

PROPOSED TOWN OF HARVARD CHARTER

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ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY

Section 1-1: Incorporation

The inhabitants of the town of Harvard, within the corporate limits established by law, shall continue to be a body corporate and politic with perpetual succession under the name "town of Harvard."

Section 1-2: Short Title

This instrument shall be known and cited as the Harvard Charter.

Section 1-3: Powers of the Town

It is the intent and purpose of the voters of the town, through the adoption of this charter, to secure for the town all the powers possible under the constitution and laws of the commonwealth, as fully and as completely as though each power were specifically and individually enumerated herein.

Section 1-4: Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen and a town administrator. The legislative powers shall be exercised by an open town meeting.

Section 1-5: Interpretation of Powers

The powers reserved or granted to the town under this charter shall be construed liberally and interpreted broadly in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-3.

Section 1-6: Intergovernmental Relations

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

Section 1-7: Precedence of Charter Provisions

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to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

Section 1-8: Ethical Standards: Elected and appointed officers, employees and volunteers of the town are expected to demonstrate, by their example, with their general conduct and in the performance of their duties and responsibilities, the highest ethical standards to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and appointed officers, employees and volunteers of the town are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officials, employees and volunteers of the town shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

Section 1-9: Definitions: As used in this charter, the following words shall have the following meanings unless the context clearly requires otherwise:

- (a) "Charter", this charter and any amendments to it, which may hereafter be adopted.
- (b) "Days", business days, not including Saturdays, Sundays and legal holidays; provided, however, that when the time set is at least 7 days, every day shall be included.
- (c) "Emergency", a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) "Local newspaper", a newspaper of general circulation in the town of Harvard.
- (e) "Majority vote", a majority of those present and voting, provided that a quorum is present when the vote is taken.
- (f) "Multiple member body", any town body, consisting of at least 2 persons, whether called a board, commission, committee, subcommittee or otherwise and however elected, appointed or otherwise constituted.
- (g) "Quorum", except for a town meeting and unless otherwise required by law or this charter, a majority of the members of a multiple member body then in office, not including any

vacancies which might then exist.

- (h) “Town”, the town of Harvard.
- (i) “Town agency”, any board, commission, committee, department, division or office of the town government.
- (j) “Town Bulletin Board”, bulletin boards in the town hall on which office notices are posted and those at other town buildings or facilities which may be designated as town bulletin boards.
- (k) “Town Meeting”, the open town meeting established in article 2, whether annual or special.
- (l) “Town Officer”, 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.
- (m) “Voters”, registered voters of the town.
- (n) “Warrant”, a document required to warn and notify residents and inhabitants of the town, who are qualified to vote in town affairs, to meet at a specific place to act on published articles relating to the governance of the town.

ARTICLE 2: LEGISLATIVE BRANCH

Section 2-1: Town Meeting

The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

The annual town meeting shall be held during the months of February – June on a date determined by the Board of Selectmen. The annual town meeting shall be concerned with the determination of matters involving the expenditure of town funds, including, but not limited to, the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all town agencies, and for the consideration of and for the purpose of electing officers and for the determination of all other matters to be decided by ballot of the voters.

Section 2-2: Presiding Officer

The moderator, elected as provided in section 3-4, shall preside at all sessions of annual and special town meetings. He may appoint a deputy moderator, subject to ratification by the town meeting, to serve at any session of an annual or special town meeting in the event of his absence or disability. The deputy moderator may also temporarily serve when the moderator has a conflict or the appearance of conflict arises, as determined by the moderator, with regard to a particular article or matter under consideration.

The moderator, at all town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by law, this charter, by-law or other vote of the town meeting.

Section 2-3: The Town Report

The board of selectmen shall publish an annual town report and make it available before the annual town meeting; however, that failure to comply with this section shall not prevent town meeting from proceeding.

Section 2-4: Special Town Meetings

Special town meetings shall be held at the call of a majority of the full board of selectmen in order to transact the legislative business of the town in an orderly manner. Special town meetings shall also be held on the petition of the lesser of at least 200 voters or 20 per cent of the total number of voters.

Section 2-5: Warrants

Every town meeting shall be called by a warrant issued by the board of selectmen, which shall state the time and place at which the meeting is to convene and, by separate articles, identify the subject matters to be acted upon. The publication of the warrant for every town meeting shall be in accordance with the General Laws and by-laws governing such matters.

