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**WARRANT
TOWN OF SEEKONK
SPECIAL TOWN MEETING
JANUARY 25, 2010**

6 **BRISTOL, SS.**

7 **Greetings:**

9 In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants
10 of the Town who are qualified to vote in Town affairs, to meet at Seekonk High School, Arcade Avenue,
11 Seekonk, MA on:

12
13 **MONDAY, January 25, 2010 at 7:00 p.m.**

14
15 To vote on the following Articles. A quorum of 104 registered voters were checked in and the meeting
16 was called to order by the Town Clerk at 7:05PM turned over to the Town Moderator.

17
18 A motion was made to allow the following non-residents to speak:

19 Michael J. Carroll, Town Administrator
20 Bruce Alexander, Director of Finance
21 Bernadette Huck, Director, Human Services Council
22 Mary McNeil, Building Commissioner
23 Seth Bai, Veteran's Agent
24 Christine DeFontes, Treasurer/Collector
25 John Hansen, Town Planner
26 Madeline Meyer, School Superintendent
27 Town Counsel, Kopelman & Paige
28 Motion passes with a unanimous vote.

29
30 **ARTICLE 1:** A motion was made to see if the Town will vote to amend The Home Rule Charter of
31 Seekonk, Massachusetts, as presented in the warrant, except that the words "human
32 services advisory board (appearing in Article Eight, Section 11) shall read "human
33 resources advisory board (was amended from committee to board on floor of town
34 meeting) and the words "other position of the level of department head" (appearing in
35 Article 6, Section 6 shall read "other position of the level of head of a department under
36 the jurisdiction of the Board of Selectmen".
37

38
39 **Town of Seekonk, Massachusetts
Home Rule Charter**

40 *Preamble*

41 We, the people of the Town of Seekonk, Massachusetts, in order to form a more perfect community,
42 reaffirm the customary and traditional liberties of the people with respect to the conduct of our local
43 government, and take full advantage of the home rule amendment to the constitution of the
44 Commonwealth, do ordain and adopt this revised home rule charter for our town.
45

46 **ARTICLE ONE POWERS OF THE TOWN**

47 **Section 1 Incorporation**

48 The inhabitants of the Town of Seekonk, within the town's corporate limits as established by law, shall
49 continue to be a body corporate and politic with perpetual succession under the name: **Town of**
50 **Seekonk.**

51 **Section 2 Form of Government and Title**

52 This charter provides for an Open Town Meeting, Board of Selectmen form of town government, and it
53 shall be known by the title: *Seekonk Home Rule Charter*.

54 **Section 3 Scope and Interpretation of Town Powers**

55 The town shall possess, exercise, and enjoy all local government powers, rights, and privileges under the
56 Constitution and statutes of the Commonwealth as completely and fully as though they were expressly
57 enumerated herein. The power of the town under this charter shall be construed liberally in its favor,
58 and no specific charter grant of particular power is intended to limit in any measure its general grant of
59 power.

60 **Section 4 Intergovernmental Cooperation**

61 In the exercise of its powers and function, the town may enter into intergovernmental agreements with
62 any one or more civil divisions, subdivisions, or agencies of any state government or the United States
63 government, by any appropriate means.

64 **Section 5 Definitions**

65 ***By-law(s)*** Duly enacted by laws of the Town of Seekonk

66 ***Constitution*** The Constitution of the United States or the Constitution of the
67 Commonwealth of Massachusetts, as the context requires.

68 ***Day(s)*** Calendar days unless specifically noted to the contrary.

69 ***Registered Voter*** A resident of the Town of Seekonk who is duly registered to vote in a
70 federal or state election

71 ***Home Rule Charter*** This document

72 ***May*** Grants discretion in the body or individual directed to act.

73 ***Resolution*** Duly adopted vote of the Board of Selectmen having the force of a by-law but
74 enacted for a single, specified purpose.

75 ***Shall*** Action directed to be taken is mandatory and without discretion to act.

76 ***Special Town Meeting*** A meeting other than the Annual Meeting convened under the
77 provisions of Article TWO, Section 5 of the Home Rule Charter.

78 ***Statutes*** The Massachusetts General Laws, as amended from time to time

79 ***Town Moderator*** That person elected under the provisions of Article FOUR who presides
80 over the annual and special town meetings.

81 **ARTICLE TWO LEGISLATIVE BRANCH**

82 **Section 1 Composition and Membership**

83 The legislative powers of the town shall be vested in a town meeting open to all registered voters. All
84 registered voters shall sign in before entering the meeting for recording purposes. All other residents
85 shall have the right to attend and speak, but will not be allowed to vote.

86 **Section 2 Presiding Officer**

87 A moderator shall be elected as provided in Article Five. The Moderator shall preside at all sessions of
88 the town meeting, regulate the proceedings, decide all questions of order, make public declaration of all
89 votes, and perform such other duties as may from time to time be assigned to the office through by-law
90 or town meeting vote.

91 The town meeting may at any session elect a Moderator "pro tempore" to preside in the Moderator's
92 absence.

93 **Section 3 Clerk of the Town Meeting**

94 The Town Clerk shall serve as clerk of the town meeting and shall give notice of all town meetings and
95 adjourned sessions thereof, to the public. The Town Clerk shall maintain a written record of the town
96 meeting proceedings, which shall be published regularly in the town report. The Town Clerk shall
97 maintain an attendance record of town meeting members and shall perform such other duties as may be
98 assigned by this charter, by-law, or town meeting vote. The town meeting may at any session elect a
99 clerk "pro tempore" to serve in the Town Clerk's absence.

100 **Section 4 General Powers**

101 The town meeting shall possess and exercise all general and legislative powers of the town, except as
102 otherwise provided by general law or this charter.

103 **Section 5 Procedures**

104 ***Annual Meetings***

105 Town meeting shall convene at least twice annually on dates and at times as determined through the by-
106 laws. Provided however, that the first business meeting shall convene during March, April, or May to act
107 on financial and other matters, including the consideration and adoption of an annual operating and
108 capital budget. The second meeting shall convene during September, October, or November. The
109 warrant shall be available to the voters at least fourteen (14) days prior to the meeting.

110 ***Special Meetings***

111 The town meeting shall also convene in special session: (A) By call of the Board of Selectmen, or (B) By
112 petition of at least two hundred registered voters in town.

113 ***Quorum***

114 The quorum necessary for the conduct of town meeting business shall be seventy-five (75) members, but
115 a smaller number may adjourn from time to time.

116 ***Attendance of Town Officials***

117 Town officers, members of boards and commissions, and department heads or their designated
118 representatives, shall attend town meeting sessions as appropriate to provide information on warrant
119 articles pertaining to their respective offices. The absence of such individuals, however, shall not
120 invalidate any town meeting action.

121 **Section 6 Initiative**

122 Any ten (10) voters of the town may secure, by written petition to the Board of Selectmen, the inclusion
123 of an article or item for the warrant or agenda of any session of the annual town meeting and at least
124 one hundred (100) registered voters may secure the same for any duly scheduled special town meeting.

125 Upon petition by at least two hundred (200) voters, the Board of Selectmen shall call a special town
126 meeting within forty-five (45) days following receipt of such petition.

127 **Section 7 Referendum**

128 No measure adopted by the town meeting except a vote: (A) to adjourn, (B) to appropriate money for
129 the payment of notes or bonds, or (C) to borrow money temporarily in anticipation of revenue, shall
130 become operative until the expiration of ten (10) days following the dissolution of the meeting.

131 If within such period of ten (10) days, a petition secured from the Town Clerk and signed by the qualified
132 voters of the town equal in number to not fewer than five percent (5%) of those registered at the last
133 regular town election is filed with the clerk, asking that any question involved in such a vote be submitted
134 to the voters, then a referendum shall be held for the sole purpose of presenting the question or
135 questions to the voters of the town for their final determination.

136 If, within ten (10) days following receipt of the petition the Town Clerk shall determine it to contain a
137 sufficient number of signatures, the Board of Selectmen shall provide for a referendum to be held within
138 thirty-five (35) days thereafter.

139 Each question to be voted on the referendum shall be submitted to the voters in the same form and
140 language as passed by the voters at town meeting.

141 All procedures for voting upon referendum questions shall be in the same manner as provided in
142 Massachusetts General Law for the conduct of elections.

143 No referendum against any action of the town meeting shall be valid unless at least thirty percent (30%)
144 of the registered voters of the town cast a ballot on each question submitted.

145 **ARTICLE THREE ELECTIONS**

146 **Section 1 Annual Town Election**

147 The regular annual election of all town offices shall be by official ballot held on a date as determined
148 through the by-laws. All elections of town officers shall be non-partisan and all election ballots shall be
149 printed without any party mark or other political emblem. The order of candidates' names on the official
150 ballot shall be determined by a lottery conducted by the Town Clerk or a designated agent and duly
151 publicized in advance. Any person elected to any office or board shall take up the duties of such office
152 immediately upon being declared duly elected and sworn in.

