

## BALLOT QUESTION AND SUMMARY

The following question, and summary, will appear on the ballot at the April 1, 2000 town election.

### QUESTION:

Shall this town approve the new charter, recommended by the charter commission, summarized below?

YES

NO

### BALLOT SUMMARY

A full time mayor, elected for a term of two years, will replace the part time three-member board of selectmen as the executive head of government. The mayor will also assume many of the functions which now are being performed by the executive secretary.

A nine-member town council, four elected from districts and five elected at large, will replace the 240+ member representative town meeting as the town's legislative body.

The school committee will consist of seven members, six members elected at large for terms of two years each and the mayor who will serve as the seventh member with full voting and other participatory rights.

A consolidated department of municipal finance, under a director of finance, will be established to better assure coordination and oversight of all financial offices and agencies. Provisions are made for other reorganizations and consolidations to occur at a later date.

A recall provision has been included to enable the voters to remove from office the mayor, town council members, or school committee members under certain circumstances. The proposed charter also establishes procedures for voters to bring matters before the town council and school committee by use of Initiative and Referenda Petitions.

**The members of the Charter Commission recognize that this summary, which will appear on the ballot for the town election, is very brief. We urge you to read the full text of the charter and the additional comments concerning the charter, which are contained in this booklet.**

## **TO THE CITIZENS OF WEST SPRINGFIELD:**

### **INTRODUCTION:**

The West Springfield Charter Commission takes pride in recommending the West Springfield Home Rule Charter to the Citizens of West Springfield for your consideration at the Annual Town Election on April 1, 2000.

In April 1998, you overwhelmingly voted to have our government studied, by electing a nine member Charter Commission. During the past two years, we have interviewed our town agencies, elected and appointed committees, boards and officials. We have also interviewed other municipal town managers, town officials, finance directors and mayors. In addition, we reviewed the government structures of twenty-seven cities and towns throughout the Commonwealth.

We have had over fifty meetings and held four public hearings for citizen input. We believe that the proposed Charter incorporates many of the comments and suggestions made at those public hearings. We feel that the new Charter will make the town government more responsive to the citizens of West Springfield and effectively position the Town for entering the 21st Century.

### **EXPLANATION OF MAJOR DIFFERENCES BETWEEN THE CURRENT GOVERNMENT AND THE PROPOSED CHARTER:**

We recommend that the inhabitants of the Town of West Springfield shall continue to be a municipal corporation under the name "Town of West Springfield". It is the Commission's intent to improve our governmental structure, not to change the character or the essence of our community.

The "lack of accountability" and "direction" in our current government are comments that the Commission heard many times. The Commission believes that this is because responsibilities are fragmented. There is currently no single focal point within the existing executive branch of our town that can be identified as the "head" of town government. The presently elected boards have little or no control over other departments and boards, either elected or appointed, not under their jurisdictions. The Commission looked to centralize operations whereby a chief executive would have authority over all municipal departments.

### **EXECUTIVE BRANCH**

We recommend that the executive position be a strong Mayor elected at-large who is directly responsible to the voters. Currently the executive branch of government, except schools, consists of 31 elected and one appointed official that serve on or in 9 elected boards or positions. These include the Board of Selectmen, the Board of Assessors, the Town Clerk, the Town Collector/Treasurer, the Board of Health, the Housing Authority, the Board of Library Trustees, the Planning Board and the Recreation Commission.

The present School Committee consists of seven members elected at large for three-year terms. The proposed charter provides for the election of six School Committee members who will continue to be elected at-large, but to two-year terms. The Mayor will serve as the seventh voting member. The Commission feels that effective budget making, review, and implementation are virtually impossible

without a plan devised through a central coordination point. By having the mayor a member of the school committee, this individual is in a better position to judge the overall needs of the town. The proposed structure will include the school budget being presented by the Mayor so that standards and priorities can be established, and the budget can be set on the whole and not on separate agendas.

## **LEGISLATIVE BRANCH**

We are recommending that the legislative body be a nine member Town Council consisting of four members elected from districts and five members elected at-large, each to two year terms. One district would be composed of 2 precincts. In every bi-annual election, every voter will have the opportunity to vote for a super majority, six of the nine members, of the Town Council. This will replace the current 240+ member representative town meeting and moderator position where every voter can only vote on 10 of the 80 elected town meeting members at any one election. You, the voter, will have the opportunity to vote for six councilors, one in your district and five at-large. The town council will be able to address critical financial and quality of life issues in a more timely manner than our existing town meeting form of government because of their frequent meeting schedule. Town meeting meets only twice annually and occasionally three times in any given year.

## **ELECTED OFFICIALS**

The mayor, town council and school committee will be the only elected positions. All other positions will become appointed. Those currently serving on the other elected boards, including those elected at the April 1, 2000 election, will continue to serve the balance of their terms.

Currently town elections are partisan. The Democratic and Republican Parties hold caucuses to select candidates for office that run in the final election with party designations placed with their names. Under the proposed charter, town elections will be non-partisan. A preliminary election will allow all voters to narrow the field of candidates. Party designations cannot be placed on the ballot and the position of each of the candidate's name on the ballot will be determined by lot.

## **FINANCIAL MANAGEMENT AND ADMINSTRATIVE ORGANIZATION**

The Commission believes that, the key to a successful government is a well-defined, streamlined administrative organization. We recommend consolidation of the town's financial responsibilities by establishing a department directed by a Director of Municipal Finance reporting to the Mayor. This will consolidate and effectively coordinate the currently separate departments of the town accountant, the town treasurer, the town collector, and the board of assessors. We also recommend the establishment of an Auditor position reporting directly to the Town Council as a check and balance. There is no individual today to oversee whether the town's financial and managerial policies are being carried out. While on the subject of funding, we have also observed that municipalities that employ the city form of government have a place at the State and Federal funding table. Municipalities with the town form of government do not enjoy the same opportunity.

A Department of Planning and Development will be the result of coordinating the functions of the planning board, board of appeals, and the conservation commission. A department of human resources, a board of license commissioners, a public safety commission, a board of park and recreation

commissioners and a planning and construction committee will also be created. The proposed charter also requires the mayor and town council to develop reorganization plans for park and recreation functions as well as for municipal inspections and licensing. All other departments will be subject to reorganization through ordinances so that future changes can be addressed without requiring another charter review.

## **TRANSITION**

During the transition period all general laws, special laws, town by-laws, town meeting votes, rules and regulations pertaining to West Springfield that are in force when this Charter takes effect, shall continue in full force and effect until amended, repealed, or rescinded by due course of law.

All town agencies shall continue to perform their duties until re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another agency.

Assuming the charter is adopted by a majority vote in the April 2000 election, a preliminary election will be held in July 2000, and the top candidates selected for each office will have a run off election in August 2000. Beginning on the first business day of January 2001, the initial term of office for the Mayor and the Town Council members will be for three years.

## **CONCLUSION:**

The charter we are proposing is real and tangible. You can hold it in your hands, you can read all of its provisions, and you can see how each office is chosen and how powers, duties and responsibilities of the various elements of government relate to one another. Our existing charter is a hodgepodge of general and special laws enacted over the last three hundred and seventy five years. It is difficult to understand because the interrelationship of one agency to another is not defined anywhere and is clouded by doubt and confusion. Although it is possible that the town could implement changes over an extended period of time through the town meeting process, we are convinced that these changes would be marginal at best.

During our deliberations in the last 18 months, we have directed a lot of criticism towards the structure of our existing town government. None of these comments were a reflection as to the ability or efforts of our town employees, elected officials, committee members, or town meeting members. These people are our friends and neighbors and we applaud them for their dedication and hard work. Our criticism is directed at the structure of the existing government and not at the individuals that are making it work on a day-to-day basis. We feel that the proposed charter will enhance all of their efforts in future years.

We fully recognize that the changes we are recommending are significant. We also recognize that change is seldom comfortable. These changes were arrived at after considerable research, thought and discussion. Decisions were arrived at by consensus, often after heated debate. Our recommended mayor-council form of government was the result of extensive studies and analysis of the problems we faced as a community and the evaluation of the various options in which our concerns might be better addressed. During our deliberations, every Commissioner had voted in the minority with regard to specific provisions of this charter. Virtually all of the commissioners, however, strongly support the charter as a whole. We request that you adopt the same approach. We ask that you examine the entire charter and decide if the residents of West Springfield will be better served if it is adopted. We believe that after you review the strengths

and the weaknesses in our own governmental structure and other comparable communities, you will come to the same conclusion that we did. The operation of town government, the financial stability and the quality of life of the people of West Springfield will be greatly enhanced by the proposed charter.

The summaries of both the ballot question and the comparison of our present form to the proposed charter are, necessarily, very brief and only touch on the high points of our charter proposal. The members of the charter commission urge you to read the full text of the charter that appears in this booklet, and we urge you to attend the forums that will be held to discuss the charter. Please feel free to contact any member of the charter commission if you have specific questions you would like to have answered.

As citizens we are honored to serve our community. As Commissioners, we hope that you will agree that the time for change is now and urge you to vote YES to adopt the West Springfield Home Rule Charter.

Signed this date, September 29, 1999, by the West Springfield Charter Commission:

***IN FAVOR:***

Paul Finnie, Chairman  
Dennis Powers, Vice Chairman  
Diane Crowell, Clerk  
John Bolduc  
Anthony Cestari  
Robert Evans  
Thomas McCarthy  
Robert O'Brien

***OPPOSED:***

Bernard Lally

**THE MINORITY REPORT**

September 30, 1999 submitted by commissioner F. Bernard Lally

I am opposed to the proposed charter because it places all of the decision making power in the hands of just 6 people, a mayor and the majority of a 9 person city council. Such a government is just exactly the opposite of the Selectmen/Town Meeting form of government which was originally created to move the power out of the hands of the few and into the hands of the many.

In West Springfield we elect 276 townspeople to two major groups: 241 Town Meeting members (including the Moderator), and 35 others who are elected to the 9 boards, commissions or other positions in town. Of the 276 elected officials, 12 are paid a small salary and the other 264 people receive no financial compensation. (Note, these numbers do not include the 4 people elected to the state-controlled Housing Authority.)

Under the control of each of the 9 elected boards, commissions, and other positions, are found the town employees who are responsible for the day-to-day operation of the town.

In the Town Meeting form of government, any resident can run for any office. The elections are "low key" and non-political. You don't need to start from any kind of political or financial power base to run or to be

elected, and running for office is inexpensive. In addition, even townspeople who are not elected officials are assured that their voices will be heard on issues which concern them because our present Charter states, "any voter of the town who is not a town meeting member may speak" at a town meeting, AND it only takes a petition with the signatures of 10 registered voters in order to place an article on the warrant for the Annual Town Meeting and open an issue up for full debate.

Under our present government, West Springfield has achieved a reputation, both locally and statewide, for good, honest, effective government. In every possible category our town shines as an outstanding example of what good government should be. AND anyone who is really concerned about an issue can be a candidate for election to any one of the elective offices thereby taking an active part in the decision making process.

Hindsight shows us that the leadership provided by our Selectmen and Selectwomen throughout the years and acted on by Town Meeting, has resulted in the high quality of life we enjoy today and has brought our town to the respected place it occupies. The list of great things about our town is almost endless: our Fire and Police departments are exceptional, our A 1 Moody's bond rating is among the best in the state, over 90% of our dwellings and businesses are connected to town water and sewer lines, our roads are in excellent condition, services such as snow/ice removal and trash collections are effective and in most cases superior to similar services in surrounding communities.