Section 2-6: Initiation of Warrant Articles

- (a) Initiation - Subject to paragraph (c), the board of selectmen shall receive petitions addressed to it which request the submission of any matter to the town meeting and which are filed by (1) any town officer; (2) any multiple member body acting by a majority of its members then in office; or (3) any 10 or more registered voters for an annual town meeting and (4) any 100 registered voters for a special town meeting.
- (b) Referral – Following receipt of any petition containing a proposed warrant article, the board of selectmen shall deliver a copy of the proposal to the chair of the finance committee and shall distribute copies of the proposal as may be required by law or by-law.
- (c) Inclusion on the Warrant - Town Meeting - Whenever a town meeting is to be called, notice shall be given by posting attested copies of the warrant in at least 1 public place in the town and on the town's website at least 7 days before the annual town meeting and at least 14 days before a special meeting. The content, scheduling and notice requirements for a town meeting shall be as provided for in section 10 of chapter 39 of the General Laws.

Section 2-7: Conflicting Meetings

No meeting of any multiple member body or town agency shall be convened or be in session during a session of town meeting.

Section 2-8: Clerk of the Meeting

The town clerk shall serve as clerk of the town meeting, give public notice of all adjourned sessions of the town meeting, record its proceedings, and perform such additional duties in connection therewith as may be provided by the law, this charter, by-law or other town meeting vote.

Section 2-9: Rules of Procedure

The town meeting may, by by-law, establish, amend, revise or repeal rules to govern the conduct

of all town meetings.

Section 2-10: General Powers and Duties

The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made by law, this charter or by-law.

ARTICLE 3: ELECTED OFFICERS

Section 3-1: General

- (a) Elective Town Offices - The town offices to be filled by the voters shall be the board of selectmen, cemetery commissioners, community preservation committee, constable, board of health, library trustees, moderator, park and recreation commission, planning board, school committee, tree warden, the Warner Free Lecture Society, and other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement which shall also be filled by ballot at town elections.
- (b) Town Election - The annual election by ballot of town officers and voting on any questions required by law to be placed upon the official ballot shall take place on a date to be determined by the Board of Selectmen during the months of February - June before or after the annual meeting held for the transaction of other business is also held or commences during the months of February - June.
- (b) Eligibility - Any voter shall be eligible to hold any elective town office, unless specifically prohibited by law or by-law.
- (c) Compensation - Elected town officers shall receive such compensation for their services as may be appropriated at the annual town meeting for such purpose.
- (f) Filling of Vacancies
1. Moderator - If a vacancy in the said office occurs during any term, it may be filled by the voters of the town. If a moderator so elected is absent, a temporary moderator may be elected.
 2. Elected multiple member body - If there is a failure to elect a member of a multiple member body, or if a vacancy occurs in the membership of an elected multiple member body, the remaining members of the multiple member body shall give notice to the board of selectmen and to the public of the vacancy in accordance with section 7-9. The board of selectmen and the remaining members of the multiple member body shall, not less than 1 week after notice of the date on which the vote is to be taken, fill the vacancy until the next town election by a joint vote. The affirmative votes of the majority of the persons entitled to vote on the vacancy shall be necessary for the election.
 3. Board of Selectmen - If there is a failure to elect a member of the board of selectmen, or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may call a special election to fill the vacancy or shall call the special election upon the written request of at least 200 voters, or twenty per cent of the total

number of registered voters of the town, whichever number is the lesser; provided, that that such request is filed with them or him not less than one hundred days prior to the date of the next annual election.

Section 3-2: Board of Selectmen

- (a) Composition, Term of Office - There shall be a board of selectmen consisting of 5 members elected for terms of 3 years each, arranged so that the terms of office of as nearly an equal number of members as is possible shall expire each year.
- (b) Powers and Duties - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall possess all of the executive powers that a board of selectmen may possess and exercise, except those powers and duties assigned by this charter, by-law or other town meeting vote to the town administrator.

The board of selectmen shall:

1. serve as the chief policy making agency of the town;
2. be responsible for the formulation and promulgation of policy to be followed by all town agencies serving under it;
3. in conjunction with other elected town officers and multiple member bodies, develop and promulgate policy guidelines designed to bring all town agencies into harmony; and
4. award and execute all contracts for services and supplies for all departments and agencies of the town, other than the school committee and the Trustees of the Harvard Public Library; provided, however, that the board of selectmen, at its sole discretion, may delegate this authority to any town officer or agency.

