

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. Town meeting voted in May 2024 to make several changes recommended by the Charter Review Committee, including new sections on recalls and compliance, all of which were approved by the legislature. See Acts of 2024, chapters 383, 397 and 401, January 8 and 10, 2025. ASH.]

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 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. All appointed and elected officials shall be sworn to the faithful performance of their duties by the chairperson of the select board, town clerk, justice of the peace, notary or any other officer qualified to administer oaths.

Section 7. Terms of elected offices. The terms of office of all elected town officials shall end when their successors are elected and qualified; provided, however, that if annual town elections are held prior to annual town meeting, such terms shall end either at the conclusion of town meeting or within 20 days of the election, whichever is earlier.

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. Services provided to other government entities. The select board, on behalf of the town, may provide by written agreement for the performance by the town manager of such services for other government entities as may be appropriate to the duties of their office and for the reimbursement of any expense incurred.

Section 10. Multiple offices. A member of the select board or the finance committee shall, during the term for which they were elected or appointed, be ineligible by either election or appointment to hold any other town office established by vote of town meeting; provided, however, that member of the select board or of the finance committee may hold such office in their capacity as a member of the select board or the finance committee if the town meeting vote so provides. Such members may serve on advisory committees and as town representatives to intergovernmental bodies. 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: (i) may reorganize, consolidate or abolish departments, commissions, boards or offices under their direction and supervision and not established by town meeting, in whole or in part; (ii) may establish such new departments, commissions, boards or offices as they deem necessary; and (iii) may, in so doing, transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of 1 department, commission, board or office to another. The town manager may not make any such changes to boards and committees established by town meeting except upon approval of town meeting.

(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 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 the 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 select board has the authority, except as otherwise provided by law, to prosecute, defend and compromise all litigation or claims to which the town is a party and to employ special counsel to assist the town counsel whenever, in the select board's judgment, necessity arises. The select board may delegate such authority, in whole or in part, to the town manager who shall keep the select board informed of the progress of all such litigation and claims.

(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 such 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 finance committee 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 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. If any claim or allegation is made against the town manager, the town manager shall recuse themselves from the investigation and promptly refer the matter to the select board.

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.

Section 24. Recall of Elected Officials.

(a) Application – Any holder of a town elected office in the town, including members of the Northern Berkshire Vocational Regional School Committee elected at the annual town election, with not less than 6 months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the town in the manner provided in this section; provided, however, that members of the Mount Greylock Regional School Committee shall not be considered elected officials for purposes of this section. No recall petition shall be filed against an officer within 6 months of taking office.

(b) Recall Petition – A recall petition may be initiated by the filing of an application containing the name of the officer sought to be recalled and a statement of the grounds for recall; provided, however, that the application shall be signed by not less than 200 voters. The town clerk shall thereupon deliver to those voters making the application copies of the petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. The blanks shall be issued by the town clerk,

with signature and official seal attached thereto. The blanks shall be dated and addressed to the select board and shall contain the names of all persons to whom the blanks are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the application. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within 28 days after the filing of the application and shall be signed by not less than 10 per cent of the voters of the town registered as of the date of the application is filed. Within 2 business days of receipt of the petition, the town clerk shall submit the petition to the registrars of voters and the registrars shall, within 5 days of their receipt of the petition, certify thereon the number of signatures that are the names of voters.

(c) Recall Election – If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the select board within 5 days and the select board shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, order an election to be held on a date fixed by the select board not less than 64 days and not more than 90 days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within 120 days after the date of the certificate, the select board shall postpone the holding of the recall election to the date of such other election. If the person subject to a recall vote vacates said office after a recall election has been ordered but before the election is held, the election shall not proceed.

(d) Office Holder – The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as provided herein. If recalled, the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled under chapter 41 of the General Laws or by other charter designated method. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular town election. Should the person be a candidate in the subsequent election, that person shall not be allowed to have 'candidate for re-election' appear on the ballot at such election.

(e) Ballot Proposition - The form of the question to be voted upon shall be substantially as follows:
"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"

Yes No

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

(f) Repeat of Recall - In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least 270 days after the election at which the officer's recall was submitted to the voters of the town.

(g) Office Holder Recalled – Any person subject to a recall who vacates their office for any reason, including by recall or by resignation while recall proceedings were pending against such person, may run for re-election or election to other offices, but may not be appointed to any board, commission or committee within 2 years after such recall or such resignation.

Section 25. Compliance with the Charter.

(a) The Town Manager, as the administrative officer of the town, shall monitor whether town departments, commissions, boards, offices, officers and employees comply with the charter. If the Town

Manager determines that any town department, commission, board, office, officer or employee fails to comply with the charter, the Town Manager shall meet with them to discuss the matter.

(b) If the Town Manager determines that any town department, commission, board, office, officer or employee continues to not be in compliance with the charter after that potential failure has been discussed with them, the Town Manager shall refer the matter to the select board, which may take action that it deems appropriate and authorized by law for those departments, commissions, boards, offices, officers and employees for which they are the appointing authority, and, for all other town boards, the select board shall file any documentation of the matter with the Town Clerk subject to the public records law.

(c) The select board shall ensure that the Town Manager complies with this Act.

(d) A resident of the town may petition: (i) the Town Manager to ensure faithful compliance with the charter by any town department, commission, board, office, officer or employee, except with respect to matters related to employment, for which they are the appointing authority; (ii) the select board to ensure faithful compliance with this Act by the Town Manager or those departments, commissions, boards, offices, officers and employees for which they are the appointing authority; or (iii) any elected position or board, or position or board appointed by any other appointing authority, to ensure faithful compliance by them with the charter. A petition under this subsection shall be filed with the Town Clerk and shall state the person or government body that may not be in compliance, the section of the charter involved and when said person or government body had potentially failed to comply therewith. The Town Clerk shall deliver a copy of the petition to such person or government body, the Town Manager and the select board within 3 business days of receipt thereof. Such person or government body shall file with the Town Clerk a written response within 30 days of their receipt of the petition and submit copies of such response to the Town Manager, select board and the petitioners.

(e) Following receipt of a petition by a resident, the written response from the subject of the petition and the expiration of 30 days, the Town Manager, the select board and any other appointing authority shall take such action with respect to the petition as is deemed appropriate and authorized by law for those departments, commissions, boards, offices, officers and employees for which, respectively, they are the appointing authority. Petitions for potential failures to comply with the charter by elected positions or boards shall remain filed with the Town Clerk subject to the public records law.

(f) This section shall not limit the right to seek enforcement of this charter as otherwise provided by law.