The list of elected and appointed officials who continually do an outstanding job is very long and I apologize to those departments and individuals I have not included here.

It is a tribute to our Town Meeting government that we have achieved such excellence while maintaining a municipal debt which is among the lowest in the State of Massachusetts.

The Town Meeting form of government has enabled West Springfield to fulfill the needs of the town's residents for 225 years. Decisions which were made during that entire time period, along with decisions being made right now, have lead to our town's being the exceptional community that it is. I feel that we should keep the present government in place as we enter the 21st Century. It's been good to us so far and I expect that it will continue to be so for many years to come.

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**ARTICLE 1**

**INCORPORATION; SHORT TITLE; DEFINITIONS**

**SECTION 1-1: INCORPORATION**

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

**SECTION 1-2: SHORT TITLE**

This instrument shall be known and may be cited as the West Springfield Home Rule Charter.

**SECTION 1-3: DISTRIBUTION OF POWERS**

The administration of the fiscal, prudential and municipal affairs of West Springfield, with the government thereof, shall be vested in an executive/administrative branch headed by a mayor, and a legislative branch to consist of a town council. The legislative branch shall never exercise any executive/administrative power and the executive/ administrative branch shall never exercise any legislative power.

**SECTION 1-4: POWERS OF THE TOWN**

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the Commonwealth, it is the intention and the purpose of the voters of West Springfield through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

**SECTION 1-5: CONSTRUCTION**

The powers of the town of West Springfield under this charter are to be construed liberally in favor of the town, and the specific mention of any particular power is not intended to limit the general powers of the town as stated in section 1-4.

**SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject only to express limitations in the constitution or general laws of the Commonwealth, West Springfield may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political sub-division thereof, or with the United States government or any agency thereof.

**SECTION 1-7: DEFINITIONS**

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

- (a) Charter- The word “charter” shall mean this charter and any amendments to it that may hereafter be adopted.
- (b) Days- The word “days” shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. When the last day falls on a Saturday, Sunday or legal holiday the period shall be extended to the end of the next day which is not a Saturday, Sunday or legal holiday.
- (c) Emergency- The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) general laws- The words “general laws” (all lower case letters) shall mean laws which apply alike to all cities and towns, to all cities, or to a class of municipalities of which West Springfield is a member.
- (e) General Laws- The words “General Laws” (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

- (f) Library- The word “library” shall mean the West Springfield Public Library, and any branch or branches, which may be established thereof.
- (g) Local Newspaper- The words “local newspaper” shall mean a newspaper of general circulation in the town of West Springfield.
- (h) Majority Vote - The words “majority vote” shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required bylaw.
- (i) Multiple Member Body - The words “multiple member body” shall mean any town body consisting of two or more persons and whether styled board, commission, committee, sub-committee, or otherwise and however elected or appointed or otherwise constituted.
- (j) Quorum - The word “quorum”, unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body notwithstanding any vacancies which might then exist
- (k) Town - The word “town” shall mean the Town of West Springfield.
- (l) Town Agency- The words “town agency” shall mean any board, commission, committee, department, division or office of the town government.
- (m) Town Bulletin Board- The words “town bulletin board” shall mean the bulletin board in the town hall on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by ordinance, or by other vote of the town council.
- (n) Town Officer- The words “town officer” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town.
- (o) Voters - The word “voters” shall mean registered voters of the town of West Springfield.

## **ARTICLE 2**

### **LEGISLATIVE BRANCH**

#### **SECTION 2-1: COMPOSITION, TERM OF OFFICE**

- (a) Composition - There shall be a town council of nine members which shall exercise the legislative powers of the town. Five of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. Four of these members, to be known as district councilors, shall be nominated and elected by the voters in each district, one such district councilor to be elected from each of the four districts into which the town is divided, in accordance with section 7-4.

- (b) Term of Office - The term of office for all town councilors shall be for two years each, beginning on the first secular day of January in the year following their election, and until their successors have been qualified.
- (c) Eligibility - Any voter shall be eligible to hold the office of councillor-at-large. A district councilor shall at the time of election be a voter of the district from which elected, provided, however, if any district councilor shall during the first eighteen months of the term of office remove to another district in the town such office shall be deemed vacant and the balance of the un-expired term shall be filled in the manner provided in section 2-11. If such removal occurs after the first eighteen months of the term of office such councilor may continue to serve for the balance of the term for which elected. If a councilor-at-large or a district councilor removes from the town during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

**SECTION 2-2: COUNCIL PRESIDENT**

- (a) Election and Term - As soon as practicable after the councilors-elect have been qualified following each biennial election the members of the town council shall elect from among its members a council president who shall serve during the ensuing term of office.
- (b) Powers and Duties - The council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order. The council president shall appoint all members of all committees of the town council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the town council.
- (c) Council Vice-President - The members of the town council shall also elect from among its members a council vice-president who shall serve as acting president during the temporary absence or disability of the council president during the ensuing term of office. The powers of an acting council president shall be limited to only those powers of the president as may be necessary to the conduct of the business of the town council in an orderly and efficient manner and which may not be delayed.
- (d) Vacancies - If a vacancy shall occur in the offices of either president or vice-president, the council, at its next regularly scheduled meeting, shall elect from among its members, a successor to the office of president or to the office of vice-president. If at such meeting the vice-president is elected to the office of president, the council, at the same meeting, shall elect a successor to the office of vice-president. [Added November 8, 2005 Town Election]

**SECTION 2-3: PROHIBITIONS**

No member of the town council shall hold any other town office or town employment for which a salary or other emolument is payable from the town treasury. No former member of the town council shall hold any compensated appointed town office or town employment until one year following the date on which such former member's service on the town council has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as a member of

the town council from returning to the same office or other position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the town council.

**SECTION 2-4: COMPENSATION, EXPENSES**

- (a) Salary - The town council may, by ordinance, provide an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first twelve months of a term of office and it provides that such salary is to take effect with the organization of the town government following the next biennial election.
- (b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties.

**SECTION 2-5: GENERAL. POWERS**

Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the town by law.

**SECTION 2-6: EXERCISE OF POWERS; QUORUM; RILES**

- (a) *Exercise of Powers* - Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.
- (b) *Quorum* - The presence of five members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter the affirmative vote of five members shall be required to adopt any ordinance or appropriation order.
- (c) *Rules of Procedure*- The town council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:
  - (i) Regular meetings of the town council shall be held at a time and place fixed by ordinance.
  - (ii) Special meetings of the town council shall be held at the call of the council president, or, on the call of any three or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be delivered at least forty-eight hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the town bulletin board.
  - (iii) All sessions of the town council and of every committee or sub-committee thereof, shall at all times be open to the public, unless another provision is made by law.

- (iv) A full, accurate, up-to-date account of the proceedings of the town council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting.
- (v) Provision shall be made for a specific portion of time to be available, at all regular meetings of the town council, for citizens to address the council.

**SECTION 2-7: ACCESS TO INFORMATION**

- (a) In General - The town council may make investigations into the affairs of the town and into the conduct and performance, of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.
- (b) Town Officers, Members of Town Agencies, Employees - The town council may require any town officer, member of a town agency or town employee to appear before it to give such information as the town council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the town council.
- (c) Mayor - The town council may require the mayor to provide specific information to it on any matter within the jurisdiction of the town council. The town council may require the mayor to appear before it, in person, to provide specific information on the conduct of any aspect of the business of the town and to respond to written questions made available to the mayor at the time the demand to attend is made to the mayor. The mayor may bring to such meeting any assistant, department head or other town officer or employee the mayor may deem necessary to assist in responding to the questions posed by the town council.
- (d) Notice - The town council shall give not less than five days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the town council seeks information and no person called to appear before the town council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

**SECTION 2-8: OFFICERS ELECTED BY TOWN COUNCIL**

- (a) Budget/Management Analyst - The town council shall elect a budget/management analyst to serve for a term of three years and until a successor is chosen and qualified. The budget/management analyst shall perform a legislative oversight and a post audit function and shall not be involved in the day-to-day administrative detail of the financial operations of the town. The budget/management analyst shall have free access to all books, accounts, bills and vouchers of the town and shall continuously review and examine the same. The budget/management analyst shall make periodic reports thereon to the town council, with such frequency as the town council by ordinance, by rule or by other vote may direct, but not less frequently than quarterly. All officials of the town shall cooperate with the budget/management analyst in the performance of this oversight function. The budget/management analyst shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the town council.

- (b) Town Clerk - The town council shall elect a town clerk to serve for a term of three years and until a successor is chosen and qualified. The town clerk shall have the powers and duties relating to the keeping of records and vital statistics, the regulation and conduct of elections and the issuance of licenses as are provided to town clerks by general laws and such additional powers and duties as may be provided by general laws, by charter, by ordinance or by other vote of the town council.
- (c) Clerk of the Council - The town council shall elect a clerk of the council, who may be the town clerk, to serve for a term of two years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the minutes of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the town council.
- (d) Salaries/Compensation - The officers elected by the town council shall receive such salaries or other compensation as may from time to time be provided for such office, by ordinance.
- (e) Removal/Suspension - Any person elected by the town council may be removed or suspended by the town council by the use of procedures substantially the same as those contained in section 3-4(b).

**SECTION 2-9: ORDINANCES AND OTHER MEASURES**

- (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of six or more members of the town council.

Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

- (b) Measures, In General - The town council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided that no member of the town council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the town council.

On the first occasion that the question of adopting any measure is put to the town council, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town council regular or special. If when the matter is next taken up for a vote, four or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.

- (c) Publication - Every proposed ordinance, appropriation order or loan authorization (except emergency ordinances as provided in section 2-9(a)), shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length more than ten column inches of ordinary newspaper notice print, then in lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least ten days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

#### **SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS**

The mayor shall submit to the town council the name of each person the mayor desires to appoint as a member of a multiple-member body, The town council shall refer each such name as is submitted to it to a standing committee of the town council which shall investigate each such candidate for appointment and shall make a report, with recommendations, to the full town council not less than seven nor more than thirty days following such referral.

Appointments made by the Mayor shall become effective on the thirty-fifth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless the town council shall within the said thirty days vote to reject such appointment. The votes of at least six members shall be necessary to reject an appointment proposed by the mayor. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9(b) of this charter.

#### **SECTION 2-11: FILLING OF VACANCIES**

- (a) Councilor-at-Large - If a vacancy shall occur in the office of councilor-at-large before the last six months of the term for which councilors are elected the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent .of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the said election. The town clerk shall certify such candidate to the office of councilor-at-large to serve for the balance of the then un-expired term.

If a vacancy shall occur in the office of councilor-at-large during the last six months of the term for which councilors-at-large are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of councilor-at-large and who is not then serving as a member of the town council. Such person shall forthwith

be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

- (b) District Councilor - If a vacancy shall occur in the office of district councilor it shall be filled in the same manner as provided in section 2-11(a) for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs, provided however, if there be no candidate on such list who remains eligible and willing to serve the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided such candidate remains a resident of the district, is willing to serve as a district councilor and received votes in the district at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the said election. The town clerk shall certify such candidate to the office of district councilor to serve for the balance of the then un-expired term.
- (c) Councilor-large or in that of district councilor and there is no available candidate to fill such vacancy in the manner provided in section 2-11(a) or (b), the vacancy shall be filled by the remaining members of the town council. Persons elected to fill a vacancy by the town council shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the un-expired term in addition to the term for which elected. Persons sewing as town councilors under this section shall not be entitled to have the words “candidate for re-election” printed against their names on the election ballot.