Other than in the case of an emergency, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency.

(c) Licensing Authority - The board of selectmen shall be the licensing board of the town and may issue licenses, make reasonable rules and regulations regarding the issuance of licenses and attach such conditions and restrictions thereto as it deems to be in the public interest; provided, however, that such rules, regulations, conditions and restrictions are not incompatible with applicable law. The board of selectmen shall enforce the laws relating to all businesses for which it issues licenses. The board of selectmen may delegate its licensing authority unless specifically prohibited by law.

(d) Appointing Authority - The board of selectmen shall appoint the town administrator, town counsel, zoning board of appeals, board of registrars, and other voluntary boards and officials of the town. The board of selectmen shall also appoint, consistent with paragraph (d) of section 4-2, a police chief and a fire chief. The police chief shall serve under section 97A of chapter 41 of the General Laws. The fire chief shall serve under section 42 of chapter 48 of the General Laws. The board of selectmen shall also appoint a conservation commission, council on aging, housing

partnership, local cultural council, and other committees and employees as required by the General Laws.

(e) Investigations - The board of selectmen may investigate the affairs of the town and the conduct of any town agency, including any doubtful claims against the town.

Section 3-3: School Committee

a. The Harvard School Committee provides public education, pre-K through high school, and related services to the town of Harvard. The School Committee shall consist of 5 members elected for terms of three years each, the terms being arranged so that the terms of office of as nearly an equal number of members as possible expire each year.

b. The Harvard School Committee shall have all of the powers and duties which are given to school committees under the constitution, laws and regulations of the commonwealth and additional powers and duties as may be authorized by by-law or other vote of the town meeting.

Section 3-4: Town Moderator

(a) Term of Office - There shall be a town moderator elected for a term of 1 year. _

(b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, as provided in section 2-2, and shall regulate its proceedings and perform other duties as may be provided by law, this charter, by-law or other town meeting vote.

(c) Appointment of the Finance Committee: The town moderator shall appoint a finance committee that shall consist of seven voters, no one of whom shall be a Town officer elected by ballot or an appointed officer or employee receiving a salary, who shall perform their duties without salary or compensation. The terms shall be arranged in order that the terms of as nearly an equal number of members as possible shall expire each year. The Moderator shall exercise due care in the process of selecting members to ensure that the Committee represents a cross section of the Town as a whole.

(d) Other Appointments - The town moderator shall appoint make other appointments provided for by law, this charter, or by-law.

(e) Deputy Moderator - At the first session of the town meeting, the moderator may, in accordance with section 2-2, appoint a voter to serve as deputy moderator. In the absence of the moderator and the duly ratified deputy moderator at any session of a town meeting, the town clerk shall open the meeting and preside over the election of an acting moderator. In the absence of the moderator the deputy moderator and the town clerk, the presiding officer of the first session of a town meeting shall be determined as provided for by law.

Section 3-5: Park and Recreation Commission

(a) Composition, Term of Office – There shall be a park and recreation commission consisting of 5 members each elected for a term of 3 years. The terms shall be arranged in order that the terms of as nearly an equal number of members as possible shall expire each year.

- (b) Powers and Duties - The park and recreation commission shall have those powers and duties given to park and recreation commissions under the constitution and laws of the commonwealth and shall also have such additional powers and duties as may be authorized by this charter, by-law or other town meeting vote. The commission shall oversee the organization and direction of the Town's summer and winter recreational program; maintenance of the town common, the town beach and the playing fields; and the hiring of lifeguards and other safety personnel.

Section 3-6: Planning Board

- (a) Composition, Term of Office - There shall be a planning board consisting of 5 members each elected for a term of 3 years. The terms shall be arranged in order that the terms of as nearly an equal number of members as possible shall expire each year.
- (b) Powers and Duties - The planning board shall have those powers and duties given to planning boards under the constitution and laws of the commonwealth and shall also have such additional powers and duties as may be authorized by this charter, by-law or other town meeting vote.

Section 3-7: Trustees of the Harvard Public Library

- (a) Composition, Term of Office - There shall be a board of trustees of the Harvard Public Library, which shall consist of 6 members, each serving for a term of 3 years. The terms shall be arranged in order that the terms of 2 members shall expire each year.
- (b) Powers and Duties – The Trustees of the Harvard Public Library shall have all of the powers and duties which are given to board of trustees under the constitution, laws and regulations of the commonwealth under Section 11, Chapter 78 of the General Laws.

