

CHARTER

[HISTORY: 1956 Acts and Resolves of the Commonwealth of Massachusetts, Chapter 55; approved 2-9-1956. Town meeting voted in June 2022 to make two modifications to the original 1956 Charter, both of which were subsequently approved by the legislature. The first was to amend section 11 to remove a residency requirement for the Town Manager and a ban on prior employment. See Acts of 2022, chapter 362, January 4, 2023. The second change was to convert to a gender neutral phrasing throughout. See Acts of 2023, chapter 84, January 3, 2024.]

Section 1. Acceptance. This Act shall be submitted for acceptance to the qualified voters of the Town of Williamstown at the Annual Town Election or the biennial state election following the passage of this Act, whichever occurs first. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the following question which shall be placed upon the ballot to be used at said election: "Shall an act passed by the General Court in the year nineteen hundred and fifty-six, entitled 'An Act establishing the Selectmen-Manager form of government in the Town of Williamstown,' be accepted?" If a majority of the voters voting on this question vote in the affirmative, this Act shall take effect immediately in so far as it relates to the ensuing Annual Town Election, and shall take full effect upon the qualification of a majority of the select board members first elected as provided in this Act.

If this Act is rejected by the qualified voters of the town when first submitted it shall again be submitted to the said voters at the next following Annual Town Election, and if accepted by a majority of voters voting thereon it shall take effect as hereinbefore provided. If the majority of voters voting on this question when so further submitted shall vote in the negative, this Act thereupon shall become void.

Section 2. Bylaws. All laws, bylaws, votes, rules and regulations in force in the Town of Williamstown of the effective date of this Act, not inconsistent with its provisions, whether enacted by authority of the town, or any other authority, shall continue in full force and effect until otherwise provided by law, bylaw or vote; all other laws, bylaws, votes, rules and regulations, so far as they refer to the Town of Williamstown, are hereby repealed and annulled, but such repeal shall not revive any preexisting enactment.

Section 3. Election of Select Board members. At the first annual town meeting following the acceptance of this Act, the voters shall elect by ballot five select board members, of whom two shall serve for terms of three years, two for terms of two years and one for a term of one year. At each annual election thereafter there shall be elected, in place of those select board members whose terms are about to expire, a like number of select board members, each to serve for a term of three years. The select board members shall receive such compensation, if any, as the town may by vote determine. They shall serve until their successors are elected and qualified. If for any reason a vacancy shall occur in the membership of the select board, the remaining select board members may at any time prior to the next Annual Town Election appoint a qualified person to serve as a select board member until such election,

at which election the voters shall elect a select board member to serve for the unexpired portion, if any, of the original term.

Section 4. Powers of the select board. The select board shall appoint and may remove a Town Manager, as hereinafter provided, the Registrars of Voters other than the Town Clerk, election officials, the Board of Appeals and the Clerk of the select board unless otherwise provided by the vote of the town.

Section 5. Other elected officials. The town shall continue to elect a Moderator, School Committee and Library Trustees, and unless otherwise provided by law or bylaw, the Moderator shall continue to appoint a Finance Committee and such special committees as the voters may designate. The term of office of any officer, board or commission so continued shall not be interrupted.

Every other elective office, board or commission shall be terminated as hereinafter provided, any other provision of law to the contrary notwithstanding.

The term of office of any person elected to any office, board or commission existing at the time of such acceptance and terminated hereunder shall continue until such first town election and until the appointment and qualification of a successor, if any, and thereafter the said offices, boards and commissions shall be abolished, and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this Act, shall be conferred and imposed upon the select board and exercised by the Town Manager to the extent hereinafter provided. They shall be sworn to the faithful performance of their duties by the Chairperson of the select board or by a Justice of the Peace.

Section 6. Membership, terms, powers, duties and responsibilities. The number of members of boards, commissions and committees appointed under this Act, the length of the term of each member thereof and of officers so appointed and the powers, duties and responsibilities of the same shall be as now or hereafter provided by any applicable law, bylaw or vote of the town, except as herein otherwise provided. Upon appointment and qualification of the various officials as provided in this Act, the term of office and all powers and duties of each person theretofore holding each such office shall cease and be terminated.

Officers, boards, commissions and committees appointed by the Town Manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof they shall be subject to the general supervision of the Town Manager. They shall be sworn to the faithful performance of their duties by the chairperson of the select board or by a Justice of the Peace.

Section 7. Powers of the School Committee. All the powers rights, duties and liabilities now or hereafter conferred or imposed by law upon the School Committee shall be exercised and

performed by the School Committee; provided, however, that said Committee may request in writing, to the select board, the services of the Town Manager in the purchase of any supplies, materials or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of the town manager's office.