153 **Section 2 Eligibility**

154 Any registered voter shall be eligible to hold any elective office. No person shall simultaneously hold
155 more than one elected office.

156 **Section 3 Establishments of Precincts**

157 The Board of Selectmen shall be responsible for: (A) The division of the town into voting precincts which
158 shall be compact, contiguous, and substantially equal in population; and (B) A decennial review as
159 required by state law, including a revision of precinct lines and increases in the number of precincts, as
160 necessary, unless more frequent action is deemed necessary by the town meeting.

161 **Section 4 Recall of Elective Officers**

162 Any elective officer of the town may be recalled and moved from office by the voters as herein provided.
163 Any voter may file a petition containing the name and title of the elective officer whose removal is sought
164 with the Town Clerk. Such petition shall be signed by qualified voters of the town equal in number to at
165 least fifteen percent (15%) of those registered at the last regular town election, provided that such recall
166 petition must be filed within fourteen (14) days following its initial date of issuance. If, within ten (10)
167 days following receipt of the petition the Town Clerk determines the petition and signatures to be
168 sufficient, a recall election shall be held within ninety (90) days but no sooner than sixty-five (65) days

169 thereafter, provided that no such election shall take place within one hundred to one hundred twenty
170 (100-120) days. All procedures for voting upon the recall question shall be in the same manner as
171 provided in Massachusetts General Law for the conduct of elections.

172 A majority of those voting at the recall election shall be sufficient to recall such elective officer, provided
173 that at least thirty percent (30%) of all those entitled to vote shall have voted.

174 **Section 5 Special Election to Fill Recall Vacancy**

175 Any officer whose recall is sought may be a candidate to succeed himself at a special election to take
176 place concurrently with the recall election, the purpose of which shall be to fill any vacancy resulting from
177 the recall election. The nomination of all candidates to fill a vacancy created by a recall election, the
178 publication of the warrant for the special election to fill such vacancy, and the conduct of same shall be in
179 accordance with the provisions of general election laws, unless otherwise provided by this Home Rule
180 Charter.

181 If a majority of the votes cast on the recall question is in the affirmative, then the candidate receiving the
182 highest number of votes in the special election shall be declared elected to fill the vacancy created. If a
183 majority of the votes on the question is in the negative, the ballots for candidates to fill the potential
184 vacancy need not be counted.

185 **ARTICLE FOUR ELECTED TOWN BOARDS AND OFFICERS**

186 **Section 1 General Provisions**

187 Members of town boards to be elected from the town at large shall be:

188 (A) Five (5) member Board of Selectmen

189 (B) A Town Moderator, for a three (3) year term.

190 (C) A Town Clerk, for a three (3) year term.

191 (D) Five (5) member School Committee, for three (3) year overlapping terms.

192 (E) Three (3) member Board of Assessors, for three (3) year overlapping terms.

193 (F) Seven (7) member Board of Library Trustees for three (3) year overlapping terms.

194 (G) Seven (7) member Planning Board, for five (5) year overlapping terms.

195 (H) Five (5) member Housing Authority, as provided by statute, with one (1) member being
196 appointed under the authority of the Commonwealth of Massachusetts and four (4) members to
197 be elected from the town at large for five (5) year overlapping terms.

198 Officers and members of elective boards, except Town Clerk, whose salary shall be set by Town Meeting,
199 established under this Article, unless otherwise prohibited by statute, shall serve without salary or other
200 compensation for services rendered without a vote and approval of a Town Meeting authorizing the
201 same.

202 The budget as presented at a Town Meeting shall delineate whether or not a salary is to be provided. If
203 so, a Town Meeting shall take a separate vote on the salary proposed for each elected office. However,
204 the officers and members of elective boards shall be reimbursed for actual expenses incurred in the
205 performance of their official duties within the annual appropriation for such purposes.

206 Officer and members of boards and commissions established under this Article shall exercise such powers
207 and duties as are and may be provided by statute, this Home Rule Charter, the Town of Seekonk By-Law,
208 and the vote of a Town Meeting.

209 **Section 2 Special Provisions**

210 **Assessors**

211 The Board of Assessors elected under this Article shall appoint, subject to an appropriation made for this
212 purpose, an individual qualified to provide professional assistance to the town's assessing functions and
213 responsibilities. Such an appointed individual shall not simultaneously be employed by any company or
214 business that provides assessing services while serving as an employee of the town.

215 **School Committee**

216 The School Committee shall have all the powers and duties given to school committees by statute. The
217 School Committee shall have general charge of the public schools of the town. The School Committee
218 shall have the power to select and to terminate a superintendent of schools and to establish educational
219 goals and policies for the schools, consistent with the requirement of the laws of and standards
220 established by the Commonwealth of Massachusetts.

221 **Moderator**

222 The Moderator elected under this Article shall have the power to appoint: (a) a Finance Committee as
223 provided in Article Seven hereof; (B) members of "ad hoc" committees ~~(B) a Personal Board of five (5)~~
224 ~~members for three (3) year terms, including building committees,~~ as may be authorized from time to time
225 by a Town Meeting. **A motion was made to amend this section by replacing B) Three (3)**
226 **members of Capital Improvement Committee and C) members of "ad hoc" committees.**
227 **Amendment passes with a near unanimous vote.**

229 **Planning Board**

230 The Planning Board elected under this article shall appoint, subject to an appropriation made for that
231 purpose, a planner to be selected on the basis of educational qualifications, training, and experience, and
232 who shall not simultaneously hold Planning Board membership.

233 **Section 3 Vacancies**

234 Vacancies on boards established under this Article shall be filled by the Board of Selectmen together with
235 the remaining members of the respective board in accordance with the provisions of statute. A vacancy
236 in the office of Town Moderator or Town Clerk shall be filled in accordance with provisions of statute.

237 **ARTICLE FIVE EXECUTIVE BRANCH**

238 **Board of Selectmen**

239 **Section 1 Composition, Term of Office, Vacancies**

240 A five-member Board of Selectmen shall be elected from the town at large for three year terms of office,
241 so arranged that as an equal number of terms as possible shall expire each year.

242 Any vacancy that occurs on the Board of Selectmen more than six months prior to the next annual
243 election must be filled promptly by a special election.

244 Members of the Board of Selectmen shall serve without compensation unless expressly authorized by a
245 Town Meeting.

246 **Section 2 General Powers and Duties**

247 The executive powers of the town shall be vested in the Board of Selectmen. The board shall have all of
248 the executive powers given to Boards of Selectmen by statute and by this Charter. The Board of
249 Selectmen shall serve as the chief policy-making agency of the town, responsible for the establishment of
250 policy directives and guidelines to be followed by all town agencies serving under it, provided, however,
251 that no individual members of the Board of Selectmen, nor a majority of such board shall, at any time,
252 attempt to be **or become** involved in the day to day administration of affairs of the town, but shall act
253 through the established policies, directives, and guidelines which are to be implemented by officers and
254 employees.

255 The Board of Selectmen shall cause the laws and orders for the government of the town to be enforced
256 and shall cause a record of all its official acts to be kept. To aid in the performance of its duties, the
257 Board of Selectmen shall appoint a Town Administrator, as provided in Article Six.

258 **Section 3 Specific Powers and Duties**

259 The Board of Selectmen shall, within its area of jurisdiction, be responsible for the functions of:

260 **General Administration.**

261 (A) **Licensing Authority**

262 Unless otherwise provided by statute, the Board of Selectmen shall be the licensing board for the
263 town and shall have the power to issue licenses, to make necessary rules and regulations
264 regarding the issuance of such licenses, and to attach conditions and impose restrictions thereto
265 as it deems to be in the public interest, and to enforce the laws relating to all businesses for
266 which it issue licenses.

267 (B) **Investigations**

268 The Board of Selectmen may investigate **and may authorize the Town Administrator to**
269 **investigate** any town agency or office appointed or hired by them or the Town Administrator,
270 and they shall have access to all records they deem necessary for this purpose. **In furtherance**
271 **of any investigations undertaken, the Board of Selectmen may subpoena witnesses,**
272 **administer oaths and take evidence, and require the production of evidence. The**
273 **Board of Selectmen shall issue a final, written report within sixty (60) days after the**
274 **completion of any such investigation. The final report shall be filed in the office of the**
275 **Town Clerk.**

276 (C) **Town Administrator**

277 The Board of Selectmen shall hire, determine compensation for, within the available
278 appropriation, and be responsible for assessing the qualifications of the Town Administrator and,
279 if required, a temporary Town Administrator.

280 The Board shall communicate to the Town Administrator its plans and policies so as to secure
281 their effective implementation. The Board shall prepare a contract establishing the conditions for
282 the Town Administrator's employment, its terms, and his compensation.

283 The Board shall remove and replace the Town Administrator if and when required in accordance
284 with the provisions of this Home Rule Charter in Article Six, Section 5.