### **ARTICLE 3**

#### **EXECUTIVE BRANCH**

#### **SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION**

- (a) Mayor, Qualifications—The chief executive officer of the town shall be a mayor, elected by and from the voters of the town at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be actively engaged in any other business, occupation or profession during the period of service as mayor.
- (b) Term of Office - The term of office of the mayor shall be two years beginning on the first business day of January following the biennial town election at which chosen and until a successor is qualified.
- (c) Compensation - The town council shall, by ordinance, establish an annual salary for the mayor. No ordinance-increasing the salary of the mayor shall be effective unless it shall have been adopted in the first twelve months of the term for which councilors are elected and it provides that such salary is to become effective in January of the year following the next biennial town election.

**SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES**

The executive powers of the town shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several town agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, the laws, the ordinances and other orders for the government of the town to be enforced, and shall cause a record of all official acts of the executive branch of the town to be kept.

The mayor shall exercise a general supervision and direction over all town agencies, unless otherwise provided by general law, by the charter or by ordinance. Each town agency shall furnish to the mayor, forthwith upon request, any information, materials or otherwise as the mayor may request and as the needs of the office and the interest of the town may require.

The mayor shall be the chief procurement officer for the town responsible for buying, purchasing, renting, leasing, or otherwise acquiring all supplies and all services for all departments and all activities of the town and including all functions that pertain to the obtaining of a supply or a service, including description of requirements, selection and solicitation of sources, preparation and award of all contracts and all phases of contract administration. The mayor may delegate all or any portion of such powers and duties to a subordinate officer, but no such delegation, shall in any way absolve the mayor from the ultimate responsibility for all procurement activities.

The mayor shall supervise, direct and be responsible for the efficient administration of all town activities and functions placed under the control of the mayor by general law, by this charter, by ordinance or otherwise. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the town of West Springfield and for this purpose shall have the authority, to call together for consultation, conference and discussion at all reasonable times all persons serving the town, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise.

The mayor shall hold no other town office or town employment for which a salary or other emolument is payable from the town treasury. No former mayor shall hold any compensated appointed town office or town employment until one year following the date on which such former mayor's town service has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as mayor from returning to the same office or other position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as mayor.

The mayor shall be, by virtue of office, a member of every multiple member body of the town. The mayor shall have a right, as such ex-officio member, to attend any meeting of any multiple member body of the town, at any time, including, so called, executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.

**SECTION 3-3: APPOINTMENTS BY THE MAYOR**

The mayor shall appoint, subject to the review of such appointments by the town council as provided in section 2-10, all town officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons

serving under the school committee, and persons serving under the town council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms. All persons categorized as department heads shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible.

All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen.

#### **SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS**

- (a) Town Officers and Department Heads - The mayor may, in writing, remove or suspend any town officer, or the head of any town department appointed by the mayor by filing a written statement, with the Department of Human Resources, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said town officer; or head of a department. The said town officer, or head of a department may make a written reply by filing such a reply statement, with the Department of Human Resources, within ten days following the date the statement of the mayor has been filed; but such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a town officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. The removal shall take effect on the thirtieth day following the date of filing by the mayor of the notice of removal in the office of the Department of Human Resources. [Amended- Dept. of Human Resources substituted, previously was Town Clerk, November 8, 2005 Town Election]
  
- (b) Other Town Employees - Unless some other procedure is specified in a collective bargaining agreement or by the provisions of the civil service law, a department head may suspend or remove any assistant, subordinate or other employee of the agency for which such person is responsible in accordance with the procedures established for suspension and removal in the personnel ordinance. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department head has determined a suspension or removal is appropriate may seek review of such determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within ten days following receipt of notice of such determination. The review by the mayor shall follow the procedures established for suspension and removal in the personnel ordinance. The decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review as may be provided by general law.

#### **SECTION 3-5: TEMPORARY APPOINTMENTS TO TOWN OFFICES**

Whenever a vacancy, either temporary or permanent, occurs in a town office and the needs of the town require that such office be filled, the mayor may designate the head of another town agency or a town officer or town employee, or some other person to perform the duties of the office on a temporary

basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the town clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the town of West Springfield.

(signed) Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office as may be necessary to the conduct of the business of the town in an orderly and efficient manner and which may not be delayed. No acting town officer shall have authority to make any permanent appointment or removal from town service. No temporary appointment shall be for more than thirty days and not more than one renewal of a temporary appointment may be made when a permanent vacancy exists in the office

### **SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS**

- (a) Communications to the Town Council - Within ten weeks following the start of each fiscal year the mayor shall submit to the town council, and make available for public distribution, a complete report on the financial and administrative activities of the town for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the town council for its consideration such measures as, in the judgment of the mayor the needs of the town require: The mayor shall, from time to time throughout the year; but at least quarterly, by written communications, keep the town council fully informed of the financial and administrative condition of the town and shall specifically indicate in any such reports any fiscal, financial or administrative problems of the town.
- (b) Special Meetings of the Town Council - The mayor may at any time call a special meeting of the town council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the town council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the town bulletin board.

### **SECTION 3-7: APPROVAL OF MAYOR, EXCEPTION (VETO)**

Every order, ordinance, resolution or vote adopted or passed by the town council relative to the affairs of the town, except memorial resolutions, the selection of town officers by the town council and any matters relating to the internal affairs of the town council, shall be presented to the mayor for approval. If the mayor approves of the measure the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure, with the specific reason or reasons for such disapproval attached thereto, in writing, to the town council. The town council shall enter the objections of the mayor on its records, and not sooner than ten days, nor after thirty days from the date of its return to the town

council, shall again consider the same measure. If the town council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the town council within ten days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

**SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR**

- (a) Acting Mayor - The mayor shall, by a letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or town employee to exercise the powers and perform the duties of the office during the temporary absence of the mayor for periods of less than ten business days and to serve only when the needs of the town require and only to the extent necessary under the then circumstances.

Whenever, by reason of sickness, absence from the town or other cause, the mayor shall be unable to perform the duties of the office for a period of ten successive business days, or more, the president of the town council shall be the acting mayor. In the event of the absence or disability of the president of the town council, the vice-president of the town council shall serve as acting mayor.

- (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the mayor as may be necessary to the conduct of the business of the town in an orderly and efficient manner and which may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from town service unless the disability of the mayor shall extend beyond sixty days nor shall an acting mayor approve or disapprove of any measure adopted by the town council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the town council is serving as acting mayor, such councilor shall not vote as a member of the town council.

**SECTION 3-9: VACANCY IN OFFICE OF MAYOR**

- (a) Special Election - If a vacancy in the office of mayor occurs in the first fifteen months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the town council shall forthwith order a special election, to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then un-expired term.
- (b) Council Election - If a vacancy in the office of mayor occurs in the last nine months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the town council shall become the mayor. Upon the qualification of the president of the town council as the mayor, under this section, a vacancy shall exist on the town council which shall be filled in the manner provided in section 2-11. A council president serving as mayor under this sub-section, shall not be subject to the restriction contained in the third sentence of sub-section 3-1(a) “actively engaged in any other business, occupation or profession.” [Amended- Inclusion of last sentence, November 8, 2005 Town Election]

- (c) Powers, Term of Office - The mayor elected under Section 3-9 (a) or (b) shall have all the powers of the mayor. A person elected pursuant to subsection (a), above, shall serve for the balance of the term un-expired at the time of election to the office. A person chosen pursuant to subsection (b), above, shall serve until the next regular election at which time the person then elected to serve as mayor for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

## **ARTICLE 4**

### **SCHOOL DEPARTMENT**

#### **SECTION 4-1: SCHOOL COMMITTEE**

- (a) *Composition, Term of Office*-There shall be a school committee which shall consist of seven members. Six of these members shall be nominated and elected by and from the voters of the town at large. The mayor shall serve, by virtue of office, as the seventh member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.
- (b) *Term of Office* - The term of office for the six persons elected by the voters as school committee members shall be for two years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.
- (c) *Eligibility* - A school committee member shall at the time of election be a voter: If a school committee member removes from the town during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 4-6.

#### **SECTION 4-2: SCHOOL COMMITTEE CHAIR**

- (a) *Election and Term* - As soon as practicable after the school committee members-elect have been qualified following each biennial town election, as provided in section 8-8, the school committee shall organize by electing one of the persons elected to the office of school committee member, or the mayor, to serve as school committee chair and one of the persons elected to the office of school committee member, or the mayor, to serve as school committee vice chair until the next town election.
- (b) *Powers and Duties*- The school committee chair shall preside at all meetings of the school committee regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.
- (c) *Vice-Chair* - The vice chair of the school committee shall serve as acting chair during the temporary absence or disability of the school committee chair during the ensuing term of office. The powers of an acting School committee chair shall be limited to only those powers

of the chair as maybe necessary to the conduct of the business of the school committee in an orderly and efficient manner and which may not be delayed.

**SECTION 4-3: PROHIBITIONS**

No person elected as a school committee member shall hold any other town office or town employment for which a salary or other emolument is payable from the town treasury. No former member of the school committee shall hold any compensated appointed town office or town employment until one year following the date on which such member's service on the school committee has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as a member of the school committee from returning to the same office or other position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the school committee.

**SECTION 4-4: COMPENSATION, EXPENSES**

- (a) *Salary* - The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted during the first twelve months of the term for which school committee members are elected and it provides that such salary is to take effect upon the organization of the town government following the next municipal election.
  
- (b) *Expenses*- Subject to appropriation and to prior authorization, the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

**SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES**

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1. To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of said superintendent, to establish and appoint assistant or associate superintendents as provided in section fifty-nine of chapter seventy-one of the General Laws;
  
2. To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;
  
3. To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town council.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

**SECTION 4-6: FILLING OF VACANCIES**

- (a) *Runner-Up to Succeed to Office-* If a vacancy shall occur in the office of school committee member before the last six months of the term for which school committee members are elected the vacancy shall be filled in descending order of votes received by the candidate for the office of school committee member at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of school committee member at the said election. The town clerk shall certify such candidate to the office of school committee member to serve for the balance of the then un-expired term.

If a vacancy shall occur in the office of school committee member during the last six months of the term for which school committee members are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of school committee member and who is not then serving as a member of the school committee. Such person shall forthwith be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

- (b) *Filling of Vacancies by School Committee-* Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill such vacancy in the manner provided in section 4-6 (a), the vacancy shall be filled by the remaining members of the school committee. Persons elected to fill a vacancy by the school committee shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the un-expired term in addition to the term for which elected. Persons serving as school committee members under this section shall not be entitled to have the words “candidate for re-election” printed against their names on the election ballot.

