing Authority.

There shall be a housing authority, which shall consist of five (5) members. Four (4) members shall be elected at the annual Town election, for terms of five (5) years each; the terms to be so arranged that each term will expire in a different year. One member shall be appointed by the Commonwealth of Massachusetts to serve for a term of five (5) years.

5-11. Town Clerk.

There shall be one (1) Town Clerk appointed by the Town Manager.

5-12. Planning & Community Development Department. [Added as approved 4-14-2014 ATE:]

There shall be established a Planning & Community Development Department under the direction of the Town Manager. The Town Manager shall appoint a Director of Planning & Community Development who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director shall be required to hold a Master's Degree in land use planning (regional, community, city, urban, etc.) and previous experience in the planning field.

The Director shall be responsible for the supervision and operation of the Town entities that are placed under control of the Director by this Charter. The Director shall provide

2. Editor's Note: This amendment also deleted former §§ 5-12, Planning Board, 5-13, Town Planner, 5-14, Zoning Board of Appeals, and 5-16, Community Development Authority, consolidating all roles and duties under the Planning & Community Development Department. It also renumbered former § 5-15, Conservation Commission, as § 5-13.

professional assistance to the below-named boards and commissions, shall supervise professional and administrative staff serving in the department, shall direct all land use planning efforts in the town, shall oversee all proposed modifications to land use regulations in the town, and shall prepare an annual report providing information regarding the development of the town.

The Planning & Community Development Department shall consist of the following:

- Planning Board
 - Zoning Board of Appeals
 - Community Development Authority
 - Planning & Community Development Advisory Committee
 - Tax Increment Financing Committee
- a. Planning Board: There shall be a Planning Board which shall consist of five members elected for terms of five (5) years each, with staggered terms. The Planning Board shall have all the powers and duties assigned to it by MGL Chapter 40A, Section 9 and Chapter 41, Sections 81A through 81GG, and any others as conferred by MGL. The Town Manager shall appoint one alternate member of the Planning Board pursuant to MGL Chapter 40A, Section 9. Whenever a member of the Planning Board is absent, or because of a conflict of interest or other situation rendering the member unable to participate on a Special Permit application, the chair shall seat the alternate member to act in the member's place. Pursuant to MGL, the alternate member cannot act on any other type of application before the Planning Board. (See also Section 7-5.)
- b. Zoning Board of Appeals: There shall be a Zoning Board of Appeals which shall consist of five (5) members and two (2) alternate members. All members shall be appointed by the Board of Selectmen for terms of three (3) years each, with terms staggered. The Zoning Board of Appeals shall have all the powers and duties assigned to it by MGL Chapter 40A, Section 14 and any others as conferred by MGL.
- c. Community Development Authority: There shall be a Community Development Authority which shall consist of five (5) members. All members shall be appointed by the Board of Selectmen for three (3) years each, with terms staggered. The Community Development Authority shall have the following powers and duties:
- Oversee all CDBG grants awarded to the Town and other grants which were obtained through the Planning & Community Development Department;
 - Oversee loans provided to businesses from the Economic Development Revolving Loan Fund;
 - Oversee loans provided to individuals through any other loan programs administered by the Planning & Community Development Department;
 - Determine which areas of the town constitute decadent, substandard, or blighted open areas as such terms are defined in MGL Chapter 121B, and prepare plans for the redevelopment of such areas;
 - Working with stakeholders, prepare plans and oversee implementation of strategies to revitalize the downtown and millyard areas;
 - Participate in general economic development projects; and

- Any other activities as needed to effectuate positive change in regard to community or economic development.
- d. **Planning & Community Development Advisory Committee:** The Planning Board, Zoning Board of Appeals, or the Community Development Authority may, from time to time as needed, request through the Director that the Town Manager appoint an advisory committee to assist the Department with specific plans, studies, or projects involving tasks or issues where an advisory committee's assistance would be beneficial. The advisory committee shall consist of seven (7) members, who shall be residents, property owners, or business owners in the Town. The Town Manager shall appoint members whose terms shall be for the duration of the specific project, plan, or study for which they were appointed, and shall be dissolved when the project is complete. The Town Manager may seek the advice of the Director of Planning & Community Development or other professional staff within the department in making such appointments. Examples of projects include town-wide master planning, neighborhood planning, redevelopment plans, open space and recreation planning, and natural resource planning.
- e. **Tax Increment Financing Committee:** There shall be a Tax Increment Financing Committee which shall consist of five (5) members, appointed by the Town Manager for terms of three (3) years each, with terms staggered. Membership shall include one representative from each of the following: Planning & Community Development Department, Finance Committee, Board of Assessors or their designee, Board of Selectmen, and one citizen representative who shall be a resident of the Town. The committee shall be responsible for making decisions regarding the use of tax increment financing in the development and redevelopment of the town.