285 **Section 4 Powers of Appointment General Provisions**

286 The Board of Selectmen shall have the power to appoint the following town officers:

287 (A) A Town Administrator

288 (B) A Town Counsel for a one-year term of office. **The appointed town counsel shall be a**
289 **member in good standing of the Massachusetts Bar for at least ten (10) years.**

290 **ARTICLE SIX TOWN ADMINISTRATOR**

291 **Section 1 Appointment**

292 The Town Administrator shall be appointed in accordance with Article Five for a three (3) year term. The
293 appointment shall be renewable at the discretion of the Board of Selectmen. ~~The Board of Selectmen~~
294 ~~shall fix the Town Administrator's compensation within limits of an available appropriation made for that~~
295 ~~purpose.~~

296 **Section 2 Qualifications and Duties**

297 The Town Administrator shall be appointed on the basis of educational, executive, and administrative
298 qualifications and experience, including, at a minimum, a four year college or university degree and five
299 (5) years experience in municipal finance and municipal administration. **The Board of Selectmen may**
300 **require additional qualifications from those stated. At the discretion of the board,**
301 **appropriate professional experience in the public or private sector may be accepted in lieu of**
302 **municipal work experience. The Town Administrator shall be appointed based upon**
303 **demonstrated executive and administrative abilities and accomplishments. A motion was**
304 **made to amend this section by adding after The Board of Selectmen may require additional**
305 **qualifications in addition to those here stated. Amendment passes with a near unanimous**
306 **vote.**

307 The Town Administrator shall not have served in an elected office in the Town of Seekonk within twelve
308 (12) months immediately prior to the appointment. The Town Administrator shall be the chief
309 administrative officer of the town and shall be accountable to the Board of Selectmen for the proper
310 discharge of all duties of the office and for the proper administration of all town affairs placed under his
311 charge by or under the charter. The powers and duties of the Town Administrator shall include, but need
312 not be limited to, the following:

313 (A) The Town Administrator shall supervise, direct and be responsible for the efficient administration
314 of all functions under his control, as may be authorized by the charter, by-law, town meeting
315 vote, or by vote of the Board of Selectmen.

316 (B) The Town Administrator shall attend all regular and special meetings of the Board of Selectmen,
317 unless excused. He shall have a voice, but no vote, in all of the board's discussions.

318 (C) The Town Administrator shall attend all sessions of the town meeting and answer all questions
319 concerning warrant articles which are directed to him and which relate to matters under his
320 general supervision.

321 (D) The Town Administrator shall see that all provisions of the Massachusetts General Laws, this
322 Charter, the town by-laws, and votes of the town meeting and the Board of Selectmen which
323 require enforcement by him or officers or employees subject to his direction and supervision, are
324 faithfully carried out and performed.

325 (E) The Town Administrator shall prepare and submit a proposed annual operating budget and a
326 proposed capital outlay program.

327 (F) The Town Administrator shall keep the Board of Selectmen and the Finance Committee fully
328 informed as **to** the financial condition and needs of the town, and shall make such

329 recommendations to the Board of Selectmen for actions to be taken as he deems to be
330 necessary, advisable, or expedient.

331 (G) The Town Administrator shall assure that full and complete records of the financial and
332 administrative activities of the town are kept and shall render full reports to the Board of
333 Selectmen at the end of each fiscal year and at such other times as it may reasonably be
334 required.

335 (H) The Town Administrator may at any time inquire into the conduct of any office of any town
336 officer, employee, and department or agency under his **jurisdiction and** control.

337 (I) The Town Administrator shall be responsible for the negotiation of all contracts involving any
338 subject within his jurisdiction ~~including the negotiation with town employees over wages, hours~~
339 ~~and other terms and conditions of employment.~~ All such contracts as may be proposed by him
340 shall be subject to final approval and execution by the Board of Selectmen. **The Board of**
341 **Selectmen may authorize the Town Administrator to execute any such approved**
342 **contract on behalf of the town. The Town Administrator shall be included in the**
343 **negotiations for the School Department to the extent required by statute.**

344 (J) The Town Administrator **shall administer, with the assistance of the Human Resources**
345 **Advisory Board, the** ~~assist the Personnel board with the Administration of a town personnel~~
346 system, including, **but** not limited to, personnel policies and practices, rules and regulations, and
347 personnel by-laws. He shall, in conjunction with **that Board,** ~~the Personnel Board,~~ prepare and
348 maintain ~~and keep current~~ a plan establishing the personnel staffing requirements for each town
349 agency **or department** within his jurisdiction.

350 (K) The Town Administrator shall be **the Chief Procurement Officer for the town and be**
351 responsible for the purchase of all **common-use** supplies, materials and equipment **for the**
352 **Town, including the School department, to the extent permitted by state law,**
353 excepting books and other educational materials for schools and books and other media
354 materials for the libraries. He shall approve the award of all contracts for all town departments
355 with the exception of the School Department, subject to the approval of the Board of Selectmen.
356 **An amendment was made to eliminate, including the school department. Amendment**
357 **passes with a majority vote.**

358 (L) The Town Administrator shall perform any other duties required of him under this Charter, the
359 Town of Seekonk by-laws, town meeting vote or a vote of the Board of Selectmen.

360 **Section 3 Administrative Organization**

361 The Town Administrator, subject to the approval of the Board of Selectmen, may from time to time
362 prepare and submit plans of organization or reorganization of town departments, boards, commissions,
363 and offices in the form of proposed by-laws to the town meeting. Whenever the Town Administrator
364 prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal
365 giving notice by publication in a local newspaper no less than seven (7) days in advance of such a
366 hearing. The notice shall describe the scope of the proposal and the **date,** time and place the hearing
367 shall be held.

368 Except as otherwise provided in this Charter, the town meeting may by by-law reorganize, create,
369 consolidate, or abolish departments, boards, ~~and~~ commissions, and offices, in whole or in part; may
370 establish new departments, boards, commissions, or offices as deemed necessary; and may transfer
371 powers, duties and responsibilities of one department, board, commission or office, to another.

372 **Section 4 Vacancy**

373 Any vacancy in the office of the Town Administrator shall be filled as soon as possible by the Board of
374 Selectmen and in the interim the Board shall appoint a suitable person to serve as temporary Town
375 Administrator to perform the duties of the office. Such temporary appointment may not exceed three (3)
376 months, but may be renewed by a majority vote of a full Board of Selectmen to extend for a second
377 three (3) month term. Compensation for such an appointment shall be set by the Board of Selectmen.

378 **Section 5 Removal**

379 The Board of Selectmen may remove the Town Administrator from office in accordance with the following
380 procedure:

381 (A) The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of
382 a majority of the **full** Board which must state the reason or reasons for the removal. The
383 preliminary resolution may suspend the Town Administrator for a period not to exceed forty-five
384 (45) days. A copy of the resolution adopted shall be delivered to the Town Administrator by
385 certified mail, **return receipt requested, or by commercial delivery service for which a**
386 **receipt for delivery is obtained.**

387 (B) Within five (5) days of receipt of the Board's preliminary resolution, the Town Administrator may
388 request a public hearing by filing a written request for such a hearing with the Board of
389 Selectmen. Thereafter, a public hearing shall be held not more than thirty (30) days after the
390 request is filed, nor sooner than twenty (20) days after the filing of the request. The Town
391 Administrator may file a written statement in justification of his tenure in office with the Board of
392 Selectmen, provided any such statement is received by the Board not more than forty-eight (48)
393 hours in advance of the public hearing.

394 (C) The Board of Selectmen may adopt a final resolution of removal, which may be made effective
395 immediately, by affirmative vote of a majority of the **full** Board, at any time after ten (10) days
396 following the date of delivery of a copy of the preliminary resolution to the Town Administrator, if
397 he has not requested a public hearing, or at any time after the public hearing if he has requested
398 one. Within ten (10) days following the vote to make the preliminary resolution final, but in no
399 event more than forty-five (45) days following the date of adoption of the preliminary resolution,
400 the Board of Selectmen shall, by a majority vote of the **full** board, either affirm or **dismiss deny**
401 the final resolution of removal. Failure to affirm a final resolution of removal shall nullify the vote
402 to **dismiss remove** the Town Administrator.

403 (D) The Town Administrator shall continue to receive a salary until the final date of removal shall
404 become effective ~~unless otherwise provided~~. The action of the Board of Selectmen in suspending
405 or removing the Town Administrator shall be final, it being the intention of this provision to vest
406 all authority and responsibility for such suspension or removal with the Board of Selectmen.