**ARTICLE 5**

**FINANCE AND FISCAL PROCEDURES**

**SECTION 5-1: FISCAL YEAR**

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

**SECTION 5-2: SCHOOL COMMITTEE BUDGET**

- (a) *Public Hearing-* At least twenty-one days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. The notice shall further indicate the times and places at which complete copies of the proposed budget are available for examination by the public, and it shall indicate the date, time and place, (not less than seven nor more than fourteen days following such publication), when a public hearing will be held by the school committee on the proposed budget. The school committee shall not take its final vote on its proposed budget until all persons who desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.
- (b) *Submission to Mayor-* The proposed budget adopted by the school committee shall be submitted to the mayor at least twenty-one days before the date the mayor is required to submit a proposed town budget to the town council, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total town operating budget the mayor is required to submit to the town council under this article.

The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

**SECTION 5-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

Not later than sixty days before the start of the town's fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide for the publication in a local newspaper of a notice and a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the town are available for examination by the public. [Amended-Substituting sixty days for ninety, November 8, 2005 Town Election]

**SECTION 5-4: BUDGET MESSAGE**

The budget message of the mayor shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget; indicate any major variations from the current fiscal year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the mayor deems desirable, or as may be required by the provisions of a town ordinance.

**SECTION 5-5: THE BUDGET**

The proposed operating budget shall provide a complete financial plan for all town funds and town activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the mayor deems desirable or as a town ordinance may require. In the presentation of the budget, the mayor shall utilize modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the fiscal year. The budget

shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position, in terms of work programs, and the method of financing such expenditures;
2. Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure;
3. The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 5-10; and
4. Estimated surplus revenue and free cash at the end of the current fiscal year including estimated balances in any special accounts established for specific purposes.

**SECTION 5-6: ACTION ON THE BUDGET**

- (a) *Public Hearing*- Forthwith upon its receipt of the proposed operating budget the town council shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted by the mayor.
- (b) *Review*- The town council shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration The town council may require the mayor; or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.
- (c) *Action by Town Council*- The town council shall adopt the *operating* budget, with or without amendments, within sixty days following the day the proposed *operating* budget is received by it. In amending the *operating* budget, the town council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but the town council shall have no authority to add programs or increase amounts. If the town council fails to take any action with respect to any item in the proposed *operating* budget within *sixty* days following the date of its receipt of the proposed *operating* budget, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified. [Amended- Substituting sixty days for ninety, November 8, 2005 Town Election]  
[Amended- Inserting word "operating" before word budget in all instances in section (c) and substituting word "sixty" in third sentence]

**SECTION 5-7: SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS**

- (a) *Intradepartmental Transfers*- With the approval of the mayor funds appropriated for one line item within the appropriation made for a particular municipal agency maybe transferred to another line item within the same municipal agency. Whenever such a transfer is authorized by the mayor notice of the transfer and the circumstances, under which such transfer was deemed advisable, shall be filed with the clerk of the town council.

- (b) *Interdepartmental Transfers*- With the approval of the town council funds appropriated to the use of one municipal agency may be transferred to the use of another municipal agency. Requests for the transfer of funds from one municipal agency to another shall be made by the mayor, in writing, to the town council and shall include a statement setting forth the reason the additional funds are needed by the agency to which it is proposed they be transferred. The request by the mayor shall be accompanied by a certificate, signed by the head of the agency from which the appropriation is proposed to be taken, that such transfer will not prevent that agency from performing its vital functions. A copy of this request shall, forthwith, be posted on the town bulletin board. The town council shall, by ordinance, provide a procedure governing such requests, which shall include at least two readings and a public hearing by the town council, and it shall specify the circumstances under which notice by publication in a newspaper shall be required.
- (c) *Appropriation*- Whenever the mayor shall submit to the town council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the town council shall not act upon such request until it has (1) given public notice of the request, and (2) held a public hearing concerning such request. The town council shall, by ordinance, determine the level of appropriation request above which amount newspaper publication will be required and below which amount posting on the town bulletin boards will be sufficient.
- (d) *Reserve Transfers*-With the approval of the town council funds appropriated and deposited in accounts designated as “reserve account” may be transferred from one municipal agency to another. Requests for such transfers shall be made by the mayor, in writing, to the town council and shall include a statement setting forth the reason for the transfer of funds. A copy of this request shall, forthwith, be posted on the town bulletin board. [Added Nov 3, 2009]

## **SECTION 5-8: ALLOTMENTS**

~~On or before August first of each year, or within ten days after the approval by the town council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the town officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the chief financial officer, with a copy to the town clerk, in such form as the chief financial officer may prescribe, an allotment schedule of the appropriations of all categories included in said budget, indicating the amounts to be expended by the department or agency for personnel and for every other budget category during each of the fiscal quarters of said fiscal year, or such shorter time periods as the mayor or chief financial officer, may prescribe.~~

~~Whenever said chief financial officer determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to such effect to the department head, the mayor, the town attorney, and to the town clerk who shall forthwith transmit the same to the town council. Upon such a determination and notice thereof, said chief financial officer shall provide such officers additional reports on at least a monthly basis indicating the status of such accounts.~~

~~The mayor, within seven days after receiving such notice, shall determine whether to waive or to enforce such allotment. If the allotment for such period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for such period is enforced or not waived, thereafter the department, on a schedule to be approved by the mayor and chief financial officer, shall so adjust expenditures to eliminate the deficit. All actions, notices, and decisions provided for in this section shall be transmitted to the town council and the town clerk within seven days.~~

~~No expenses earned or accrued, within any department, shall be charged to or paid for such department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department head has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the town shall have no obligation to pay such personnel cost or expense arising after such allotment or appropriation has been exhausted.~~—[Deleted in its entirety and replaced November 3, 2009]

The Town shall maintain an accounting system by which monthly reports are prepared by the Municipal Finance Director detailing the preceding monthly expenditures and the remaining balances within the departments' yearly budget total. Within ten days of completion, the Municipal Finance Director shall cause a summary of said reports to be filed with the Town Council. [This is the substitution for the deleted section November 3, 2009]

#### **SECTION 5-9: PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS**

No official of the Town of West Springfield, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of section thirty-one of chapter forty-four of the General Laws shall be strictly enforced.

Any official who violates the provisions of this section shall be personally liable to the town for any amounts so expended to the extent the town does not recover such amounts from the person to whom such sums were paid.

#### **SECTION 5-10: CAPITAL IMPROVEMENT PROGRAM**

The mayor shall submit a capital improvement program to the town council at least ninety days before the start of each fiscal year. The capital improvement program shall be based on material prepared by the capital improvement program committee established by ordinance. It shall include:

a clear and concise general summary of its contents;

a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement; cost estimates, methods of financing and recommended time schedules for each improvement; and,

the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed. [Amended – Substituting ninety days for one hundred twenty, November 8, 2005 Town Election]

**SECTION 5-11: INDEPENDENT AUDIT**

The town council shall annually provide for an outside audit of the books and accounts of the town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The mayor shall annually provide to the town council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the town council. The award of a contract to audit shall be made by the town council, on the recommendation of its budget/management committee on or before September fifteenth of each year. The budget/management committee shall coordinate the work of the individual or firm selected with the municipal officials. The report of the audit shall be filed in final form with the town council and the budget/management committee not later than March first in the year following its award.

**ARTICLE 6**  
**ADMINISTRATIVE ORGANIZATION**

**SECTION 6-1: ORGANIZATION OF TOWN AGENCIES**

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

(a) *Ordinances*- Subject only to express prohibitions in a general law or the provisions of this charter, the town council may, by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

(b) *Administrative Code*- The mayor may from time to time prepare and submit to the town council plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town. Whenever the mayor prepares such a plan the mayor shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven nor more than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town council by the mayor. An organization or reorganization plan shall become effective at the expiration of sixty days following the date on which the proposal is submitted to the town council unless the town council shall, within said sixty days, by a majority vote, vote to disapprove the plan. The town council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it. The mayor may, through the administrative code, and subject only to express prohibitions in a general law, or

this charter, reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary to the same extent as is provided in section 6-1 (a), above, for ordinances; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, assigned to any other town agency unless this charter specifically so provides.

Every organization or reorganization plan submitted by the mayor pursuant to this provision shall contain a proposed ordinance which sets out, in detail, such amendments, insertions, revisions, repeals or otherwise of existing ordinances as may be necessary to accomplish the desired reorganization. Such reorganization plan and proposed ordinance shall be accompanied by a message of the mayor which explains the benefits expected to ensue if the plan is adopted.

Whenever the mayor proposes such a plan the town council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven nor more than fourteen days following said publication.

#### **SECTION 6-2: MERIT PRINCIPLE**

All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination, or by other evidence of competence and suitability.

#### **SECTION 6-3: DEPARTMENT OF MUNICIPAL FINANCE**

*(1) Establishment. Scope-* There shall be a department of municipal finance responsible for the performance of all of the fiscal and financial activities of the town. The department of municipal finance shall assume all of the duties and responsibilities related to municipal finance activities which prior to the adoption of the home rule charter were performed by or under the authority of the town accountant, the town treasurer, the town collector, and the board of assessors; and it may have such additional powers, duties and responsibilities with respect to municipal finance related functions and activities as the town may from time to time provide, by ordinance. So much of the powers of a chief procurement officer which the mayor does not personally exercise shall be assigned to the department of municipal finance. All activity by the mayor acting as a chief procurement officer shall be processed through the department of municipal finance.

*(2) Director of Municipal Finance-*The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by and who shall be responsible to the mayor. The mayor shall also appoint the person, or persons, performing the duties of town collector and town treasurer. The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of municipal finance shall be responsible for the supervision and coordination of all activities of the department of municipal finance in accordance with general laws, town ordinances, administrative code and rules and regulations. The director of municipal finance shall serve as the mayor may from time to time specify, as the town treasurer, collector, treasurer-collector or town accountant.

**SECTION 6-4: DEPARTMENT OF PLANNING AND DEVELOPMENT**

(1) *Establishment, Scope-* There shall be a department of planning and development responsible for the coordination of all the planning and development related activities of the town. The department of planning and development shall be responsible for the coordination of all of the duties and responsibilities related to planning and development activities which prior to the adoption of the home rule charter were performed by or under the authority of the planning board, board of appeals, and the conservation commission; and it may have such additional powers, duties and responsibilities with respect to the coordination of planning and development related functions and activities as the town may from time to time provide, by ordinance, and which may include the coordination of all land acquisition and land management proposals, economic development planning, the preparation of a comprehensive or master plan and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.

(2) *Director of Planning and Development-*The department of planning and development shall be under the direct control and supervision of a director of planning and development who shall be appointed by and who shall be responsible to the mayor. The director of planning and development shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of planning and development shall be responsible for the supervision and coordination of all activities of the department of planning and development in accordance with general laws, town ordinances, administrative code and rules and regulations.

**SECTION 6-5: PLANNING AND CONSTRUCTION OF BUILDINGS AND OTHER FACILITIES**

(a) *Composition, Mode of Appointment and Term of Office-* There shall be a permanent building and other facilities planning and construction committee (which may be referred to as the planning and construction committee) consisting of seven members. Six of the committee members shall be appointed by the mayor for terms of three years each so arranged that the term of two members shall expire each year. In making appointments to the committee, the mayor shall seek persons having experience in the fields of architecture, engineering, construction, real estate or law. The seventh member of the committee shall be designated, annually, by the school committee and may, but need not, be a member of the school committee.