Section 8. Powers of the Library Trustees. All the powers, rights, duties and liabilities now or hereafter conferred or imposed by law upon the Library Trustees shall be exercised and performed by the Library Trustees; provided, however, that the said Trustees may request in writing, to the select board, the services of the Town Manager in the purchase of any supplies, materials or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of the town manager's office.

Section 9. Powers of the Fire District. Nothing in this Act shall be construed to affect the powers and duties of the Fire District, as provided by law; provided, however, that the Prudential Committee, on behalf of the district, and the select board on behalf of the town, may provide by a written agreement for the performance by the Town Manager of such services for the District as may be appropriate to the duties of the town manager's office, and for the reimbursement of any expense incurred therefor.

Section 10. Multiple offices. A member of the select board or of the School Committee, or of the Finance Committee shall, during the term for which such member was elected or appointed, be ineligible either by election or appointment to hold any other town office. Any person appointed by the Town Manager to any town office under the provisions of this Act or of any general or special law shall be eligible, during the term of said office, to election or appointment to any other town office, except that the Town Accountant shall not be eligible to hold the position of Town Treasurer or the position of Town Collector. The Town Manager, with the approval of the select board, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which the town manager is authorized to fill by appointment, but shall receive no additional compensation therefor.

Section 11. Appointment of Town Manager. The select board, elected as provided herein, shall appoint, as soon as practicable, a town manager, who shall be a person especially fitted by training and experience to perform the duties of the office. The town manager shall be appointed without regard to their political beliefs. The town manager need not be a resident of the town during the term of their office. Before entering upon the duties of their office, the town manager shall be sworn to the faithful and impartial performance thereof by the chairperson of the select board, the town clerk or a justice of the peace. The town manager shall execute a bond in favor of the town for the faithful performance of their duties in such sum and with such surety as may be fixed or approved by the select board.

Section 12. Appointment of Temporary Manager. Any vacancy in the office of Town Manager shall be filled as soon as possible by the select board. Pending appointment of a Town Manager or the filling of a vacancy, the select board may appoint a suitable person to perform the duties of the office.

Section 13. Removal of Town Manager. The select board, by a vote of three or more members of the Board, may remove the Town Manager. At least 30 days before such removal shall become effective, the select board shall file the preliminary written resolution with the Town Clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the Town Manager. The Manager may reply in writing to the resolution and may request a public hearing. If the Manager so requests, the Board of Selectmen shall hold a public hearing not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if any, otherwise at the expiration of 30 days following the preliminary resolution, and after full consideration, the select board by a vote of three or more members of the Board may adopt a final resolution of removal. In the preliminary resolution the select board may suspend the Manager from duty, but shall in any case cause to be paid to the manager forthwith any unpaid balance of the manager's salary and the manager's salary for the next three calendar months following the filing of the preliminary resolution.

Section 14. Compensation of the Manager. The Town Manager shall receive such compensation for their services as the select board shall determine, but it shall not exceed the amount appropriated therefor by the town.

Section 15. Powers and Duties of the Manager. In addition to the specific powers and duties provided in this Act, the Town Manager shall have the following powers and duties:

(a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices of the town, except those elected by the voters, or appointed by the select board or by the Moderator.

(b) The Town Manager, in accordance with the provisions of this Act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under the town manager's direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as the town manager deems necessary and, in so doing, may transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another.

(c) Except as otherwise provided by this Act, the Town Manager shall appoint upon merit and fitness alone and, subject to the provisions of Chapter 31 of the General Laws where applicable, may remove a Town Accountant, a Town Clerk, a Town Collector, a Town Treasurer who may act as a Town Collector, a Town Counsel, a Welfare Agent and Assessors.

The town manager may in like manner appoint and remove such other officers and employees as the town manager deems necessary to carry out the powers and duties imposed upon the town manager by this charter. Permanent officers and employees not subject to Chapter 31 of the General Laws shall not be removed by the Town Manager except on ten days' notice in writing setting forth the cause of such removal.

(d) The Town Manager shall fix the compensation of all town officers and employees

appointed by the town manager, subject to any applicable provisions of MGL C. 31 or of MGL C. 41, § 108A.

(e) It shall be the duty of the Town Manager to attend regular meetings of the select board, except meetings at which the town manager's removal is being considered.

(f) The Town Manager shall keep full and complete records of the town manager's office, and shall render as often as may be required by the select board a full report of activities under the town manager's supervision.

(g) The Town Manager shall keep the select board fully advised as to the needs of the town and shall recommend to the select board for adoption such measures requiring action by them or by the town as the town manager may deem necessary or expedient.