407 **Section 6 Appointment Recommendations of the Administrator.**

408 The Town Administrator shall recommend the appointment of the following board and commission
409 members **to the Board of Selectmen for approval:**

410	BOARD/COMMISSION	NUMBER OF MEMBERS
411	Zoning Board of Appeals	5 and 3 alternate members
412	Board of Health	5
413	Board of Registrars other than Town Clerk	3
414	Park and Recreation Committee	5
415	Human Services Council	7

416	Conservation Commission	7
417	Arts Council Commission	5

418 **A motion was made to amend this section by including Historical Commission with 7**
 419 **members, Recycling Committee with a minimum of 3 and maximum of 7 members, Capital**
 420 **Improvement Committee with 4 members and 3 additional appointed by Moderator, and**
 421 **other committees appointed by Board of Selectmen pursuant to MGL, town by-law or town**
 422 **meeting action. Amendment passes with a unanimous vote.**

423 The Town Administrator shall recommend the appointment of the following town officers **to the Board**
 424 **of Selectmen for approval:** Police Chief, Fire Chief, Superintendent of Public Works, Building
 425 Inspector, Zoning Officer, Town Treasurer/Town Collector, **Human Services Director,**
 426 **Communications Director, Veteran’s Agent, Animal Control Officer, Park and Recreation**
 427 **Director, Emergency Management Director, Sealer of Weights & Measures, Plumbing**
 428 **Inspector, Gas Inspector, Electrical Inspector, Mechanical Inspector,** and Director of Finance,
 429 **Health Agent, Conservation Agent, and any other position of the level of department head.**
 430 ~~NOTE: The positions of Town Treasurer and Town Collector to be consolidated into a single office)~~
 431 **Original motion adds to last sentence “under the jurisdiction of the Board of Selectmen.”**

432 **A motion was made to delete the Conservation Agent and the Health Agent from this section.**
 433 **It was also moved to re-insert the * section from the current charter which reads *The**
 434 **Board of Health shall appoint a Health Agent and additional personnel for the board; such**
 435 **employees shall not be current board members. Motion passes by a majority vote.**

436 **A motion to indefinitely postpone this article was made and defeated by a substantial**
 437 **majority.**

438 The board or commission members and officers of the town-as-appearing-above **appointed under this**
 439 **article** shall serve for three (3) year terms, unless otherwise removed as provided in Article Eight, or
 440 removed in accordance with the provisions of the town’s personnel by-law.

441 Recommendations made by the Town Administrator shall become effective on the fifteen (15th) day
 442 following the day on which notice of the appointment is filed with the Board of Selectmen unless the
 443 Board of Selectmen shall, within said period, by a majority vote of the board, vote to reject any such
 444 recommendation or has voted to sooner affirm the appointment.

445 **Section 7 Merit Principle**

446 All appointments and promotions in the town’s services shall be made solely on the basis of merit and
 447 fitness demonstrated by examination or other evidence of competence and suitability to perform the
 448 duties of the office or of the employment.

449 **ARTICLE SEVEN FINANCIAL PROVISIONS AND PROCEDURES**

450 **Section 1 Finance Department**

451 The Town Administrator shall recommend **to the Board of Selectmen** the appointment of an individual
 452 with qualifications and experience in municipal and financial matters to serve as Director of Finance. The
 453 Director of Finance shall also serve as the town accountant. He shall coordinate the town’s financial
 454 management functions, including, but not limited to, the oversight of offices and employees responsible
 455 for municipal finance functions. He shall assist the Town Administrator and Board of Selectmen in the
 456 preparation of the town’s annual **operating** and capital budgets.

457 **Section 2 Finance Committee**

458 A Finance Committee of seven (7) members shall be appointed by the Town Moderator for three (3) year
459 overlapping terms of office. No elected or appointed town officer or employee shall be eligible to serve
460 on the Finance Committee. Any committee member who submits nomination papers for an elected
461 position shall take a temporary leave of absence from the Finance Committee. The Moderator shall
462 appoint a temporary replacement to service until the election. **shall resign from the committee upon**
463 **the certification of his election to the elected office. The Moderator shall appoint a**
464 **replacement to serve the remaining term of office of the resigning member.** A motion was
465 made to leave this section as it is worded in the current charter. Section 2 would read, A
466 Finance Committee of seven (7) members shall be appointed by the Town Moderator for
467 three (3) year overlapping terms of office. No elected or appointed town officer or employee
468 shall be eligible to serve on the Finance Committee. Any committee member who submits
469 nomination papers for an elected position shall take a temporary leave of absence from the
470 Finance Committee. The Moderator shall appoint a temporary replacement to serve until the
471 election. Motion passes with a unanimous vote.

472 Finance Committee members shall serve without compensation. Vacancies in the Finance Committee
473 shall be filled promptly by the Moderator for the remainder of the unexpired term.

474 The Finance Committee shall carry out its duties in accordance with the provisions of statute, this
475 Charter, and town by-laws, and it shall be provided with regular and free access and inspection rights to
476 all books, accounts, and the financial management of any town department or office. The Committee
477 shall issue its recommendation prior to the consideration, debate, and vote by the town meeting.

478 **Section 3 Preparation of the Budget**

479 The Board of Selectmen and the School Committee shall meet and confer prior to and during the budget
480 process to review the financial condition of the town's revenue and expenditure forecasts and other
481 relevant information in order to develop a coordinated and balanced budget. The Finance Committee
482 **and the Capital Improvements Committee** shall participate in the discussions with the Board of
483 Selectmen and the School Committee in an advisory capacity. The School Superintendent and the Town
484 Administrator shall jointly develop guidelines consistent with policies developed by the Board of
485 Selectmen and the School Committee.

486 **Section 4 Budget Proposal**

487 The proposed budget shall provide a complete financial plan for all town funds and activities, including
488 the proposed School Committee budget, for the ensuing year. Except for the School budget or as may be
489 required by Massachusetts General Laws, it shall be in the form which the board of Selectmen and the
490 Finance Committee may require. In submitting a proposed budget, the Town Administrator and Director
491 of Finance shall utilize modern fiscal principles so as to furnish maximum information and financial
492 control. The budget shall detail all estimated revenue from the property tax levy, and other sources, and
493 all proposed expenditures including: debt service for the previous, current, and ensuing years and shall
494 indicate separately:

495 (A) Proposed expenditures for both current operations and capital projects during the ensuing year,
496 detailed by agency, purpose, and position, together with proposed methods,

497 (B) Estimated surplus revenue and free cash available at the close of the fiscal year, including
498 estimated balances in special accounts.

499 **Section 5 Submission of Budget and Budget Message**

500 Not less than one hundred and twenty (120) days prior to the date of the spring town meeting, the Town
501 Administrator shall submit to the Board of Selectmen, and file copies with the Finance Committee, a
502 proposed budget for the ensuing fiscal year, with an accompanying budget message and supporting
503 documents to the Board of Selectmen and file copies with the Finance Committee.

504 **Budget Message**

505 The budget message shall be an integral component of the total budget proposal presented to the town
506 meeting and shall explain the budget for all town agencies in both fiscal and programmatic terms.

507 The message shall:

508 (A) Outline proposed financial policies of the town for the ensuing fiscal year.

509 (B) Describe important features of the budget.

510 (C) Indicate any major variations from the current year in financial policies, expenditures, and
511 revenue, together with the reasons for such changes.

512 (D) Summarize the town's debt position.

513 (E) **Contain a narrative description explaining and supporting the numerical budget**
514 **proposal. The narrative shall provide a detailed explanation of the assumptions and**
515 **rationale upon which the proposed budget is based.**

516 (F) **Provide *pro forma* budgets for the two (2) years subsequent to the immediately**
517 **ensuing year. The *pro forma* budgets shall be based upon good faith estimates or**
518 **projections of revenue and expenditures, including debt service, and capital**
519 **expenditures. The budget message shall also include a narrative overview or**
520 **summary of the projections contained in the *pro forma* budgets.**

521 (G) **Include such other materials as the Board of Selectmen and Finance Committee may**
522 **require.**

523 **Section 6 Action on the Proposed Budget**

524 The School Committee and Board of Selectmen shall conduct separate public hearings on their respective
525 proposed budgets, and the Finance Committee shall issue in print its recommendations on the aggregate
526 budget proposal and make copies available to the voters at least fourteen (14) days prior to the annual
527 town meeting. In preparing its recommendations, the Finance Committee may require any town
528 department, board, office or agency to furnish it with appropriate financial reports and information.

529 The Board of Selectmen shall be responsible for presenting the proposed budget to at the spring session
530 of the town meeting for appropriate action.

531 **Section 7 General Government and School Department**

532 **Capital Improvements Program.**

533 Not less than one hundred fifty (150) days prior to the date of the spring town meeting, the Town
534 Administrator shall submit to the Board of Selectmen, and file copies with the Finance Committee, a five
535 (5) year capital improvement program. Such program shall include:

536 (A) A clear summary of its contents.

537 (B) A list of all capital improvements proposed to be undertaken during the next five (5) years,
538 together with supporting data.

539 (C) Cost estimates, methods of financing and recommended time schedules for each project.

540 (D) The estimated annual cost of operating and maintaining any facility to be constructed or
541 acquired.

542 Information requirements described above shall be revised and extended annually with respect to capital
543 improvements in the process of construction or acquisition. A capital improvement plan shall be defined
544 by the Director of Finance following consultation with the Finance Committee, **Capital Improvement**
545 **Committee**, and other town committees. The plan may be changed from time to time to reflect current
546 economic conditions.