(b) *Power and Duties -* The buildings and other facilities planning and construction committee shall be responsible for monitoring the physical condition of all municipal buildings and other facilities. The committee shall meet from time to time with representatives of municipal agencies to evaluate the need for additions, renovations or remodeling of any existing building or facility or for the construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the mayor in which it shall make recommendations as to the need for any project or projects.

Whenever any construction work on any municipal building or other facility is authorized, the buildings and other facilities planning and construction committee shall be responsible for all work in connection with the project including site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction.

**SECTION 6-6: DEPARTMENT OF HUMAN RESOURCES**

(1) *Establishment, Scope-* There shall be a department of human resources which shall be responsible for all personnel and employee-related functions and activities of the town government and its administration. The department of human resources shall assume all of the duties and responsibilities

related to human resources activities which, prior to the adoption of the home rule charter, were performed by or under the authority of the town accountant, the town treasurer, and the heads of town agencies; and it may have such additional powers, duties and responsibilities with respect to human resources related functions and activities as the town may from time to time provide, by ordinance. The department of human resources may, at the request of the school committee, perform any of the same services for employees of the school department as it provides for town employees generally.

The functions of the department of human resources shall include the following:

1. Plan, administer and direct all phases of all municipal personnel plans and collective bargaining agreements, including job description, position classification, sick and vacation day administration, accident prevention programs, employee grievance procedures, physical examination processing, testing, review and evaluation of work records and all other record keeping related to town employees.
2. Develop new and revised personnel policies and practices to maintain and keep current the existing high standards for municipal personnel.
3. Review and evaluate all requests for new or additional personnel made by town agencies and make recommendations to the mayor.
4. Advise and assist all agency heads and employees in all aspects of municipal personnel matters including recruitment, promotion, transfer, training, wages, insurance and other benefits of employment.

(2) *Director of Human Resources*- the department shall be headed by a director of human resources appointed by the mayor and who shall be responsible to the mayor. The director of human resources shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of human resources shall be responsible for the supervision and coordination of all activities of the department of human resources in accordance with general laws, town ordinances, administrative code and rules and regulations.

#### **SECTION 6-7: BOARD OF LICENSE COMMISSIONERS**

There shall be a board of license commissioners which shall have the power to issue licenses for innholders or common victuallers, have the powers of a licensing board appointed under section four of chapter one hundred and thirty-eight of the General Laws, and to be the licensing authority for the purposes of chapter one hundred and thirty-eight and chapter one hundred and forty of the General Laws and which shall have all of the other powers with respect to licenses which prior to the adoption of the home rule charter were exercised by the board of selectmen. The board of license commissioners may grant licenses relating to alcoholic beverages under chapter one hundred and thirty-eight of the General Laws and those licenses under chapter one hundred and forty of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of a licensing authority under said chapters.

The board of license commissioners shall consist of three voters appointed by the mayor for terms of three years each so arranged that the term of one member shall expire each year. No person while a

member of the board of license commissioners shall have any connection, directly or indirectly, with the sale or distribution of alcoholic beverages in any form.

**SECTION 6-8: PARK AND RECREATION COMMISSION**

There shall be a board of park and recreation commissioners consisting of seven members appointed by the mayor for overlapping terms of three years each so arranged so that the term of office of at least two members shall expire in each odd numbered year. The board of park and recreation commissioners shall act in an advisory capacity to the mayor. [Amended- Correcting terms to overlap, November 8, 2005 Town Election]

**SECTION 6-9: PUBLIC SAFETY COMMISSION**

There shall be a public safety commission which shall consist of five voters appointed by the mayor for terms of three years each so arranged that as nearly an equal number of terms as is possible shall expire each year. The public safety commission shall be responsible for oversight of the police and fire departments and for the effective coordination of the administration of the said departments with one another and with other town departments and agencies. The public safety commission shall have no authority to interfere with the delivery by police officers and firefighters of police or fire services which direction shall, exclusively, be the responsibility of the respective chiefs.

The public safety commission shall assist the mayor in the supervision of the police and fire departments by making recommendations to the mayor concerning (1) setting priorities within the said departments, (2) the annual operating and capital budget requests to be made for police and fire services, and (3) the appointment and promotion of officers and men in the two departments.

The public safety commission shall be responsible for the imposition of discipline in the police and fire departments by receiving all complaints made by the public concerning the operation of the police and fire departments and the conduct of the officers, women and men comprising the police and fire departments. The public safety commission shall, subject to such rules and regulations as it may from time to time adopt establishing procedures to be followed by it, hold public hearings concerning complaints made to it and its decisions with respect to punishment to be imposed on police officers and firefighters shall be final. Nothing in this section shall be construed to be a bar to any other review as may be provided by general law.

**ARTICLE 7**

**ELECTIONS; ELECTION RELATED MATTERS**

**SECTION 7-1: TOWN ELECTIONS**

The regular town election shall be held on the first Tuesday following the first Monday in November in each odd numbered year. A preliminary election shall be held not less than four nor more than eight weeks prior to the general election on a Tuesday chosen by the town clerk, with the approval of the town council, so as not to conflict with any civil or religious holiday. All town elections shall be non-partisan and no party mark, emblem or other designation shall appear on any ballot used at a preliminary or general election for town offices. [Amended- Substituting eight weeks for six, November 8, 2005 Town Election]

## **SECTION 7-2: PRELIMINARY ELECTION**

- (a) *Signature Requirements*- The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than one hundred such signatures, provided, however, that not more than twenty-five signatures from any one district shall be counted in the minimum number of required signatures; for the office of councilor-at-large or school committee member, not less than one hundred such signatures, provided, however, that not more than twenty-five signatures from any one district shall be counted in the minimum number of required signatures; for the office of district councilor not less than fifty such signatures, all of which shall be from the district from which the nomination is sought.
- (b) *Ballot Position* - The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the town clerk, which shall be open to the public.
- (c) *Determination of Candidates*- The two persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general town election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.
- (d) *Condition Making Preliminary Unnecessary*- If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the town clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the town clerk shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the town clerk shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular district or districts of the town, no preliminary election shall be held in such district or districts.

## **SECTION 7-3: BALLOT POSITION**

The order in which names of candidates appear on the ballot for each office at the general election shall be determined by a drawing, by lot, conducted by the town clerk, which shall be open to the public.

**SECTION 7-4: DISTRICTS**

The territory of the town shall be divided into four districts so established as to consist of as nearly an equal number of inhabitants in each district as is possible, in compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each such district shall be composed of voting precincts otherwise established in accordance with general laws. The town council shall from time to time, but at least once in each ten years, review such districts to insure their uniformity in number of inhabitants.

**SECTION 7-5: APPLICATION OF STATE GENERAL LAWS**

Except as expressly provided in this charter and authorized by law, all town elections shall be governed by the general laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

**SECTION 7-6: PETITIONS TO COUNCIL OR SCHOOL COMMITTEE**

- (a) *Individual Petitions, Action Discretionary-* The town council and the school committee shall receive all petitions, signed by one or more voters, which are addressed to either of them and may, in their discretion, take such action in regard to each such petition as may be deemed necessary and advisable.
  
- (b) *Group Petitions Action Required-* The town council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred votes, or more, and which seeks the passage of a measure. The hearing shall be held by the town council or the school committee, or, in either case, by a committee or sub-committee thereof, and the action by the town council or the school committee shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee as may be appropriate. Hearings on two or more petitions filed under this section may be held on the same date and at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice by publication in a local newspaper not less than seven nor mote than fourteen days prior to the date set for the public hearing shall be at public expense.

**SECTION 7-7: CITIZEN INITIATIVE MEASURES**

- (a) *Commencement-* Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the town council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least ten voters of the town. The petition shall be accompanied by an affidavit signed by five voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
  
- (b) *Referral to Town Attorney-* The clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of each such proposed petition deliver a

copy of the petition to the town attorney. The town attorney shall, within fifteen days following receipt of a copy of the petition, in writing, advise the town council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the town council or the school committee. If the opinion of the town attorney is that the measure is not in proper form the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town attorney shall also be mailed to the person designated as clerk of the petitioners committee.

- (c) *Submission to Town Clerk-* If the opinion of the town attorney is that the petition is in a proper form the town clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town attorney, together with the names and addresses of the first ten voters who signed the originating petition. Within ninety days following the date the blank forms are issued by the town clerk the petitions shall be returned and filed with the town clerk signed by at least ten percent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer

Within ten days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent town election. The town clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council or the secretary of the school committee according to how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.

- (d) *Action on Petitions-* Within thirty days following the date a petition has been returned to the clerk of the council or the secretary of the school committee by the town clerk and after publication in accordance with the provisions of section 2-9(c), the town council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the town council or the school committee fails to act with respect to any initiative measure which is presented to it within thirty days following the date it is returned to it by the town clerk, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee shall promptly give notice of that fact to the person designated as clerk of the petitioners committee, by certified mail.

- (e) *Supplementary Petitions-* Within forty-five days following the date an initiative petition has been rejected a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee by the petitioner's committee as determined in section 7-7(a). The

supplemental initiative petition shall be signed by a number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent town election. If the number of signatures to such supplemental petition is found to be sufficient by the town clerk, the town council shall call a special election to be held on a date fixed by it not less than forty-five nor more than ninety days following the date of the certificate of the town clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other town election is to be held within one hundred and twenty days following the date of the said certificate, the town council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

- (f) *Publication* - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the town clerk.
- (g) *Form of Question* - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by voters in an initiative petition take effect?

*(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners committee, and approved by the town attorney)*

\_\_\_\_\_ YES \_\_\_\_\_ NO

- (h) *Time of Taking Effect*- If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent of the total number of voters have voted at the election at which the question has been voted upon.

**SECTION. 7-8: CITIZEN REFERENDUM PROCEDURES**

- (a) *Petition, Effect on Final Vote*- If, within thirty days following the date on which the town council or the school committee has voted finally to approve of any measure a petition signed by a number of voters equal to twelve percent of the total number of voters as of the date of the most recent general town election and addressed to the town council or to the school committee as maybe, protesting against the measure or any part thereof is filed with the secretary of the school committee or clerk of the council the effective date of such measure shall be temporarily suspended. The school committee or the town council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded the town council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular town election, but pending such submission and determination the effect of such measure shall continue to be suspended.
- (b) *Certain Initiative Provisions to Apply* - The petition described in this section shall be termed a referendum petition and insofar as applicable Section 7-7 (a) describing the manner in which a petition is prepared and filed, 7-7 (b) providing for referral to the town attorney for a legal opinion, 7-7(e) providing for publication of the text of the measure and 7-7 (f) providing for the form of ballot question shall apply to such referendum petitions, except that the words “measure or part thereof protested against” shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it may occur in said sections.

**SECTION 7-9: INELIGIBLE MEASURES**

None of the following shall be subject to the initiative or the referendum procedures: (1) proceedings relating to the internal organization or operation of the town council or of the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the town budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the town’s debt or debt service, (6) an appropriation of funds to implement a collective bargaining agreement, (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, (8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures, and (9) any proceedings providing for the submission or referral to the voters at an election.

**SECTION 7-10: SUBMISSION OF OTHER MATTERS TO VOTERS**

The town council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

**SECTION 7-11: CONFLICTING PROVISIONS**

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

**SECTION 7-12: RECALL ELECTIONS**

- (a) *Application* - Any person holding an elected office (mayor, member of the town council or member of the school committee) may be recalled from such office by the voters in accordance with the procedures made available in this section.
  