5-13. Conservation Commission. [Amended 4-9-2012 ATE by Art. 10]

There shall be a Conservation Commission which shall consist of five (5) members and two (2) associate members appointed for terms of three (3) years each.

Article 6:

FINANCIAL MANAGEMENT

6-1. Fiscal Year.

The fiscal year of the Town shall be determined by state law. The budget and capital improvements program shall be public records and copies shall be kept available for inspection at the Office of the Town Clerk.

6-2. Budget and Budget Process. [Amended 4-11-2011 ATE, eff. 7-1-2011]

Annually, prior to the first of December, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for

the next fiscal year. All town departments must submit an itemized budget for the new fiscal year to the Town Manager as prescribed by state law and the Charter.

- a. By the first Monday in March, the Town Manager shall submit the budget for the next fiscal year to the Finance Committee for review and recommendations. The Finance Committee shall return the budget with Finance Committee recommendations by the first Monday in April to the Town Manager. A copy of the budget shall be sent to the Board of Selectmen by the first Monday in April.
- b. The Manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall:
 - Outline the proposed financial policies of the Town for the next fiscal year
 - Describe the important features of the budget
 - Indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes
 - Summarize the Town's debt position
 - Include such other material as the Manager deems appropriate.
- c. The budget shall provide a complete financial plan, including a report by the Finance Committee, for all Town funds and activities, and it shall indicate proposed expenditures for both current operations and capital projects during the next fiscal year, detailed by Divisions, Departments, Offices, Boards, Commissions, Committees and purposes.

The Town Manager shall be responsible for presenting the budget to the Town Meeting. The Town Meeting shall adopt the budget, with or without amendments, at the Annual Town Meeting.

6-3. Finance Committee.

The Board of Selectmen shall appoint a finance committee of five (5) members, to serve for terms of three (3) years, arranged so the terms of an equal number as possible expire each year. The finance committee shall serve in an advisory capacity to the Town Manager and Board of Selectmen. The finance committee shall conduct at least one (1) public hearing on the proposed budget and provide recommendations to the Town Manager.

The finance committee shall consider in public meetings the detailed expenditures for each Town agency proposed by the Town Manager, and may confer with representatives of any such agency in connection with such considerations. The finance committee may require the Town Manager or any other Town agency to provide such additional information as it deems necessary or desirable in furtherance of its responsibility.

6-4. Capital Planning Committee.

A Capital Planning Committee of seven (7) members shall be appointed as follows: One Finance Committee member appointed from among its members; one member of the Board of Selectmen appointed from among its members, the Treasurer-Collector, Town Manager and three (3) registered voters of the Town appointed by the Board of Selectmen. The

Treasurer-Collector, Town Manager and Board of Selectmen members shall be permanent members of the committee. Other members shall serve for three (3) year terms and may be reappointed. Other than described herein, no other Town employee or Town officer shall be appointed to the committee.

The Capital Planning Committee shall study proposed capital outlays involving the acquisition of land or an expenditure of at least twenty-five thousand dollars (\$25,000.00). All officers, boards and committees, including the School Committee, shall by September first of each year give to the Capital Planning Committee on forms prepared by it, information concerning all projects anticipated by them as needing Town Meeting approval during the next five years. The committee shall study the need, timing and cost projection of these projects and the result each will have on the financial position of the Town.

The Capital Planning Committee shall prepare an annual report containing a budget for such outlays for the first year for presentation to the Town Meeting.

6-5. Collections and Disbursements.