547 **ARTICLE EIGHT GENERAL PROVISIONS**

548 **Section 1 Charter Amendment**

549 This charter may be replaced, revised, or amended in accordance with the provisions of the Constitution
550 of the Commonwealth and the Massachusetts General Laws. **This Charter shall be reviewed at such**
551 **times as may be directed by the Board of Selectmen, but at least within ten (10) years from**
552 **the time of last review. The committee formed to review the Charter shall be elected or**
553 **appointed in accordance with state law.**

554 **Section 2 Specific Provisions to Prevail**

555 To the extent that any specific provision of the charter shall conflict with any general provision thereof,
556 the specific provision shall prevail.

557 **Section 3 Severability of Charter**

558 The provisions of this charter are severable. If any provision is held **by a court of competent**
559 **jurisdiction** to be invalid, the remaining charter provisions shall not be affected thereby. If the
560 application of the charter or any of its provisions to any person or circumstance is so held to be invalid,
561 the application of the charter and its provision to other persons and circumstances shall not be affected
562 thereby.

563 **Section 4 Review and Revision of Town By-laws.**

564 It shall be the responsibility of the Town Moderator to appoint, at least every five (5) years, a by-law
565 study committee, one (1) member to be selected from each precinct of the town and one (1) member to
566 be selected from the town at large. The committee shall, within one (1) year following its appointment,
567 review the by-laws of the town, **propose revisions** ~~revise them~~ as necessary, and present such
568 proposed revisions to the town meeting for consideration and action.

569 **Section 5 Boards, Commission and Committees**

570 All boards, commissions and committees, whether special or standing, shall at least annually elect a chair,
571 vice-chair, clerk and other necessary officers; establish a majority quorum requirement for meetings;
572 adopt rules of procedure and voting; and maintain a journal of proceedings, copies of which shall be a
573 public record signed by the clerk of each body. All such bodies, in submitting their annual report to the
574 Board of Selectmen, shall summarize their formal powers, duties, and obligations for dissemination to the
575 general public.

576 ~~Section 6~~ **Residency Requirement**

577 ~~The successful candidates for the officers listed herein, if a non-resident of the town at the time of~~
578 ~~appointment, shall take up residency in the Town of Seekonk within twelve (12) months, unless an~~
579 ~~extension for extenuating circumstances is granted by the Board of Selectmen or School Committee,~~
580 ~~respectively.~~

581 ~~The positions are: Town Administrator, Police Chief, Fire Chief, Superintendent of Public Works and~~
582 ~~Superintendent of Schools.~~

583 ~~This section shall not be retroactive and shall apply only to employees hired for these positions after the~~
584 ~~adoption date of this charter.~~

585 **Section 7 6 Number and Gender**

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

589 **Section 8 7 Counting of Days**

590 In counting days under this charter, every calendar day shall be counted, including Sundays and holidays.

591 **Section 9 8 Phasing of Terms**

592 Elections and appointments to boards, commissions, and committees consisting of more than one
593 member and terms greater than one year shall be made so that terms overlap. Terms of equal, or as
594 nearly equal as can be, number of board, commission or committee members shall expire each year.

595 **Section 10 9 Power to Rescind Appointments**

596 All appointing authorities under this charter shall have the power to rescind appoints made by them,
597 except appointments to the Board of Appeals and other quasi-judicial boards; provided that the appointee
598 shall first have been served with a written notice of such intent of removal, and provided further that the
599 appointee shall have the right to a public hearing on his removal.

600 **Section 11 10 Vacating Appointive Offices**

601 Any member of an appointive board or commission of the town shall be deemed to have vacated his
602 office upon being absent from five (5) consecutive, regularly scheduled meetings.

603 **Section 12 11 Personnel Procedures**

604 The Personnel Board, **Human Services Advisory Board**, in consultation with the Town Administrator,
605 shall from time to time propose, and the town meeting shall consider and act upon, personnel by-laws,
606 rules and regulations establishing a personnel system. The personnel system shall make use of modern
607 concepts of personnel management and may include, but not limited to, the following elements: a
608 method of administration; personnel policies indicating the rights, obligations and benefits of employees;
609 a classification plan; a compensation plan; a method of recruiting and selecting employees based upon
610 merit principles; a centralized record keeping system; disciplinary procedures; and other elements that
611 are deemed necessary except as otherwise be provided by general law, civil service regulations or town
612 collective bargaining agreements, and those of the school department **shall provide guidance to the**
613 **Town Administrator and Board of Selectmen in the areas of employment and employee**
614 **relations; compensation and benefits; employee communications, training and development;**
615 **health and safety issues; and other tasks assigned by this statute, this Charter, or town by-**
616 **laws, to the Town Administrator and/or Board of Selectmen. The board may on its own**
617 **accord meet from time to time in furtherance of its stated role. The board shall work**
618 **cooperatively with the Town Administrator to periodically review and update as necessary**
619 **the human resources, polices and procedures manual, employee classification and**
620 **compensation plans, and other documents related to human resource management. The**
621 **board shall consist of five members appointed by the Town Administrator, subject only to**
622 **the approval of the Board of Selectmen. At least two (2) members of the board shall possess**
623 **a business background in Human Resources, acquired in either the private or public sector,**
624 **or a combination of both. Appointments shall be for staggered three (3) year terms. A**
625 **motion was made to remove the word this from sentence and other tasks assigned by**
626 **statute, this Charter, or town by-laws, Amendment passes with a unanimous vote. A**

627 **motion was made to replace Human Services Advisory Board with Human Resources**
628 **Advisory Board. Amendment passes with a unanimous vote.**

629 **ARTICLE NINE TRANSISTIONAL PROVISIONS**

630 **Section 1 Effective date**

631 This charter shall become fully effective upon ratification by the voters, except as otherwise may be
632 provided in this section.

633 ~~(A) **Board of Selectmen**~~

634 ~~Immediately upon adoption by the voters, the incumbent Town Clerk shall call a special election~~
635 ~~to fill the positions of the two new members of the Board of Selectmen, one for a term of one~~
636 ~~year and one for a term of two years.~~

637 ~~(B) **Library Board of Trustee**~~

638 ~~On the same special election identified in Section (A), the Board of Library Trustees shall be~~
639 ~~expanded by one position for a three (3) year term, to comply with general law.~~

640 ~~(C) **Town Administrator**~~

641 ~~Immediately following the election bringing the Board of Selectmen to its full authorized level of~~
642 ~~five (5) persons, the Chairman of the Board of Selectmen shall initiate proceedings to establish a~~
643 ~~Town Administrator screening committee. This committee shall be composed of five (5)~~
644 ~~members; tow (2) members of the Board of Selectmen, the Town Moderator, one (1) member of~~
645 ~~the Finance Committee (to be chosen by the Finance Committee) and one (1) citizen at large~~
646 ~~appointed by the Board of Selectmen. The screening committee shall submit to the Board of~~
647 ~~Selectmen the names of such number of candidates that the committee deems best suited to~~
648 ~~perform the duties of Town Administrator. The intention and purpose of the screening~~
649 ~~committee is to assist the Board of Selectmen in the recruitment and selection of the Town~~
650 ~~Administrator. However, nothing in this section shall limit the right of the Board of Selectmen to~~
651 ~~appoint the Town Administrator as provided in Article six, Sections 1 and 2 of this charter.~~

652 ~~(D) **Executive Secretary**~~

653 ~~Upon the appointment of the Town Administrator, the position of Executive Secretary is~~
654 ~~abolished. However, the Executive Secretary may continue to receive a salary for a period of~~
655 ~~sixty (60) days, at the discretion of the Board of Selectmen, to assist the town in transition. The~~
656 ~~incumbent Executive Secretary may be a candidate for the office of Town Administrator.~~

657 ~~(E) **Town Collector**~~

658 ~~Shall become appointed on April 7, 1997. The incumbent Town Collector may apply for the~~
659 ~~position. A successful candidate shall be selected sixty (60) days prior to April 7, 1997.~~

660 ~~(F) **Town Treasurer**~~

661 ~~Shall become appointed on April 1, 1996. The incumbent Town Treasurer may apply for the~~
662 ~~position. A successful candidate shall be selected sixty (60) days prior to April 1, 1996.~~

663 **Section 2 Continuation of Government**

664 Appointed or elected town officials and board members holding office on the effective date of the charter
665 shall continue to serve until re-elected, re-appointed, their successors having been qualified, or their
666 duties having been transferred. Except as may otherwise be provided by this charter, no regular full-time
667 or part-time employee of the town shall forfeit his pay grade or longevity as a result of the adoption of
668 this charter.

669 **Section 3 Continuation of By-laws**
670 All special acts, by-laws, resolutions, rules, regulations, and votes of the town meeting in force on the
671 effective date of this charter, not inconsistent with its provisions, shall continue in force until amended or
672 repealed.