The Trustees of the Harvard Public Library shall ensure the maintenance of the library building and grounds in accordance with the lease between the Trustees of the Bromfield School and the Trustees of the Harvard Public Library and the provisions of MGL Chapter 78, Section 11 using resources and funds raised and appropriated by the town.

The Trustees of the Harvard Public Library shall administer all money or gifts received by the town, or trustees for the library, in accordance with the provisions of the gifts.

The Trustees of the Harvard Public Library shall establish written policies governing library activities and services; engage in ongoing planning which assesses the needs and the role of the library in the community; ensure that the library meets the community's needs; work on preparation of the annual library budget and its adoption by the town; monitor and oversee maintenance of the buildings and grounds and regularly review facility needs; hire and evaluate the library director and work with the personnel board on job classifications for all

staff; promote the library and act as library advocates in the community; study and support legislation which will benefit the library and the larger community; and have such other powers and duties as provided for by law, this charter and by-law.

- (c) Appointments - The Trustees of the Harvard Public Library shall appoint the library director and such other appointments as provided for by law, this charter or by-law. The library director will be responsible for the hiring of library staff and any other duties related to the supervision of library staff, with the exception of establishing the rate of pay for library staff.
- (d) The library director, in consultation with the trustees, will be responsible for establishing the hours of the library, including emergency closings.

Section 3-8: Other Elected Officers

Powers and Duties - All other elected officers shall have the powers and duties that have been conferred upon their offices by law, this charter, by-law or other town meeting vote.

ARTICLE 4: TOWN ADMINISTRATOR

Section 4-1 Appointment, Qualifications and Review Procedure

- (a) The board of selectmen shall, by an affirmative vote of the majority of the full board, appoint a town administrator, who shall serve at the will of the board of selectmen. The board of selectmen shall fix the compensation of the town manager. The Board of Selectmen may establish an employment contract for a period of time to provide for the salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties of office, liability insurance and leave for its town administrator.
- (b) The town administrator shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of the office. The town administrator shall not have served in an elected office in the town government for at least one year before his appointment. The town may, by law, establish additional qualifications for the town administrator as deemed necessary or appropriate.
- (c) Annually the Chairman of the Board of Selectmen shall perform an annual review of the Town Administrator and provide a report to a regularly scheduled meeting for approval by the Board of Selectmen.

Section 4-2: Duties and Responsibilities – General

The Town Administrator shall be the chief administrator of the town and shall be responsible to the board of selectmen for the proper administration of all town affairs placed in his charge by this charter. The powers and duties of the town administrator shall include, but not be limited to, the following:

- (a) Be responsible for the management of the Office of the Board of Selectmen and all other departments under the jurisdiction of the Board of Selectmen; establish and maintain an effective working relationship with all Town boards, departments, commissions and committees; serve as a liaison of the Board of Selectmen to other Town departments and boards, coordinating activities involving more than one department and follow up with all departments on issues requested by the Selectmen.
- (b) Appoint department heads, subject to the confirmation of the board of selectmen, unless otherwise provided in this charter. Appoint departmental employees, upon the recommendation of the applicable department head.
- (c) Act as a negotiator for all collective bargaining agreements to which the board of selectmen is a party.
- (d) Conduct annual performance appraisal of all department heads subject to his or the board of selectmen's appointment and consult with elected and appointed boards to contribute to the preparation of the evaluations of department heads associated with such boards.
- (e) Fix the annual compensation of town officers and employees appointed by him within the limits established by law, the personnel by-laws, the town's wage and classification schedule or collective bargaining or other agreements.
- (f) Participate in the Board of Selectmen's goal setting and performance appraisal of department heads under the jurisdiction of the Board of Selectmen.
- (g) Fulfill the informational needs of the Board of Selectmen for the Board's setting of policy and making decisions; ascertain that all decisions of the Board are carried out.
- (h) Inform the Board of Selectmen and other appropriate boards/committees of all relevant statutory and regulatory changes.
- (i) Assist the Board of Selectmen in the development of long range goals and objectives for the Town, including keeping the Board informed on the long range needs of the Town and suggested alternative courses of action.
- (j) Work with the Finance Director, Finance Committee and on behalf of the Board of Selectmen to coordinate operating and budget preparation for all departments of the Town.
- (k) Coordinate the preparation and compilation of a propose capital program for consideration by the Board of Selectmen, Capital Planning and Investment Committee and Finance Committee.
- (l) Assist Town boards and commissions in an advisory capacity;
- (m) Report to the Board of Selectmen regarding various local, regional and state agencies and projects that impact the town.
- (n) Prepare warrants and other materials necessary for Town Meetings, as well as providing assistance to the Finance Committee in preparing its report for Town Meetings.
- (o) Prepare applications for grants, administer grants received, and work with appropriate state and private officials on projects and reports necessary to the Board of Selectmen.