Except as otherwise provided by state law, all monies and fees received by the Town or by any division, department, or officer thereof, shall, upon their receipt by such division, department or officer, be paid into the Town treasury in a timely manner. Warrants for the payment of Town funds prepared and signed by the Town Accountant in accordance with state law, shall be submitted for analysis, approval and signature of the Town Manager or the Board of Selectmen when necessary.

6-6. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation.

6-7. Audit.

At the close of each fiscal year, and at such times as it may be deemed necessary, the Board of Selectmen shall cause an independent audit to be made of all accounts of the Town by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the Town or any of its offices. Upon completion of the audit, the results in a summary form shall be placed on file in the Town Clerk's office as a public record.

6-8. Personal Liability for Expenditures in Excess of Appropriation.

No official of the Town, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the Town in any

contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of section 31 of Chapter 44 of the MGL shall be strictly enforced. Any official who violates the provisions of this section shall be personally liable to the Town for any amounts so expended to the extent the Town does not recover such amounts from the person to whom such sums were paid.

To ensure officials do not place themselves or their accounts in such a position whereby this section would apply, all responsible officials shall request appropriations from the Reserve Fund when an account has reached a minimum of ten (10) percent of the appropriation.

6-9. Internal Departmental Audits.

The Town Manager may at his discretion request an internal audit of any department by an independent certified public accountant.

Article 7:

ELECTED OFFICERS

7-1. General Provisions.

Boards and Commissions established or continued under this Charter shall perform their functions and duties in accordance with the constitution, state law, by-law and this Charter. Elected officials shall not hold more than one elected office concurrently.

During the term elected, and for one (1) year following expiration of term, no Officer or member of any Board or commission established under this Charter shall be eligible to accept any appointed, paid Town position placed under the jurisdiction of the respective Office or Board vacated, except positions whose status was changed by this Charter.

7-2. Vacancies.

Except as otherwise provided, vacancies in elected Town Boards established under this Charter shall be filled by the Board of Selectmen, together with remaining members of the respective Board, in accordance with the provisions of state law.

7-3. Recall.

Recall shall be authorized as provided in St., 1986, c. 58 — An Act Authorizing the Town of Ware to Recall Elected Officials.

7-4. School Committee.

The Ware School Committee will consist of five (5) members and they shall be elected for three (3) year staggered terms.

The school committee shall have all powers which are conferred on school committees by state law and such additional powers and duties as may be provided by the Charter, by-law,

or otherwise, and not inconsistent with said grant of powers conferred by state law. No member of the school committee shall hold compensated school employment.

7-5. Planning Board.

The Planning board will consist of five (5) members, and they shall be elected for five (5) year staggered terms.

The planning board shall have all powers that are conferred on a planning board by state law, and such additional powers and duties as may be provided by the Charter, by-laws, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-6. Housing Authority.

The Housing Authority will consist of five (5) members, and they shall serve for five (5) year staggered terms.

The Housing Authority will consist of five (5) members. Four (4) members shall be elected. One (1) member shall be appointed by the State. They shall have all powers that are conferred on a Housing Authority by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-7. Moderator.

The Moderator shall be elected for three (3) years.

The Moderator shall have all powers that are conferred on Moderators by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-8. Selectmen.³

There shall be a Board of Selectmen as referenced in Article 3.

7-9. Cemetery Commission.

The Cemetery Commission will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Cemetery Commission shall have all powers that are conferred on Cemetery Commissions by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

3. Editor's Note: See Acts of 2022, Ch. 61, *An Act Changing the Name of the Board of Selectmen of the Town of Ware to Select Board.*

7-10. Board of Health.

The Board of Health will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Board of Health shall have all powers that are conferred on Boards of Health by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-11. Board of Assessors.

The Board of Assessors will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Board of Assessors shall have all powers that are conferred on Boards of Assessors by state law and such additional powers and duties as may be provided by the Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

7-12. Park Commission.

The Park Commission will consist of three (3) members and they shall be elected for three (3) year staggered terms.

The Park Commission shall have all powers that are conferred on Park Commissioners by state law and such additional powers and duties as may be provided by the Charter, by by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

Article 8:

GENERAL PROVISIONS**8-1. Charter Changes.**

This Charter may be replaced, revised or amended in accordance with The Home Rule Amendment and Home Rule Procedures Act.

8-2. By-law.