(h) The Town Manager shall have jurisdiction over and be responsible for the planning, construction, reconstruction, alteration, repair, maintenance, improvement, use and rental of all town property except as hereinbefore provided with respect to schools and library and except as otherwise specifically voted by the town.

(i) Except as otherwise provided by this Act, the Town Manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments and activities of the town.

(j) The Town Manager shall administer, either directly or through a person or persons appointed by the town manager in accordance with this Act, all provisions of general and special laws applicable to the town, all bylaws and all regulations established by the select board.

(k) The Town Manager shall, with the approval of the select board, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in the town manager's judgment it may be necessary.

(l) The Town Manager shall perform such other duties consistent with the town manager's office, as may be required of the town manager by the bylaws or by vote of the select board.

(m) The Town Manager shall have access to all town books and papers for information necessary for the proper performance of the town manager's duties, and may without notice cause the affairs of any department or activity under the town manager's control or the conduct of any officer or employee appointed by the town manager to be examined.

Section 16. Acting Manager. The Town Manager shall, by a letter filed with the Town Clerk, designate a qualified officer of the town subject to the approval of the select board, to perform the town manager's duties during the town manager's temporary absence or disability. In the event that the Town Manager should fail to make such a designation, the select board shall so designate a qualified

town officer to perform the duties of the Town Manager until the town manager shall return or the town manager's disability shall cease.

Section 17. Annual budget. All officers, boards and commissions of the town shall submit to the Town Manager in writing detailed estimates of their appropriations required for the efficient and proper conduct of their respective offices and departments and such further information, in such form and at such times as the Town Manager may require. On or before the 15th day of December in each year, or such other date as the town may by bylaw prescribe, the Town Manager shall prepare and submit to the Finance Committee a budget for the ensuing year and all supplementary information in such form and detail as the town manager may deem necessary or the town may require by bylaw.

Section 18. Approval of warrants. The Town Manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds, prepared by the Town Accountant, in a accordance with the provisions of MGL C. 41, § 56, shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager shall be sufficient authority to authorize payment by the Town Treasurer, but the select board shall approve all warrants in the event of the absence of the Town Manager or a vacancy in the office of the Town Manager.

Section 19. Investigation of claims. Whenever any payroll, bill or other claim against the town is presented to the Town Manager, they shall, if the same seems to the town manager to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the select board, who shall immediately investigate the facts and determine what payment, if any, should be made. Pending such investigation and determination by the select board, payment shall be withheld.

Section 20. Certain officers not to make contract with the town. It shall be unlawful for any select board member, the Town Manager or any other elective or appointive official of the town, directly or indirectly, to make a contract with the town, or to receive any commission, discount, bonus, gift, reward or contribution, or any share in the profits of any person or corporation making or performing such a contract, unless the official concerned, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify the select board in writing of the contract and of the nature of their interest therein and shall abstain from doing any official act on behalf of the town in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the town, the contract may be made by another officer of the town duly authorized thereto by vote of the select board. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the town.

Section 21. Existing contracts and proceedings. No contract existing and no action at law or suit in equity or other proceeding pending at the time this Act is accepted or at the time of revocation of such acceptance shall be affected by such acceptance or revocation.

Section 22. Investigations or surveys. For the purpose of making investigations or surveys, the

select board or the Town Manager may expend such sums for the employment of experts, counsel and other assistants, and for other expenses in connection therewith, as the town may appropriate for such purpose.

Section 23. Revocation. At any time after the expiration of three years from the date of acceptance of this Act, a petition signed by not less than 10% of the registered voters of the town may be filed with the select board, requesting that the question of revoking the acceptance of this Act be submitted to the voters at the following Annual Town Election. The select board shall thereupon direct the Town Clerk to cause the said question to be printed on the official ballot to be used at the next annual town election in the following form:

“Shall the acceptance by the town of Williamstown of an act passed by the General Court in the year nineteen hundred and fifty-six entitled ‘An act establishing the selectmen-manager form of government in the town of Williamstown,’ be revoked?” If such revocation is favored by a majority of the voters voting thereon, this Act shall cease to be operative on and after the next Annual Town Election, except as hereinafter provided. All General Laws respecting town administration and town officers, and any special laws relative to Williamstown, the operation of which has been suspended or superseded by the acceptance of this Act, shall be revived forthwith for the purposes of the next following election and shall be revived in their entirety on and after said election. Bylaws in force when such revocation takes effect, so far as they are consistent with General Laws respecting town administration and town officers and with special laws relating to said town, shall not be affected thereby, but any other bylaws inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section oftener than once in every three years thereafter.