- (p) Be appointed by the Board of Selectmen, or with its approval, by another Town officer, board, committee or commission to serve on another Town, County or State Boards/Committees.
- (q) Attend Federal, State and other local professional meetings and otherwise keeps abreast of modern developments in municipal government in furthering the best interests of the Town and makes appropriate reports to the Board of Selectmen.
- (r) Prepare bid specifications, analyzing bids and acting as contract administrator for the Board of Selectmen; monitor the work of contractors and consultants hired under the Selectmen's jurisdiction.
- (s) Assist with the timely completion of the Annual Town Report.
- (t) Serve as Chairman of the Employee Insurance Committee and administer all insurance policies and practices.
- (u) Act as the Town's Affirmative Action Officer;
- (v) Act as the Town's Coordinator with Access to Services committee for disabled residents and ensure compliance of with all Federal and State handicapped accessibility regulations.
- (w) Monitor and report actual budgetary expenditures during the fiscal year.
- (x) Manage facilities and equipment under the jurisdiction of the Board of Selectmen.
- (y) Approve Payroll and Vendor Warrants on behalf of the Board of Selectmen.

Section 4-3 – Removal or Suspension

The Selectmen may remove or suspend the Town Administrator upon a vote of at least four of the five members of the Board of Selectmen at a duly posted public meeting.

Article 5: Administrative Organization

Section 5-1: Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and administration of government may be accomplished by any method consistent with law and this charter, including adoption of by-laws, appropriation of funds or adoption of rules and regulations by appropriate entities. Further, the town administrator may, with the approval of the board of selectmen and consistent with law and this charter, establish, reorganize, consolidate or abolish any department or position under the Board of Selectmen's direction and supervision.

1. Section 5-2: Merit Principle

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

Section 5-3: Department of Finance

- a) There shall be a department of finance in the town, reporting to the town administrator, including an appointed town accountant, an appointed treasurer/collector and an appointed principal assessor. The department shall be responsible for the performance of all the fiscal and financial activities of the town. Either the town accountant or treasurer/collector shall serve as the finance director.
- b) The department of finance shall assume all of the powers, duties and responsibilities related to municipal finance performed by or under the authority of the town accountant, the tax collector, the town treasurer and the principal assessor and to the coordination of those activities with the activities of all other town agencies. The department of finance shall have additional powers, duties and responsibilities with respect to municipal finance related functions and activities, as the town may provide by by-law.
- c) The department of finance shall assure that complete and full records of the financial and administrative activities of the town are maintained and shall render written reports, comprising a full accounting of all town administrative and financial operations, to the board of selectmen.
- d) Town Accountant - The town accountant shall be appointed by the Board of Selectman for a term not to exceed five years. The town accountant shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- e) Treasurer/Collector - The treasurer/collector shall be appointed by the Town Administrator, subject to the confirmation of the Board of Selectman. The treasurer/collector shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- f) Principal Assessor - The principal assessor shall be appointed by the Town Administrator, subject to the confirmation of the Board of Selectmen. The principal assessor shall have all the powers and duties vested in this office by law, this charter, by-law or other town meeting vote.

Section 5-4: Department of Public Works

Section 5-4-1: There shall be a Department of Public Works in the town under a director. The director shall be appointed by the Town Administrator, subject to the confirmation by the Board of Selectmen. The director shall also serve as and perform the duties of a highway surveyor as set forth in the General Laws.