673 **Section 4 Continuance of Contracts and Other Obligations**
674 All leases, contracts, franchise, and obligations entered into by the town or for its benefit prior to the
675 effective date of this charter shall continue in full force and effect.

676 **Section 5 Pending Actions and Proceedings**
677 No action or proceedings, civil or criminal, in law or in equity, pending at the time this charter takes
678 effect, brought by or against the town or any office, department, or other agency thereof, shall be
679 affected or abated by the adoption of this charter.

Submitted by: Board of Selectmen

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683 **ACTION ON THE MOTION: Motion with the approved amendments, passes with 102**
684 **approving and 2 disapproving.**

685
686 **ARTICLE 2:** A motion was made that the Town vote to amend the General ByLaws by inserting
687 CATEGORY 58-DEPARTMENTAL FEES AS FOLLOWS, OR TAKE ANY OTHER ACTION
688 RELATIVE THERETO:

689
690 **CATEGORY 5B – DEPARTMENTAL FEES**

691
692 The Board of Selectmen, when establishing any fee as authorized by a Town of Seekonk
693 Bylaw or by a Massachusetts General Law, shall encourage public participation and fiscal
694 accountability in setting the amount of such fee.

- 695
696 A.) Each board, committee or department shall observe the provisions of M.G.L. c. 40,
697 s. 22F in setting any fee.
698
699 B.) Each year while preparing the Town’s annually operating budget for the ensuing
700 fiscal year, each board, committee and department that is authorized to charge a
701 fee for service shall analyze the cost of providing such service and recommend any
702 appropriate revisions to the Board of Selectmen.
703
704 C.) The Board of Selectmen shall hold a public hearing not later than April 1 of each
705 year to obtain public comment on any revision to any fee, or on the establishment
706 of any fee. Notice of such hearing shall be made at least fourteen days in advance
707 by advertising in a newspaper of general circulation, posting on the Town’s
708 website, and through similar action.
709
710 D.) Members of the public may submit written comments about any matter discussed
711 during the public hearing to the Board of Selectmen within ten days after the
712 hearing is closed.
713
714 E.) Any action by the Board of Selectmen to revise any fee shall not take effect until at
715 least thirty days after the date of such action, and shall be posted on the Town’s
716 website and reported in the Town Report.

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718 **Submitted by: Board of Selectmen**
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Finance Committee recommends – Approve.

Note: An example of how this proposed bylaw will affect current bylaws in which a dollar amount is stated for a specific fee appears below. All affected bylaws will be submitted to a later Town Meeting for amendment if ARTILCE 2 is accepted by this Town Meeting. This example is provided for information only, and is not part of the motion:

CATEGORY 32 - SOLICITORS

SECTION 2 – FEE

Each registrant, shall pay the Town of Seekonk through its Chief of Police, a registration fee of ~~five dollars (\$5.00)~~ for the period expiring thirty days after the date of said registration. The Board of Selectmen shall establish such fees pursuant to CATEGORY 5B of the General Bylaws.

ACTION ON THE MOTION: Motion passes with a substantial majority.

ARTICLE 3: A motion was made to see if the Town will vote to amend the General Bylaws to reflect the actions of the Town Meeting of November 27, 2006 under ARTICLE 17, the Town Meeting of November 26, 2007 under ARTICLE 8, and the Town Meeting of May 15, 2006 under ARTICLE 3, by adding the following new Category 2B thereto, or take any other action relative thereto:

CATEGORY 2B -- CAPITAL IMPROVEMENT COMMITTEE

Section 1: Purpose and Function

There is hereby established a Capital Improvement Committee. The establishment of a Capital Improvement Committee will ensure sound fiscal and capital planning. The Committee will develop capital improvement policies according to accepted practice. The Committee will ensure the involvement and cooperation of all municipal departments. Each department will be asked annually to provide an inventory of existing assets, a clear statement of needs, and justification for new capital items or projects. The department heads will provide: information about the fiscal impact of the net cost to acquire each new capital item or implement each new capital project; an implementation schedule; and, indication of priority (high, medium, or low).

The Committee will present a capital outlay plan to the Town Administrator and Board of Selectmen for review.

The Committee may develop and propose bylaws and policies for capital planning and improvement based on sound accepted practices.

Section 2: Organization

The Committee shall be comprised of seven (7) members, appointed to three year overlapping terms of office. The Board of Selectmen shall appoint four (4) members and the Town Moderator shall appoint the remaining three (3) members. The Board of Selectmen and Town Moderator shall strive to appoint at least three members who possess experience in financial planning, construction planning, or related fields of experience.

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No member may serve more than six (6) consecutive years on the Committee. No elected or appointed Town officer or employee shall be eligible to serve on the Committee. Any member who submits nomination papers for an elected office shall resign from the Committee.

Section 3: Municipal Capital Stabilization Fund

There is established a Municipal Capital Stabilization Fund, as provided by M.G.L. c. 40, s. 5B for the purpose of accepting funds from a variety of sources to be used exclusively for the annual capital expenditures by Town departments.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 4: A motion was made to see if the Town will vote to amend the General Bylaws by inserting CATEGORY 2C – PERMANENT BUILDING COMMITTEE, as follows, or take any other action relative thereto:

CATEGORY 2C – PERMANENT BUILDING COMMITTEE

SECTION 1: Purpose

The purpose of this By-Law is to provide for a Permanent Building Committee that has continuing responsibility for the management of major construction and maintenance projects of all buildings and facilities of the Town of Seekonk and for which funds are appropriated by Town Meeting. The Permanent Building Committee shall: review the design of every project and prepare design and construction specifications and all bid documents, and conduct all procurement processes as directed by the Chief Procurement Officer; be responsible for financial estimates; oversee construction for those projects for which funds are appropriated by Town Meeting; and, establish guidelines for communication with the Capital Improvement Committee, interested committees, and the public regarding proposed projects.

SECTION 2: Establishment

There is hereby established a Permanent Building Committee, which shall oversee the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town buildings and related site improvements, including School Department buildings and municipal buildings, and including any significant installation, renovation or upgrade of service equipment and major systems as provided in this By-Law.

SECTION 3: Definitions

For purposes of this By-Law, the following definitions shall apply:

- 1) "Construction" means whatever is necessary to implement or complete a building project, except project design and acquisition of funds. It includes excavation, filling and grading of the building or project site.

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- 2) "Design" means schematic design, design development, and development of construction documents (or equivalent documents) from the project goals established by the Proposing Body. It includes selection of architects and consultants as needed in compliance with applicable provisions of the General Laws.
 - 3) "Major Maintenance" shall include projects that are capital in nature, that is: a substantial improvement to or repair of a building, structure, Building Service Equipment, major system or related infrastructure; intended to have a useful life of five or more years; and, has an estimated cost of more than \$25,000, or such other amount as may be established from time to time by the Town Administrator subject to approval by the Board of Selectmen and School Committee, in writing addressed to the Committee.
 - 4) "Building Service Equipment and Major Systems" means the mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories, which provide sanitation, lighting, heating, ventilation, fire suppression and other physical features that are essential for the habitable occupancy of a building or structure for its designated use. It includes process piping, specialized electrical systems, boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, and building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It does not include tangible items that may be installed in a building but which are not capital in nature, such as information system technology (computers and computer systems).
 - 5) "Municipal Buildings" shall refer to public buildings that are not under the jurisdiction of the School Department.
 - 6) "Project" means any of the following in connection with any Town building or other structures or any of the Building Service Equipment: erection, alteration, rehabilitation, remodeling, acquisition and installation of original equipment and furnishings, demolition, removal, excavation, filling, and grading. It does not include public works infrastructure such as streets, drainage systems and the like, or any uninhabited buildings and other structures used exclusively in connection with such public works infrastructure; it does not include routine maintenance and upkeep of a building or other structure or its service equipment which is performed on a regular basis in connection with the normal use of the building or structure.
 - 7) "Project Goals" means the general objectives and the particular needs to be met through the construction of the project.
 - 8) "Proposing Body" means the Town of Seekonk Board of Selectmen, School Committee, Library Trustees, or other elected board that has custody, care and maintenance of public buildings or land which is sponsoring or requesting a construction or major maintenance project. The Proposing Body is responsible for:
 - a) Determination of the goal for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility's availability, and overall effect on the services that are delivered to the citizens of the Town, and the cost of providing such services.

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- b) Performance of feasibility studies and needs analysis to determine the necessary features and estimated size and cost requirements of the project, as well as the estimated requirements for equipment and furnishings.
- c) Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction takes place.
- d) Approval of any design changes or budget reprioritization having a material impact, as determined by the Permanent Building Committee, on the programmatic design, transitional building plans, or outcome of the project.

SECTION 4: Membership

1) Regular Members. The Permanent Building Committee shall consist of five (5) regular voting members, all serving without compensation. The composition of the Committee shall include, to the extent possible, one registered architect, one licensed engineer, one individual who is primarily engaged in the construction business, and one attorney. No such member shall be an officer, official, or paid employee of the Town, or a member of any other board or committee, except temporary members and ex-officio members as provided in this bylaw. All regular members shall be residents of the Town of Seekonk. All regular members shall be appointed by the Board of Selectmen and School Committee acting in joint session as the appointing authority in accordance with the provisions of CATEGORY 2A of the General Bylaws.