By-laws adopted, amended or rescinded must be approved by two-thirds vote at Town Meeting.

8-3. Severability.

The provisions of this Charter are severable. If any provision of this Charter is held invalid the other provisions shall not be affected thereby. If the application of this Charter, or any of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons and circumstances shall not be affected thereby.

8-4. Specific Provision to Prevail.

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

8-5. Rules and Regulations.

A copy of all rules and regulations adopted by any Town agency shall be placed on file in the Office of the Town Clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any Town agency shall become effective until ten days following the date it is so filed.

8-6. Limitation on Office Holding.

No person shall simultaneously hold more than one full time compensated position. Any hours worked in any part time position shall not be the same or otherwise conflict with the hours worked in a full time position.

8-7. Enforcement of Charter Provisions.

It shall be the duty of the Town Manager to see that the provisions of the Charter are faithfully followed and complied with by all Town agencies and Town employees. Whenever it appears to the Town Manager that any Town agency or Town employee is failing to follow any provision of this Charter, the Town Manager shall, in writing, cause notice to be given to such agency or employee directing compliance with the Charter. If it shall appear to the Board of Selectmen that the Town Manager personally is not following the provisions of the Charter, it shall, by resolution, direct the attention of the Town Manager to those areas in which they believe there is a failure to comply with Charter provisions. The procedures made available in chapter 231A MGL may be used to determine the rights, duties, status, or other legal relations arising under this Charter, including any question of construction or validity which may be involved in such determination.

8-8. Annual Report of the Town.

An Annual Report, which contains a general summary of the activities of all Town agencies, shall be published by the first Monday in April. The Annual Report shall contain reports by the Town Manager; Board of Selectmen, the School Committee and such other Town agencies as may be required by by-law to provide such reports. The Annual Report will be made available at the Town Clerk's Office and at other locations as described by law.

8-9. Notice of Vacancies.

Whenever a vacancy occurs, or is about to occur, in any Town office or Town employment, except for positions covered by the civil service law or collective bargaining agreements, the appointing authority shall immediately cause public notice of such vacancy, or impending vacancy, to be posted on the Town bulletin board for a period of not less than twenty one (21) days. Any person who desires to be considered for appointment to said office or

employment may file with the appointing authority a statement in clear and specific terms setting forth such person's qualifications for the position. No permanent appointment to fill a vacancy in an office or employment shall be effective until at least twenty one (21) days have elapsed following such posting, and until all persons who have filed statements in application have been considered.

8-10. Town Boards, Commissions and Committees. [Amended as approved 4-14-2014 ATE]

All Boards, Commissions, and Committees of the Town shall:

- Serve for terms arranged so that the terms of an equal number of members as possible expire each year.
- Organize annually and elect a Chairman and other necessary Officers
- Establish a quorum requirement for its meetings
- Adopt rules of procedure and voting
- Maintain a record of proceedings
- Give reports at any session of any Town Meeting upon the request of the Board of Selectmen or the Town Manager

The votes of each Town Board, Commission, and Committee shall be recorded and made a part of its official proceedings.

Appointed by Town Manager	Appointed by Board of Selectmen
Building Inspector	Board of Registrars
Council on Aging Director	By-law Study Review Committee
DPW Director	Community Development Authority
Dog Officer	Conservation Commission
Electrical Inspector	Constables
Emergency Management Director	Council on Aging
Gas Inspector	Cultural Council
Sealer of Weights and Measures	Disability Commission
Town Accountant	Finance Committee
Town Clerk	Fire Chief
Treasurer/Collector	Historical Commission
Director of Planning & Community Development	Municipal Police Officers
Planning & Community Development Advisory Committee	Police Chief

Appointed by Town Manager	Appointed by Board of Selectmen
	Police Matrons
	Special Police Officers
	Town Counsel
	Veterans' Agent
	Zoning Board of Appeals

8-11. Rescinding Power.

Any appointive authority under this Charter shall have the power to rescind, for cause, any appointment made thereby, provided that the appointee shall first have been served with a written notice specifying the appointive authority's intention, the reason therefore, and informing the appointee of his right to a public hearing, if requested.

A copy of the written notice and a transcript of the public hearing, if any shall be filed in the Office of the Town Clerk, and shall be a public record.