- (b) *Recall Petition* - Two hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names of at least twenty voters in each of the districts into which the town is divided for the purpose of elections.

If the affidavit is found to be valid the town clerk shall thereupon deliver to the first ten persons named on said affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the town council; they shall contain the names and residence addresses of the ten persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the town clerk.

The recall petitions shall be returned to the office of the board of registrars of voters within twenty-one days following the date they are issued, signed by not less than twenty percent of the total number of voters of the town as of the date of the most recent town election.

The sheets constituting a petition need not all be filed at the same time. For the purposes of this section such a petition shall be deemed filed whenever the persons responsible for its filing notify the board of registrars of voters, in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed.

The board of registrars of voters shall within ten days following the date the petition forms are filed certify the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters as of the date of the most recent town election.

- (c) *Recall Election* - If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall forthwith submit the same, with their certificate, to the town council. Upon receipt of the certified petition forms the town council shall forthwith

give written notice to the officer whose recall is sought of the validity of such petitions. If the officer whose recall is sought does not resign the office within five days following delivery of the said notice, or by leaving at the last known place of residence, the town council shall, after consultation with the town clerk and the board of registrars of voters, order a special election to be held on a date not more than ninety days after the date of its notice to the officer whose recall is sought.

- (d) *Ballot Question* - Ballots used at the recall election shall state the proposition in substantially the following form:

‘Shall (insert *name of officer*) be recalled from the office of (*fill in office*)?’

\_\_\_\_\_ YES \_\_\_\_\_ NO

- (e) *Officeholder*- The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be deemed to be recalled and the office shall be deemed to be vacant upon the certification of the election results. If a majority of the votes cast on the said question is in the negative the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (f), below.
- (f) *Restriction on Recall Petition* - No recall petition shall be filed against any mayor until at least six months following the commencement of a term of office, nor, in the case of a mayor subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than six months of the term of office of the mayor remains at the time of the certification of the petition forms.
- (g) *Filling of Vacancy* - If the office of mayor is declared vacant as the result of a recall election the town council shall forthwith call a special election to be held on a date fixed by it not less than sixty nor more than ninety days following the date of the recall election. The person elected at such special election shall serve for the balance of the un-expired term remaining at the time of election.

If a vacancy occurs in then office of town councilor or school committee member it shall be filled in the manner provided in section 2-11 or section 4-6.

No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by such recall.

## **ARTICLE 8**

### **GENERAL PROVISIONS**

#### **SECTION 8-1: CHARTER CHANGES**

- (a) *In General*- This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.
  
- (b) *Periodic Review*- The town council shall provide, in every year ending in a five, for a review of the charter by a special or standing committee of the council (consisting of not more than three members) and four additional persons to be appointed by the mayor. The said committee shall file a report within the said year recommending any changes in the charter which it may deem to be necessary or desirable.

#### **SECTION 8-2: SEVERABILITY**

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

#### **SECTION 8-3: SPECIFIC PROVISION TO PREVAIL**

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

#### **SECTION 8-4: RULES AND REGULATIONS**

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

#### **SECTION 8-5: REVIEW OF ORDINANCES**

The town council shall provide, in each year ending in a five or in a zero, for a review of all ordinances of the town for the purpose of determining if any amendments or revisions may be necessary or desirable. Such review shall be conducted under the supervision of the town attorney, or, if the town council so directs, by special counsel appointed for that purpose. A report, with recommendations, shall be submitted within the said year.

#### **SECTION 8-6: RULES OF CONSTRUCTION**

- (a) *Number and Gender*- Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.
  
- (b) *Computation of Time*- In computing time under the charter, if less than seven days 'days' shall not include Saturdays, Sundays or legal holidays. If seven days, or more, every day shall be counted.

- (c) *References to General Laws-* All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections, or to the corresponding chapters and sections of any rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the adoption of this charter.

**SECTION 8-7: CERTIFICATE OF ELECTION OR APPOINTMENT**

Every person who is elected, including those elected by the town council, or appointed to an office of the town shall receive a certificate of such election or appointment from the town clerk.

Except as otherwise provided bylaw, before performing any act under an appointment or election all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

**SECTION 8-8: OATH OF OFFICE OF MAYOR, COUNCILORS, AND SCHOOL COMMITTEE MEMBERS**

The mayor-elect, councilors-elect and school committee members-elect shall, on the first secular day in January of each even-numbered year, meet and be sworn to the faithful discharge of their duties. The mayor, or mayor-elect shall preside at such joint session. In years following the election of the mayor the oath shall first be administered to that officer by the town clerk, or by a judge of a court of record, or by a justice of the peace. The oath may be administered to the members of the town council and the school committee by the mayor, after the mayor has been duly sworn, or by any of the above named officials. A certificate that said oath or oaths have been taken shall be entered in the journal of the town council.

In case of the absence of the mayor-elect, or any member-elect of the town council or school committee on said day the oath of office may at any time thereafter be administered to such person who for any reason shall not have taken the oath on the day named. All such oaths subsequently taken shall be entered in the journal of the town council.

After the oath has been administered to the councilors present, they shall organize by the election of a president and a vice-president, as provided in section 2-2. The president shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any justice of the peace. After the oath has been administered to the school committee members present, they shall organize by the election of a chair and a vice-chair, as provided in section 4-2. The chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any justice of the peace.

When the town council and the school committee meet to organize the member present, senior in years of service on such body, shall preside pending the election of a president, or of a chair, as the case may be. If two or more of the members present have the same number of years of service the member present senior in both years of service and age shall preside.

## **ARTICLE 9**

### **TRANSITIONAL PROVISIONS**

#### **SECTION 9-1: CONTINUATION OF EXISTING LAWS**

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to West Springfield that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

#### **SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION**

All town agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another town agency.

#### **SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY**

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

#### **SECTION 9-4: CONTINUATION OF PERSONNEL**

Any person holding a town office, or a position in the administrative service of the town, or any person holding permanent, full time employment and not by periodic appointment, under the town of West Springfield, shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the town of West Springfield shall forfeit their pay grade, or time in service of the town. All such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is adopted as is practicable and any reduction in the personnel needs of the town shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

#### **SECTION 9-5: EFFECT ON OBLIGATIONS, TAXES, ETC.**

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

#### **SECTION 9-6: TIME OF TAKING EFFECT**

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

1. All town officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter, but, being cognizant that on the first business day in January of the year following the year the charter has been so ratified, that the executive authority will thereafter be vested in a mayor and the legislative powers shall be vested in a town council.

2. A special town election shall be held on the first Tuesday following the first Monday in August (August 8,2000) for the purpose of electing a mayor, a town council and two members of the school committee. A special preliminary election shall be held on the fourth Tuesday preceding such election (July 11,2000) for the purpose of nominating candidates to be elected at such special election. So much of this charter shall become effective as is necessary to conduct such special and preliminary elections. For such purpose the incumbent town clerk shall have all the powers and duties conferred by this charter on the 'town' clerk. The, board of selectmen shall issue the warrants for such elections.

The members of the school committee who were elected at the election at which this charter was adopted for terms expiring in April of the year 2003 shall have such term extended through to the end of calendar year 2003. The members who were elected in the spring of 1999 for terms expiring in April of 2002 shall have such term extended through to the end of calendar year 2003. The school committee members who were elected in the spring of 1998 for terms expiring in April of 2001 are hereby terminated at the special election to be held in August 2000. Two persons shall be elected as school committee members at the special election held in August 2000 for terms expiring at the end of 2003. At the regular election held in November, 2003, six members of the school committee shall be elected for terms of two years each commencing on the first business day in January 2004. Thereafter, as the terms of office expire, successors shall be elected for terms of two years each.

3. Forthwith following the special election in August, 2000 the person elected as mayor and the persons elected as town council members shall be sworn to the faithful performance of their duties and shall take up so much of the powers and duties of their offices as are necessary to begin the process of transition from the existing form of government to the new form of government. This preparation for the transfer shall include a review by the town council members of policies and procedures to govern the conduct of the business of the town council and the adoption by it of rules by which it will conduct its business.

The person chosen as mayor shall meet regularly with the members of the board of selectmen and the school committee and for such purpose shall be considered a member ex officio of such bodies. The mayor shall have a right to meet with any town officer, town agency or town employee during regular business hours for the purpose of acquiring and advancing knowledge and information necessary to assume the full powers of mayor on the first business day of January in the year following the year in which the charter is adopted. The mayor shall be responsible for a review of the existing town by-laws to be undertaken to bring them into conformity with the new charter.

The town shall provide suitable offices in a public building and access to clerical services and office machines to the mayor-elect and councilors-elect to enable them to undertake and to carry out their transitional assignments.

The mayor elect and the councilors-elect shall receive for their services for the period following the special election through December 31, 2000 one-fourth of the salary provided for their respective offices.

4. On the first business day of January in the year following the year in which this charter is adopted the terms of office of the members of the board of selectmen, the members of the finance committee, the town moderator and of the representative town meeting members shall all be terminated, and their offices abolished. The mayor, town council and school committee shall organize as provided in section 8-10. Every other elected and appointed town officer, members of multiple member bodies and employees shall continue to serve in the same office or position for the balance of the term For which they were elected or appointed or until some other provision is made in accordance with the provisions of section 6-1 or, unless some other provision is specifically made hereinafter in section 9-6 for any particular office or position.

5. As the terms of office of the incumbent members of the West Springfield Housing Authority expire, or as vacancies may otherwise occur in any of such offices, successors shall be chosen in the manner provided for city governments in section five of chapter one hundred twenty-one B of the General Laws.

6. Until such time as another salary is established for the office of the mayor, in accordance with the procedure provided in section 3-1(c), the initial salary for the mayor of West Springfield shall be established at \$80,000 per annum. The initial salary for the members of the town council shall be established as \$2,000.00 for each councilor and \$2,500.00 for the president of the town council. The initial salary for the members of the school committee shall be established as \$2,000.00 for each person elected as a school committee member and \$2,500.00 for the chair of the school committee, provided the chair is one of the persons elected directly by the voters as a member of the school committee.

7. The office of executive secretary is hereby abolished effective on the first business day of January in the year following the year in which this charter is adopted. The incumbent of the office of executive secretary shall continue to serve in that office until the said first business day of January and shall be continued in the service of the municipality beyond said termination date, in some other position, until the expiration of any contract for services in effect at the time this charter is adopted.

8. As soon as practical after the first mayor and council have been elected and taken the oath of office the mayor shall appoint and call together for an initial meeting the members of the board of license commissioners established in section 6-7 of this charter. The board of selectmen and its staff shall keep the board of license commissioners so established fully apprised of its activities in the year-end renewing of licenses in order to acquaint the members of the said board to these procedures. The board of license commissioners shall assume full authority under chapter one hundred and thirty-eight and chapter one hundred forty of the General Laws on the first business day in January in the year following the year this charter is adopted.

9. Not later than thirty days following the date of the ratification of this charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of West Springfield a copy of the vote ratifying this charter and the following petition for the enactment of a special law applicable to West Springfield in the following form:

## AN ACT EXCEPTING WEST SPRINGFIELD FROM CERTAIN PROVISIONS OF THE CIVIL SERVICE LAW

*Be it enacted, etc.*

For the purpose of classifying positions under the civil service law and rules, West Springfield, notwithstanding the provisions of a home rule charter establishing its form of government, shall continue to be governed by the provisions of section fifty-two of chapter thirty-one of the General Laws and not by the provisions of section fifty-one of said chapter thirty-one.