2) Temporary Members. For each municipal project, a temporary additional member who is a member or representative of the Proposing Body and a temporary additional member who is a member or representative of the Capital Improvement Committee shall be appointed by the Board of Selectmen.

For each school project, the School Committee shall appoint one of its members or its designee, hereinafter referred to as the School Committee member, to be a temporary additional member of the Permanent Building Committee.

A temporary member shall have a right to vote and participate in the activities of the Permanent Building Committee with respect to the particular project of the Proposing Body, and only for the period of time during which the Permanent Building Committee is exercising its function with respect to such project.

3) Advisory Quasi-Member. For each project, the Permanent Building Committee may invite staff or other Town residents with particular expertise to advise the Committee related to that project. The Permanent Building Committee may also request the designation of Town staff with similar expertise to serve in an advisory capacity for a particular project. Such advisory or assigned individuals may participate in the activities of the Permanent Building Committee with respect to the particular project but shall not have the right to vote. Any such request shall be made to the Town Administrator for Town employees other than School Department personnel, and to the Superintendent of Schools for School Department personnel. The Town Administrator and Superintendent shall determine the appropriate staff member in each case. Such Ex Officio Advisory Quasi-members shall not have voting authority.

4) Term of Appointment

- 931 a) Regular members shall be appointed for a three (3) year term. In making the
932 original appointments under this By-Law, the appointing authority shall designate
933 two regular members to serve for no more than three years ending on June 30
934 of the third year, two regular members to serve for no more than two years
935 ending on June 30 of the second year, and one regular member to serve for no
936 more than one year ending on June 30 of the first year. Thereafter, vacancies
937 shall be filled for a three year term beginning on July 1. Upon expiration of a
938 term, members shall continue to serve until a successor has been appointed and
939 qualified.
940
941 b) Temporary members shall be appointed to the Committee for the period of time
942 during which the Committee is exercising its functions with respect to the project
943 for which the original appointment was made.
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945 SECTION 5: Votes of Committee
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947 The Committee shall act by majority of the regular membership except for those projects
948 for which a temporary member or members have been appointed, in which case action
949 on such project shall be by a majority of the regular membership plus the temporary
950 member or members.
951

952 SECTION 6: Powers and Duties of the Committee
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- 954 1) General Duties. The Committee shall have general oversight of design, construction,
955 reconstruction, major alteration, renovation, enlargement, major maintenance,
956 demolition, and removal of Town buildings, including School Department buildings
957 and Municipal Buildings, and including any significant installation, renovation or
958 upgrade of Building Service Equipment and Major Systems as provided in this By-
959 Law.
960
961 2) Review and Audit of Buildings. The Committee, with the Capital Improvement
962 Committee shall annually review and audit the physical condition of all municipal and
963 school buildings, including service equipment and major systems. It shall report its
964 findings and recommendations to the Town Administrator before October 1 of each
965 year for his/her consideration in development of the capital improvement plan. This
966 report shall be included in the Annual Town Report.
967
968 Each board or committee that has custody and maintenance of any town building
969 shall cooperate fully with the Permanent Building Committee in the review and audit.
970

- 971 3) Financial Requirements and Notification. Any board or committee which proposes a
972 project shall provide information regarding the project goals and the financial
973 requirements of the project to the Committee at least 180 days in advance of the
974 Town Meeting at which funding of any kind for the project will be requested. This
975 information shall be simultaneously submitted to the Town Administrator, the Board
976 of Selectmen, the School Committee, the Finance Committee, and the Capital
977 Improvement Committee. The Permanent Building Committee shall review the
978 information provided to determine whether the sums requested are reasonable with
979 respect to the financial requirements of the project and shall report thereon to the
980 Town Administrator and to the Capital Improvement Committee at least 60 days in
981 advance of the Town Meeting.
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- 4) Appropriations. The funds for the design and construction of a project shall be appropriated to and expended by the Permanent Building Committee under the direction of the appropriate Proposing Body, unless otherwise specified by Town Meeting.

- 5) Design Review. A Proposing Body which is to supervise the project in accordance with Section 6.6 shall submit to the Committee the design for that project, from which technical specifications for bidding and procurement shall be prepared.
 - a) The Committee shall approve, disapprove, or modify the design within 30 days of the receipt thereof. Failure to approve, disapprove, or modify the design within the 30 day period shall constitute approval.

 - b) Every project must be completed in accordance with a design approved by the Committee. An approved design may be modified only if the modification is approved by the Committee before it is incorporated into the project.

 - 6) Supervision of Project Construction. Prior to the initial funding of a project, the determination shall be made whether the Committee or the Proposing Body shall supervise the construction of a project as follows:
 - a) The Committee shall supervise all projects for which the Town incurs bonded debt.

 - b) The Proposing Body shall supervise all projects within its operating or equivalent budget.

 - c) The Proposing Body shall supervise the construction of any other project estimated to cost less than \$25,000, unless the Committee and the Proposing Body agree that the Committee shall supervise the project.

 - d) The Committee shall supervise the construction of all other projects, unless the Committee and the Proposing Body agree that the Proposing Body shall supervise the project.

 - 7) Project Feasibility Studies. Any board or committee, including the Capital Improvement Committee, undertaking a project feasibility study shall inform the Committee of the study, and provide copies of any reports that result from the study to the Committee upon receipt and acceptance.

 - 8) Projects under Committee's Jurisdiction. The Committee shall oversee and supervise the design and construction of all projects within its jurisdiction, including the designer selection process for the solicitation, evaluation and recommendation of a project designer, schematic design, design development, production of construction documents, public construction bidding, contract award recommendation and construction administration in compliance with the General Laws. All such projects shall be developed in a manner consistent with the project goals and physical requirements established by the Proposing Body and the applicable provisions of the General Laws. All solicitations for designer services and invitations for bids for construction shall be coordinated with the Town Administrator, acting as the Chief Procurement Officer, to assure compliance with the applicable provisions of the General Laws. The Town Administrator shall award and execute all designer services contracts and construction contracts.

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- a) Financial Oversight. The Committee shall review and report the financial requirements of all projects within its jurisdiction, or for which it may become responsible, and oversee the expenditure of funds in the course of execution of such projects.

- b) Coordination with Other Town Boards and Committees. For projects under its jurisdiction, the Committee shall coordinate with other Town entities as follows:
 - i) In consultation with the Planning Board, oversee site planning for new construction and additions; such planning to include building location, roadways, parking, lighting, and general landscape design concepts.

 - ii) In consultation with the Conservation Commission and the Department of Public Works oversee plant selection, cost, and installation of landscaping for new, enlarged, or renovated building projects within its jurisdiction.

 - iii) In consultation with the Historical Commission, oversee enlargement, remodeling and/or restoration of Town-owned historic property to ensure that work is done in compliance with the Secretary of the Interior's Standards and Guidelines for Historic Preservation.

- 9) Records and Reporting. The Committee shall retain drawings and specifications, bid documents, contracts, permits, reports and any other document that records the as-built condition, as well as any stages of work in progress, of any building, site or project and keep them on file in the Building Inspector's Office. The Committee shall make an annual report of its activities and recommendations to be published in the Annual Town Report.

SECTION 7: Policies and Procedures

- 1) The Committee shall adopt local designer selection procedures consistent with the requirement of M.G.L. c. 7, §38A½ - 380.

- 2) The Committee shall, in consultation with the Board of Selectmen and School Committee, adopt and make available to all boards, officers, and officials policies and procedures implementing the provisions of this Article. Said policies and procedures shall address at least the following subjects:
 - a) Financial requirements, including monitoring and reporting during construction, for each project within its jurisdiction, including the time period(s) within which information must be available.

 - b) General criteria the Committee will use in reviewing project designs, including but not limited to "green" considerations such as energy conservation, energy efficiency and renewable energy installations.

 - c) Guidelines to be utilized by Proposing Bodies in developing the structure and content of project documentation to be utilized by the Committee in carrying out its responsibilities under this By-Law.

 - d) Guidelines for the review and discussion of project progress with the Proposing Body during the design and construction thereof.

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- e) Guidelines for communication with Town boards and committees, including the Finance Committee and the Capital Improvement Committee, in connection with the Committee’s annual review and audit of building facilities.
 - f) Guidelines for presentation of projects at Town Meeting, including designation of responsibilities as between the Committee and the Proposing Body.
- 3) The Committee may request staff support from the board or committee who has custody or maintenance of the building or land on which the project is located, or from the Proposing Body.

Submitted by: Board of Selectmen

Finance Committee recommends – Did not approve.

A motion was made to indefinitely postpone this article. Motion passes with a substantial majority.