8-12. Filing of Notice.

All appointive authorities of the Town shall file with the Town Clerk a copy of each notice of the appointment to a Town Office, or any rescinding of appointment thereto, and the same shall be a public record.

8-13. Resignations.

Resignations are not official until filed with the Town Clerk.

8-14. Computing of Time.

In computing time under this Charter, every calendar day shall be counted.

8-15. Number and Gender.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

8-16. By-Law Review.

The Board of Selectmen shall at five year intervals, in each year ending in five (5), or in zero (0), cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the Town which shall be presented to the Town Meeting for reenactment at the annual Town Meeting in the year following the year in which

the said committee is appointed. The by-law review committee shall consist of the Town Clerk, who shall serve by virtue of office, and four persons appointed by the Board of Selectmen. The said committee, in its final report, or in an interim report, shall include recommendations for such substantive change in Town by-laws as it deems necessary or advisable. The review of Town by-laws shall be in conjunction with the Town counsel, or by special counsel retained for that purpose. The committee shall hold a public hearing within thirty (30) days following the date on which it meets to organize and at least one additional public hearing before filing its final report. Subsequent to enactment by the Town Meeting, copies of the revised by-laws shall be forwarded to the Attorney General of the Commonwealth for approval, and they shall be otherwise published as required by state law. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

Article 9:

TRANSITIONAL PROVISIONS

9-1. Continuation of Existing Laws.

All state law, special laws, Town by-laws, votes, rules and regulations of or pertaining to the Town which are in force when the Charter takes effect and which are not specifically or by implication hereby repealed directly or indirectly, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

9-2. Continuation of Government.

All functions, duties, and requirements of all Town officers, boards, agencies, or commissioners shall continue until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town agency in accordance with the provisions of this Charter.

9-3. Existing Officials and Employees.

Upon the time of taking effect of this Charter, all existing appointees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to ratification by the voters of this Charter.

- a. The office of the Board of Selectmen and the Moderator shall be elected. The executive authority will thereafter be vested in a Town Manager, and the legislative authority shall be vested in the Town Meeting.
- b. The incumbent in the Office of Town Clerk shall serve until the expiration of the current term, at which time, the then incumbent Town Clerk shall be appointed as this Charter provides and perform all duties and responsibilities of the position.
- c. During the transition period, all existing appointees shall be retained in a capacity as reasonable related to their positions prior to Charter adoption as is practicable. No person in the permanent full-time service or employment of the Town shall forfeit pay grade or time in service.

- d. Notwithstanding the provisions of section 8-6 of this Charter, any incumbent in elected office at the time that this Charter takes effect shall be allowed to complete the term of office for all offices in which he or she is currently serving; provided, however, that such individuals may seek election or reelection to only one office once the terms of office in the presently elected positions are completed.

9-4. Continuation of Administrative Personnel.

Any person holding a Town office, or a position in the administrative service of the Town, or any person holding full-time employment under the Town, shall retain such office, position or employment, and shall continue to perform the duties of such office, position or employment until provisions shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the Town shall forfeit their pay grade, or time in the service of the Town as a result of the adoption of this Charter.

9-5. Continuation of Obligation.

All official bonds, obligations, contracts and other instruments entered into or executed by or to the Town before the adoption of this Charter; and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town, shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter. No legal action done by or in favor of the Town shall be rendered invalid by the adoption of this Charter.

9-6. Transfer of Records and Property.

All records, property, and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

9-7. Time of Taking Effect.

This Charter shall take effect upon its adoption by the voters of the Town of Ware.

9-8. Town Manager.

Upon the adoption of this Charter, the incumbent Town Administrator shall assume the duties of Town Manager as described in this Charter, and shall continue to serve for the length of his contract. Upon the adoption of this Charter, the position of Town Administrator shall be abolished.

9-9. By-Law Study Review.

Not later than thirty days following the election at which this Charter is adopted, the Board of Selectmen shall appoint five (5) persons to be a committee to begin a review of the Town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this Charter and to fully implement the provisions of this Charter. At least two of the persons appointed to the committee shall have been members of the Ware Charter Commission. The committee shall submit a report with recommendations to the Board of Selectmen forthwith following the election held in the year in which this Charter is adopted. The review shall be conducted under the supervision of the Town Counsel, or by special counsel appointed for that express purpose. Upon taking office, the Board of Selectmen shall assure that the Town's by-laws are revised so as to support the Charter's intent and facilitate its implementation.