Nothing in this act shall be construed to affect the civil service status of any person currently covered by such law and rules.

This act shall take effect upon its passage. The above draft is provided for guidance and general scope and may be altered by the General Court to conform to its normal practice.

10. As soon as practical following the election at which this charter is adopted the town clerk and the board of registrars of voters shall, using existing precinct boundary lines and voting places, divide the town into, four equal voting districts, or, as nearly equal as may be using such existing precinct lines. At the election held in the year in which the charter is adopted and at each subsequent municipal election until the town has been reapportioned, as provided in MGL chapter fifty-four sections one through ten, one district councilor shall be elected from each such district and five councilors shall be elected from the town at large.

11. The position of town accountant, which now exists in West Springfield, shall, after the assumption of power and authority by the mayor and council, be divided into two separate and distinct functions. The powers of the office which are associated with auditing, including those described in sections fifty, fifty-one, fifty-three and fifty-four A of chapter forty-one of the General Laws, shall be assigned to the office of budget/management analyst established by section 2-8(a) of the charter. The remaining powers of a town accountant having to do with payrolls and the payment of bills and invoices submitted by municipal agencies including those described in sections fifty-two, fifty-six, fifty-seven and fifty-eight of chapter forty-one shall be exercised by a person in the executive branch under the title town accountant, subject to the control of the mayor or chief financial officer, if appointed.

The annual salary of the budget/management analyst appointed by the town council pursuant to charter section 2-8(a) shall initially be established at twenty-five thousand dollars with a proviso the amount provided for such office shall never be less than one-half the amount provided for the office of finance director. The town council may, in lieu of expending such appropriation as a salary, expend the said appropriation as a consultant account, paying the certified public accountant, or firm of such accountants, retained to provide the annual audit pursuant to section 5-11 from such account to provide periodic financial auditing and oversight services to it throughout the fiscal year.

12. Forthwith following the election held in the year in which this charter is adopted the mayor-elect shall appoint seven persons to be a committee to review the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. At least two of the

persons appointed to the committee shall have been members of the West Springfield Charter Commission. The committee shall submit a report, with recommendations, within one year following its creation and may submit interim reports with recommendations at any time. The review shall be conducted under the supervision of the town attorney, or by special counsel appointed for that express purpose.

13. The mayor and council shall develop a reorganization plan in accordance with Section 6-1 (b) that provides for the effective coordination of all inspection and licensing functions conducted by the town, including, but not limited to, those required under the zoning or any other town ordinance, the provisions of the Code of Massachusetts Regulations relating to buildings, electrical wiring, plumbing, gas fitting, sanitation, wetlands, fire protection and fire safety, hazardous materials, local regulations adopted by the board of health, conservation commission, historical commission, planning board and every other local inspection as may be otherwise authorized or conducted. The reorganization plan may include the maintenance of all records relating to inspections in a central place through a common index, a single application process which would indicate all inspections which might be necessary for a particular project and provide for a consolidated, coordinated review and processing of each such application. The mayor shall submit this reorganization plan to the council no later than the submission of the mayor's FY02 budget proposal to the council.

14. The mayor and council shall develop a reorganization plan in accordance with Section 6-1 (b) that provides for the effective coordination of park and recreation activities under the jurisdiction of the park and recreation department and the maintenance of the town facilities and grounds that are used for park and recreation purposes. The mayor shall submit this reorganization plan to the council no later than the submission of the mayor's FY02 budget proposal to the council.

15. The incumbent in the office of town clerk shall serve until the expiration of the term for which elected as the town clerk described in section 2-8(b) and as clerk of the council as described in section 2-8(c) and at the expiration of said term the town clerk and clerk of the council shall be chosen as provided in said section 2-8.

16. The provisions of section 6-3 establishing a department of municipal finance, section 6-4 establishing a department of planning and development, and section 6-6 establishing a department of human services, shall not take effect until an ordinance has been adopted providing such detail of the organization of each such department as may be necessary to carry out the functions of these departments. The provision of section 8-6 establishing a licensing board shall take effect as provided above.

17. The partisan caucus system of candidate nomination is hereby abolished effective at the preliminary election to be held in July of the year in which this charter is adopted.

18. The persons serving as members of the recreation commission on the date this charter is adopted shall forthwith assume the powers and duties of, and shall become, the park and recreation commission established in section 6-8 of this charter. One additional member of said park and recreation commission shall be appointed by the mayor.

19. Notwithstanding any provision of this charter which might appear to the contrary it is recognized that it will not be possible for the first person elected as mayor to begin at once to exercise all

of the powers, duties and responsibilities which are assigned to the office of the mayor. It is recognized that it is in the best interest of the town of West Springfield that such assumption be on a gradual basis as the mayor, town council, and other municipal officials are able to adopt ordinances and other regulations as are necessary to implement all of the provisions of the charter

20. Town Administrative Organization - Until such time as a different form of organization shall be provided, in accordance with the provisions of article 6 of this charter, the following outline of the administrative organization of the town as presently constituted shall continue to be operative:

(**Note:** The members of multiple member bodies shall be so appointed that as nearly an equal number of terms as is possible shall expire each year.)

The mayor shall appoint, subject to the review of such appointments as is provided in charter section 2-10, the following:

- A Town Collector for a term of three years;
- A Town Treasurer for a term of three years;
- A Board of Assessors, consisting of three members for terms of three years each;
- A Board of Health, consisting of three members for terms of three years each;
- A Board of Library Trustees, consisting of six members for terms of three years each;
- A Planning Board, consisting of five members for terms of five years each;
- A Recreation commission, consisting of six members for terms of three years each;
- A West Springfield Housing Authority, consisting of five members (one appointed by the State Department of Housing and Community Development) for terms of five years each;
- A Building Inspector and Zoning Enforcement Officer
- An Assistant Building Inspector
- A Code Enforcement Officer
- A Community Development Director
- A Conservation Commission part-time Employee for one year
- Constable(s)
- A Director of Elderly Services
- A Director of Information Technology
- A Dog Officer
- A Director of Public Works
- An Emergency Management Agency Director
- A Fire Chief
- A Forest Warden
- A Hazardous Waste Coordinator
- An Inspector of Wiring for one year
- A Plumbing Inspector
- A Police Chief
- A Principal Assessor/Appraiser
- A Deputy Procurement Officer
- A Public Health Director (Board of Health
- Radio and Maintenance Department
- A Recreation Director (Recreation Commission)
- A Clerk to the Recreation Commission
- A Safety Coordinator

- A Town Accountant
- A Town Attorney for one year;
- A Town Engineer
- A Town Historian
- A Town Negotiator
- A Town Planner (Planning Board)
- A Veterans' Services Director (Veterans' Agent, Veterans' Graves Officer)
- A Sealer of Weights and Measures
- An Advisory Board of Review, consisting of three members for terms of three years each;
- An Arts Council (Cultural Council), consisting of eleven members for terms of three years each
- A Building Board of Appeals, consisting of five members for terms of three years each;
- A Zoning Board of Appeals, consisting of three members and two alternate members for terms of three years each;
- A Board of Registrars of Voters, consisting of four members (One member to be the Town Clerk) for terms of three years each;
- A Cable Television Advisory Committee, consisting of four members for terms of three years
- A Capital Program Planning Committee, consisting of seven members for terms of three years each
- A Commission on Disabilities, consisting of nine members for terms of three years each;
- A Connecticut Riverwalk and Bikeway Committee, consisting of three members and one alternate member and the recreation director (ex-officio);
- A Conservation Commission, consisting of seven members for terms of three years each;
- A Contributory Retirement Board, consisting of five members for term of years;
- A Council on Aging, consisting of fifteen members for terms of three years each;
- A Designer Selection Committee, consisting of two members for term of years;
- An Employees Insurance Study Committee, consisting of seven members;
- An Historic District Commission, consisting of five members for term of years;
- An Historical Commission, consisting of seven members for terms of three years;
- A Local Emergency Planning Committee, consisting of eleven members;
- A Middle School Building Committee, consisting of three members;
- A Morgan Horse Bicentennial Committee, consisting of fourteen members;
- A Pioneer Valley Transit Authority representative;
- A Town Report Committee, consisting of four members for term of years;

#### Other Appointed Officials

- The Town Collector shall appoint an Assistant Collector, for a term of three years;
- The Town Clerk shall appoint an Assistant Town Clerk, for a term of three years;
- The Town Treasurer shall appoint an Assistant Treasurer, for a term of three years.
- The director of public health shall appoint:
  - A Public Health Sanitarian
  - Public Health Nurses, two
  - A Burial Agent
  - A Disposer of Dead Animals
- The director of public works shall appoint:
  - An Assistant to the Director of Public Works
  - A Operations Superintendent

A Superintendent of shade tree management and pest control (132:13)  
A Parks Superintendent  
A Tree Warden  
A Water Systems Manager  
An Engineering Aide

21. The mayor and town council shall have authority to adopt measures which clarify, confirm or extend any of the transitional provisions in order that such transition may be made in the most expeditious and least contentious manner possible.

22. The full force of the provisions of section 5-8 concerning allotments shall be suspended during the fiscal year in which the charter first goes into effect. During such first fiscal year the mayor may, however, provide for partial use of allotments in order to develop information and familiarity on the part of all concerned with the way in which such process will be employed during subsequent years.

**SECTION 9-7: DISPOSITION OF CERTAIN SPECIAL LAWS**

(a) *Certain Special Laws Specifically Recognized and Retained* -The following special laws establishing the town of West Springfield and defining its physical boundaries are specifically recognized and retained:

(1774) An ACT for dividing the Township of Springfield, and erecting the western part thereof into a separate Town, by the name of West Springfield; (1800) An ACT for dividing the Second parish in the Town of West Springfield, in the County of Hampshire, into two parishes. (February 6, 1800) (1800) An ACT to set off Timothy Horton from the First Parish in West Springfield, in the County of Hampshire, and to annex him to the Second Parish is said Town. (June 13, 1800); (1802) An Act to set off a certain tract of land, with the inhabitants thereon, from the town of Westfield, in the county of Hampshire, and annex it to the town of West Springfield in the same county. (March 3, 1802); (1813:Chapter 60), An Act To Annex Aribert Leonard And Martin Wilson To The Second Parish In West Springfield (JUNE 16, 1813); (1815:Chapter 5), AN ACT TO SET OFF SIMON WALKEY AND JOHN MOORE FROM THE SECOND PARISH, AND ANNEX THEM TO THE FIRST PARISH IN WEST SPRINGFIELD. (JUNE 13, 1815); (1817:Chapter 67), An Act to annex John Cooper to the Second Parish in West Springfield. (February 2, 1818) (1850:Chapter 71), An Act to incorporate the town of Holyoke. (March 14, 1850); (1960:Chapter 356), An Act To Re-Establish A Portion Of The Boundary Line Between The Towns Of Agawam And West Springfield.