ARTICLE 5: A motion was made that the town vote to authorize the Board of Selectmen to acquire in behalf of the Town, by purchase, gift, or eminent domain, the necessary land parcels or portions thereof and/or any interests and/or rights in such land parcels as identified on plans titled PRELIMINARY RIGHT-OF-WAY CENTRAL AVENUE (ROUTE 152) AND DATED 05/14/2008, said plans on file with the town Clerk, for the purpose of obtaining a secure and public right of way allowing the construction and roadway safety improvements for the construction of the CENTRAL AVENUE ROADWAY IMPROVEMENT PROJECT.

ACTION ON THE MOTION: Motion passes by a substantial majority.

ARTICLE 6: A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of all alcoholic beverages to be drunk on the premises located at 1641 Fall River Avenue to an annual license for the sale of all alcoholic beverages to be drunk on the premises located at 1641 Fall River Avenue. An annual

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license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with unanimous vote.

ARTICLE 7:

A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of all alcoholic beverages to be drunk on the premises located at 393 Taunton Avenue to an annual license for the sale of all alcoholic beverages to be drunk on the premises located at 393 Taunton Avenue. An annual license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

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(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 8:

A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of all alcoholic beverages to be drunk on the premises located at 373 Taunton Avenue to an annual license for the sale of all alcoholic beverages to be drunk on the premises located at 373 Taunton Avenue. An annual license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

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Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 9:

A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of all alcoholic beverages to be drunk on the premises located at 1379 Fall River Avenue to an annual license for the sale of all alcoholic beverages to be drunk on the premises located at 1379 Fall River Avenue. An annual license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 10:

A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale

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of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of wine and malt to be drunk on the premises located at 1782 Fall River Avenue to an annual license for the sale of wine and malt to be drunk on the premises located at 1782 Fall River Avenue. An annual license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

A motion was made to indefinitely postpone Article 10. Motion to indefinitely postpone fails.

ACTION ON THE MOTION: Motion passes with a near unanimous vote.

ARTICLE 11: A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the

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scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of wine and malt to be drunk on the premises located at 1520 Fall River Avenue to an annual license for the sale of wine and malt to be drunk on the premises located at 1520 Fall River Avenue. An annual license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 12:

A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

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Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of wine and malt to be drunk on the premises located at 6 Olney Street to an annual license for the sale of wine and malt to be drunk on the premises located at 6 Olney Street. An annual license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 13:

A motion was made to see if the Town will vote to petition the General Court for legislation authorizing the Board of Selectmen to convert a seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SEEKONK TO CONVERT A SEASONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO AN ANNUAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 17 and 17B of chapter 138 of the General Laws, the licensing authority of the Town of Seekonk may convert one currently-issued seasonal license for the sale of wine and malt to be drunk on the premises located at 193 Central Avenue to an annual license for the sale of wine and malt to be drunk on the premises located at 193 Central Avenue. An annual license granted under this act shall be subject to all of said chapter 138, except said sections 17 and 17B.

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(b) The licensing authority in the Town of Seekonk shall not approve the transfer of the license to any other person, organization, corporation or location but it may be re-issued to a new applicant at the same location if an applicant for the license files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto, to the Seekonk licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion fails to pass by substantial majority.

ARTICLE 14: A motion was made to see if the Town will vote to accept as public ways the layouts identified and described as follows and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith, or take any other action thereto:

MASSASOIT DRIVE AND THE EXTENSION OF DONALD LEWIS DRIVE as shown on a Plan of Land entitled "Fieldwood Estates, Section No. 21, Seekonk, Massachusetts, Belonging to C.A. Lindberg, Inc., by Waterman Eng., Co., on Aug. 1979, Scale 1"-40'", recorded in the Bristol County North District Registry of Deeds in Book 184, Page 78, a copy of which plan is on file with the Office of the Town Clerk, Seekonk, MA, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith.

BLACKSMITH ROAD, BUCKBOARD ROAD, COLLEEN ROAD, COLT DRIVE, DEL-JO DRIVE, MAREHAVEN DRIVE, MICHAEL ROAD, MUSKET ROAD, RUSSELL AVENUE, AND WAGONWHEEL ROAD as shown on a Plan of Land entitled "Heritage Heights Definitive Plan of Land for Heritage Homes of Attleboro, Inc., 630 Lindsey Street, Attleboro, Mass., scale 1"-40' dated Jan. 17, 1980 SMR. Surveying and Engineering Co., 4 Cross Street No. Attleboro, Mass.", recorded in the Bristol County Northern District Registry of Deeds in Book 253, Page 8, a copy of which plan is on file with the Office of the Town Clerk, Seekonk, MA, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith.

SARAH COURT as shown on a Plan of Land entitled "Definitive Subdivision Plan of Land in Seekonk, Massachusetts of Sarah Court, John W. Delano and Associates, Inc. Registered Land Surveyors and Engineers, Scale: 1"-60', August 16, 1989, Revised January 10, 1990", recorded in the Bristol County Northern District Registry of Deeds in Book 300, Page 31, a copy of which plan is on file with the Office of the Town Clerk, Seekonk, MA, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith.

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KENWOOD COURT as shown on a Plan of Land entitled "Definitive Plan for Kenwood Estates AP 16, Lot 44 Lincoln Street, Seekonk, Massachusetts Scale 1"=50' Date: February 2003", recorded in the Bristol County Northern District Registry of Deeds in Book 425, Page 51, a copy of which plan is on file with the Office of the Town Clerk, Seekonk, MA, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith.

HARRIS COURT as shown on a Plan of Land entitled "Definitive Subdivision Carolan Acres, Seekonk, Massachusetts, belonging to George F. and Debra A. Carolan, by Caputo and Wick, Ltd., February 22, 1998", recorded in the Bristol County Northern District Registry of Deeds in Book 371, Page 26, a copy of which plan is on file with the Office of the Town Clerk, Seekonk, MA, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith.

ELIZABETH WAY as shown on a Plan of Land entitled "Definitive Subdivision for Elizabeth Way, in Seekonk, Massachusetts owner & applicant M.A.S. Williams, LLC & Janice H. Serpa, 265 County Street, Seekonk, MA 02771 Engineer & Surveyor E. Otis Dyer, RPLS, RPE 368 Fairview Avenue Rehoboth, MA 02769 June 29, 2004", recorded in the Bristol County Northern District Registry of Deeds in Book 432, Page 3, a copy of which plan is on file with the Office of the Town Clerk, Seekonk, MA, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith.

CEDAR HILL TERRACE as shown on a Plan of Land entitled "Definitive Subdivision Plan of Land in Seekonk, Mass. Showing Cedar Hill Estates Scale 1" = 40' April 9, 1987 Freeman Engineering Co. A Division of Hayward Boynton & Williams, Inc. Land Surveyors Civil Engineers 178 North Main Street, Attleboro, Mass", recorded in the Bristol County Northern District Registry of Deeds in Book 259, Pages 55 and 56, a copy of which plan is on file with the Office of the Town Clerk, Seekonk, MA, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests therein in connection therewith.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 15: A motion was made to see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2, to authorize a Library Food and Beverage Revolving Fund to be credited with receipts from the sale of food and beverages, to be expended under the direction of the Library Trustees for the purpose of replenishing the supply of food and beverages, not to exceed the amount of \$5,000, or take any other action relative thereto.

Submitted by: Board of Selectmen

Finance Committee recommends – Approve.

ACTION ON THE MOTION: Motion passes with a unanimous vote.

ARTICLE 16: A motion was made to see if the Town will vote to appropriate a sum from free cash for the purpose of refunding Trench Permit Fees that were collected by the Town prior to

1564 July 1, 2009, said sum to be expended by the Board of Selectmen, or take any other
1565 action relative thereto.

Submitted by: Board of Selectmen

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1568 **Finance Committee recommends** – Did not approve.
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1570 **ACTION ON THE MOTION: Motion passes with a near unanimous vote.**
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1572 **ARTICLE 17:**
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1575 A motion was made that the Town vote to appropriate the following sum from free cash
1576 in the amount of \$69,122.66 for the purpose of the first year payment of a lease to
1577 acquire and install a telecommunication network and applications between four Seekonk
1578 public schools and the Seekonk Public Library, a town building, such sum to be expended
1579 by the School Committee.

ACTION ON THE MOTION: Motion passes with a majority vote.

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1581 A motion was made to dissolve the meeting at 12:30AM. Motion to dissolve the meeting passes with a
1582 majority vote.

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And you are hereby directed to serve this Warrant by posting attested copies as required by law and vote of the Town.

Hereof fail not and make return of the Warrant with your doings thereon to the Town Clerk at or before the time of said Meeting.

GIVEN UNDER OUR HANDS ON THIS _____ DAY OF JANUARY 2010.

Seekonk Board of Selectmen

Francis Cavaco, Chair

John W. Whelan, Vice Chair

Michael Brady, Clerk

David Parker

Robert L. Richardson

A True Copy Attest: _____
Constable

Date: _____