CHARTER

C Attachment 1

Town of Ware

Introduction

To the Citizens of Ware:

The Ware Charter Commission respectfully submits its final report for voter consideration with the unanimous support of all nine of its members.

We believe adoption of this proposed Charter will significantly improve our Town's governmental structure and its ability to deal with contemporary problems, both on a day-to-day and on a long-range basis. This Charter provides for structured financial accountability and full reporting to you, Ware's citizens. It will give you a clear picture of how your local government operates.

Overview

The Charter Commission's nine month study of our Town's government has served to confirm that Ware is fortunate to have an outstanding group of men and women serving in its elected and appointed Town offices and positions. The changes that we propose should in no way be construed to be criticism of any of them or the way they perform their assigned tasks. Quite the contrary, we believe adoption of the proposed Charter will aid in the delivery of the services they provide to you, by providing a framework within which to function in the most effective and efficient manner possible.

The Charter Commission has not reached its conclusions lightly, nor has it done so in a vacuum. We have made every effort to involve both citizens and incumbent officials along the way. We interviewed department heads and employees who told us what works well and what makes their jobs easier, in addition to what they perceive to be inefficient and cumbersome in our current government. They identified several roadblocks to success, and this Charter seeks to remove such obstacles in the future.

We also went to many surrounding communities that have a Town Manager form of government, and we found a consistent common denominator within towns that are happy and thriving. Their Town Managers are skilled negotiators, budgeters, directors and mediators. Their management qualities include fairness and delivery of a consistent expectation of department heads' duties and responsibilities. They have excellent relationships with their employees as well as outstanding reputations among the citizens in their communities. They are well-respected and trusted to do a good job. This is what we strive for in Ware.

Since the Public Hearings in November and January concerning our Preliminary Reports, we have reviewed the proposed Charter and all comments and criticisms the report received. As a result, we have made several changes to reflect your observations and opinions.

In addition, this final Charter draft includes one major change. As we are committed to presenting a Charter that the community is inclined to vote for on the ballot, we have

WARE CODE

abandoned the initially proposed Representative Town Meeting form of government in favor of retaining Open Town Meeting.

This decision was the result of considerable discussion and soul-searching. We solicited feedback and spent many hours discussing the viability of our resolve in maintaining a proposed Charter that includes Representative Town Meeting. We suspect that many people may favor Representative Town Meeting, but they remained essentially silent, so we believe it is necessary to comply with the vocal majority who demanded a form of government that maintains the one-person one-vote premise.

Our primary responsibility is to secure the best interests of the citizens of Ware, so we have built in safeguards intended to protect the privacy and autonomy of voters on Town Hall floor by instituting a secret ballot requirement for money articles. Through this we intend to eliminate the intimidation often imposed by special interest groups when they want a vote to go their way.

Explanation

Ware currently operates under a hodge-podge of state laws and by-laws. At the present time, it is virtually impossible for an individual citizen of Ware to know these provisions or have access to them in a useful format. These laws do not fit together into a comprehensive, orderly statement of the Town's governmental structure and the relationship of one part to another. The following proposed Charter will provide a remedy to this situation.

The proposed Charter contains all of the provisions relating to the operation and conduct of our Town government organized in a way that is easy to read and to understand. In addition, by adopting our own "home rule" Charter we make it more difficult for the state government to interfere in the internal affairs of our community than is the case if we remain a "state law" community.

Major changes from Ware's current form of government include:

- Creation of Town Manager position
- Secret ballots at Town Meeting
- A way to overturn volatile Town Meeting decisions
- Restricted powers of the Board of Selectmen
- Establishment of a Department of Municipal Finance
- Establishment of a Facilities Management Division within the DPW
- Establishment of a Town Planner position
- Appointed rather than elected Town Clerk
- No concurrent office holding
- Central collection and disbursement of all Town funds
- Personal liability for inappropriate expenditure of Town money
- Departmental internal audits on demand
- Establishment of a Capital Plan for major expenditures
- Stringent budget process that assures ample time for residents' review