(b) *Certain Special laws Recognized and Retained, in Part:* The following special laws which were enacted for the purpose of authorizing and enabling the town to exercise certain powers or perform certain functions prior to the ratification of article eighty-nine, the Home Rule Amendment, to the, state constitution which might otherwise not have been available to the town, are hereby recognized, so much of these acts which grant a power or authority to the town which the town might not otherwise have are hereby retained but all such acts are otherwise hereby repealed:

(1916:Chapter 276), AN ACT TO AUTHORIZE THE ALIENATION FOR PUBLIC PURPOSES OF A PART OF A TOWN BURIAL GROUND IN WEST SPRINGFIELD; (1922:Chapter 311), AN ACT PROVIDING FOR PRECINCT VOTING, REPRESENTATIVE TOWN MEETINGS, TOWN

MEETING MEMBERS, A REFERENDUM AND AN ANNUAL MODERATOR IN THE TOWN OF WEST SPRINGFIELD; (1926:Chapter 113), AN ACT AUTHORIZING THE PLANNING BOARD OF THE TOWN OF WEST SPRINGFIELD TO ACT AS ITS BOARD OF SURVEY IF SO PROVIDED BY BY-LAW; (1935:Chapter 7), AN ACT AUTHORIZING THE APPOINTMENT IN THE TOWN OF WEST SPRINGFIELD OF A TOWN PHYSICIAN; (1939:Chapter 7), AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO ESTABLISH A PARK AND PLAYGROUND COMMISSION; (1941:Chapter 284), AN ACT PROVIDING THAT THE CHAIRMAN OF THE BOARD OF PUBLIC WELFARE OF THE TOWN OF WEST SPRINGFIELD BE A TOWN MEETING MEMBER EX OFFICIO; (1945:Chapter 499), AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO LEASE CERTAIN LAND IN THE TOWN OF AGAWAM FOR PUBLIC PLAY-GROUND.AND RECREATION CENTER PURPOSES; (1948:Chapter 292), AN ACT RELATIVE TO REPRESENTATIVE TOWN MEETINGS IN THE TOWN. OF WEST SPRINGFIELD; (1956:Chapter 352). AN ACT RELATIVE TO REPRESENTATIVE TOWN MEETINGS IN THE TOWN OF WEST SPRINGFIELD; (1964:Chapter 493), AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO CONSTRUCT, OPERATE AND MAINTAIN A MUNICIPAL GOLF COURSE ON CERTAIN PARK LAND IN SAID TOWN; (1965:Chapter 858), AN ACT PROVIDING THAT THE TOWN ENGINEER OF THE TOWN OF WEST SPRINGFIELD SHALL EXERCISE THE POWERS AND DUTIES OF THE SUPERINTENDENT OF STREETS, (AND PLACING THE OFFICE OF TOWN ENGINEER UNDER THE CIVIL SERVICE LAW AND RULES); (1972:Chapter 618), AN ACT PROVIDING FOR MODIFICATIONS IN THE ELECTION OF TOWN MEETING MEMBERS IN THE TOWN OF WEST SPRINGFIELD; (1973:Chapter 389), AN ACT ESTABLISHING THE SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF WEST SPRINGFIELD; (1975:Chapter 48), AN ACT RELATIVE TO THE TERM OF OFFICE OF THE MODERATOR IN THE TOWN OF WEST SPRINGFIELD; (1982:Chapter 647), AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF WEST SPRINGFIELD; (1984:Chapter 17), AN ACT ESTABLISHING A PARK COMMISSION AND A RECREATION COMMISSION AND FOR THE ABOLITION OF THE EXISTING PARK AND RECREATION COMMISSION IN THE TOWN OF WEST SPRINGFIELD; (1987:Chapter 475), AN ACT ESTABLISHING THE POSITION OF SUPERINTENDENT OF STREETS IN THE TOWN OF WEST SPRINGFIELD

- (d) *Certain Special Laws Providing Obsolete Borrowing Authority, Repealed*-The following special laws which authorized the town to borrow certain sums of money, for certain particular purposes, are hereby recognized as obsolete and are to stand repealed:

(1878:Chapter 238), AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO BORROW MONEY FOR CERTAIN PURPOSES (bridge construction); (1897:Chapter 87), AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE AN ADDITIONAL WATER LOAN;

(1898:Chapter 186), AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO REFUND A PORTION OF ITS DEBT; (1900:Chapter 190), AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE AN ADDITIONAL WATER LOAN; (1905:Chapter 333), AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE AN ADDITIONAL WATER LOAN; (1906:Chapter 297), AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE A BRIDGE LOAN; (1908:Chapter 600), AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE AN ADDITIONAL WATER LOAN; (1920:Chapter 228),

AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE AN ADDITIONAL WATER LOAN; (1922:Chapter 473), AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO BORROW MONEY FOR SCHOOL PURPOSES; (1949:Chapter 274), AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO BORROW MONEY FOR SCHOOL PURPOSES; (1961:Chapter 120), AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO BORROW MONEY FOR THE PURPOSE OF AUGMENTING ITS SEWAGE COLLECTION AND DISPOSAL SYSTEM; (1965:Chapter 371), AN ACT EXTENDING THE TIME WITHIN WHICH THE TOWN OF WEST SPRINGFIELD MAY BORROW MONEY FOR THE PURPOSE OF AUGMENTING ITS SEWAGE COLLECTION AND DISPOSAL SYSTEM; (1969:Chapter 443), AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO BORROW MONEY FOR TOWN HALL PURPOSES.

- (d) *Certain Other Obsolete Special Laws Repealed*-The following special laws which were enacted for special purposes and were limited in time by their own terms are hereby recognized as being obsolete and are to stand repealed, but all acts and things done under the authority of the said special laws is hereby preserved:

(1950:Chapter 360) AN ACT AUTHORIZING THE CONVEYANCE BY THE COMMONWEALTH TO THE TOWN OF WEST SPRINGFIELD OF A CERTAIN PARCEL OF LAND SITUATED IN SAID TOWN; (1954:Chapter 171) AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO PERMIT ROBERT R. LEWIS TO BECOME A MEMBER OF ITS RETIREMENT SYSTEM; (1955:Chapter 281) AN ACT AUTHORIZING THE COMMONWEALTH TO CONVEY A CERAIN PARCEL OF LAND TO THE TOWN OF WEST SPRINGFIELD; (1958:Chapter 107) AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO CONVEY A PORTION OF AMOSTOWN ROAD PLAYGROUND TO FRANK F. ZENDEK AND PAULINE M. ZENDEK; (1960:Chapter 397) AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO SELL AND CONVEY CERTAIN PARK LAND TO JAMES D. ALLAN AND KATHERINE T. ALLAN; (1960:Chapter 681) AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO CONVEY CERTAIN LAND IN THE TOWN OF WEST SPRINGFIELD TO SAID TOWN; (1963:Chapter 97) AN ACT PROVIDING LIFE TENURE FOR WALLACE W. WYMAN INCUMBENT OF THE OFFICE OF TOWN ENGINEER OF THE TOWN OF WEST SPRINGFIELD; (1963:Chapter 629) AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO CONVEY CERTAIN LAND IN WEST SPRINGFIELD TO SAID TOWN; (1963:Chapter 747) AN ACT REPEALING THE LAW PROVIDING LIFE TENURE FOR WALLACE W. WYMAN INCUMBENT OF THE OFFICE OF TOWN ENGINEER OF THE TOWN OF WEST SPRINGFIELD; (1964:Chapter 18) AN ACT PROVIDING LIFE TENURE FOR IRVING J. DONAHUE, INCUMBENT OF THE OFFICE OF VETERANS' AGENT OF THE TOWN OF WEST SPRINGFIELD; (1979:Chapter 547) AN ACT AUTHORIZING THE APPOINTMENT OF MARK D. LUSSIER AS A FIREFIGHTER IN THE TOWN OF WEST SPRINGFIELD NOTWITHSTANDING CERTAIN AGE REQUIREMENTS; (1991:Chapter 467) AN ACT AUTHORIZING THE DEPARTMENT OF VETERANS' SERVICES TO PAY A CERTAIN SUM OF MONEY TO THE TOWN OF WEST SPRINGFIELD FOR CERTAIN VETERANS' BENEFITS PAID BY SAID TOWN.

## **CHARTER AMENDMENTS – November 8, 2005**

Town Records – Volume 29, Page 110-115

**Section 2-2(d)** – was adopted by approval of the town voters on November 8, 2005:

Vacancies-If a vacancy shall occur in the offices of either president or vice-president, the council, at its next regularly scheduled meeting, shall elect from among its members, a successor to the office of president or to the office of vice-president. If at such meeting the vice-president is elected president, the council, at the same meeting, shall elect a successor to the office of vice-president.

**Section 3-4(a)** – was amended by a vote of the town voters on November 8, 2005, by deleting the words “Town Clerk” and substituting therein the words “Department of Human Resources”

**Section 3-9(b)** – was amended by vote of the town voter on November 8, 2005 by inclusion of the last sentence of the new subsection. “A council president serving as mayor under this sub-section, shall not be subject to the restriction contained in the third sentence of sub-section 3-1(a) “actively engaged in any other business, occupation or profession.”

**Section 5-3** – was amended by vote of the town voters on November 8, 2005 by deleting the word “ninety” and substituting therein the word “sixty”.

**Section 5-10** – was amended by vote of the town voters on November 8, 2005 by deleting the words “one hundred twenty” in the first sentence of said section and substituting therein the word “ninety”.

**Section 6-8** – was amended by vote of the town voters on November 8, 2005 by deleting the first sentence and substituting therein the first sentence of the new Section. “There shall be a board or park and recreation commissioners consisting of seven members appointed by the mayor for overlapping terms of three years each so arranged so that the term of office of at least two members shall expire in each odd numbered year.”

**Section 7-1** – was amended by vote of the town voters on November 8, 2005 by deleting the word “six” in the second sentence and substituting therein the word “eight”.

**Section 5-6c** – was amended by vote of the town voters on November 8, 2005 by deleting the word “ninety” and substituting therein the word “sixty”.

**Charter Section 5-6(c) Action on the Budget – Action by Town Council**

**To amend Section 5-6(c) as follows: By inserting the word “operating” before the word “budget” in all instances in this section and by deleting the word “ninety” in the third sentence and substituting the word “sixty” in place thereof.**

The new section shall read as follows: The town council shall adopt the operating budget, with or without recommendations, within sixty days following the day the proposed operating budget is received by it. In amending the operating budget, the town council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but the town council shall have no authority to add programs or increase amounts. If the town council fails to take any action with respect to any item in the proposed operating budget within sixty days following the date of its receipt of the proposed operating budget, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

**Charter Section 5-7 Supplementary Budgets, Other Appropriations**

To amend Section 5-7 by adding the following: (d) Reserve Transfers – With the approval of the town council funds appropriated and deposited in accounts designated as “reserve accounts” may be transferred from one municipal agency to another. Requests for such transfers shall be made by the mayor, in writing, to the town council and shall include a statement setting forth the reason for the transfer of funds. A copy of this request shall, forthwith, be posted on the town bulletin board.

**Charter Section 5-8 Allotments**

To delete the requirements of Section 5-8 in its entirety and to offer in substitution thereof, the following:

“The Town shall maintain an accounting system by which monthly reports are prepared by the Municipal Finance Director detailing the preceding monthly expenditures and the remaining balances within the departments’ yearly budget total. Within ten days of completion, the Municipal Finance Director shall cause a summary of said reports to be filed with the Town Council.”