Section 5-4-2: The principal functions of the department of public works shall include:

- a) Plans, directs, and supervises the operation, maintenance, and construction work of the Highway Department to provide an adequate maintenance of roads and drainage systems, proper maintenance of equipment and facilities, and snow removal of that system. Develops and maintains records on the public roads systems and projects related to his duties.
- b) Plans, directs, and supervises the operation and maintenance of the Transfer Station and recycling facility to provide proper disposal of solid waste and recyclable materials. Files required reports with State regulatory agencies.
- c) As requested by the appropriate authority, directs, and supervises the operation and system maintenance of the Water Department, Cemetery Department, Pond Committee, Conservation Commission, Elm Commission, Tree Warden, Playgrounds and Recreation Fields, Town Common, and School Grounds. Meets with the respective boards periodically. Assists the appropriate authority, as requested, in planning the operations of the respective departments.
- d) Plans, directs, and supervises the operation and maintenance of the Town's general government (non-School Department) buildings. Manages building custodians and hired contractors. Develops an effective maintenance and capital investment plan for the Town's general government buildings.
- e) Serves as the Town's water operator or otherwise delivers that service to the town. Files necessary reports with State regulatory agencies.
- f) Is responsible for the preparation and justification of an annual departmental budget. Operates the department within the budgetary constraints.
- g) Maintains a departmental personnel record system in which shall be kept all pertinent information on all departmental employees.
- h) Responsible for the requisition, purchase, and maintenance of equipment and supplies.
- i) Submits an annual report to the Town Administrator and to the Board of Selectmen outlining the activities of the Department. Supervises the maintenance of all records and accounts. Submits all reports required by State County and Federal entities.
- j) Administers the driveway connection regulations of the Town. Where necessary, conducts studies as to the effect of traffic, safety, and other factors covered by the regulations.
- k) Working with the Planning Board, Board of Appeals, or the Board of Selectmen reviews site plans, subdivision plans and other plans having effect on the infrastructure of the Town.
- l) Provides general liaison support to the Conservation Commission, Board of Health, Planning Board and Board of Appeals. Acts as liaison with community development boards and committees and the Board of Selectmen on designated projects. Ensures proper communication and cooperation with these boards.

5-4-3 Powers and Duties. The department shall work in close coordination with the necessary town boards and departments to enable the effective and efficient performance of its duties pursuant to the general laws, this charter, by-law or vote of town meeting.

ARTICLE 6: FINANCE AND FISCAL PROCEDURES

Section 6-1: Fiscal Year

The fiscal year of the town shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

Section 6-2: Finance Committee's Duties

The Finance Committee shall examine all articles in all warrants calling for expenditures and recommend amounts to be appropriated. It may also consider any or all municipal questions for the purpose of making reports or recommendations to the Town or any of its officers.

Section 6-3: Estimates of Expenditures

The various Town boards, committees, officers and department managers charged with the expenditure of Town money shall prepare detailed estimates of amounts deemed by them necessary for the operation of their respective officers or departments for the upcoming fiscal year. The Finance Committee, which shall duly consider the same conferring with officials if advisable. The Finance Committee shall then furnish to the Town Meeting a recommended budget for the ensuing fiscal year.

Section 6-4: The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by the General Laws, this charter or by-law, it shall be in the form which the Finance Committee deems desirable. In the presentation of the budget, the Finance Committee shall utilize modern concepts of fiscal presentation so as to furnish information in a complete, clear and concise manner and in accordance with best practices of financial reporting and control. The budget shall show, in detail, all estimated income from the proposed property tax levy and all other sources and all proposed expenditures, including debt service, for the following 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 the following:

- (a) 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; and

- (b) proposed capital expenditures during the ensuing fiscal year, detailed by town agency and the proposed method of financing each such capital expenditure.

Section 6-5: Action on the Budget

The finance committee shall consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each town agency in connection with its review and consideration. The finance committee may require any town official or town board to furnish it with additional information as it may deem necessary to assist it in its review and consideration of the proposed budget. The finance committee shall file with the town clerk, at least 14 days before to the first session of the annual town meeting, a report containing its proposed budget and its comments or recommendations. The report shall also be made available to voters of the town by publication on the town's website and by leaving copies of the report at least 3 public places in the town at least 14 days before the first session of the annual town meeting. Additionally, copies of the report shall be made available to voters at the first session of the annual town meeting. The failure to timely file the budget report with the town clerk or to publicize the report by posting on the town's website or in 3 public places in the town shall not prohibit the town meeting from voting on the budget nor shall it affect the validity of any vote taken thereon at town meeting.

The finance committee's proposed annual town budget shall be presented to the town meeting by motions made by the finance committee, which shall also present its comments and recommendations with respect to the budget. The board of selectmen shall also present its comments and recommendations, if any, at the town meeting with respect to the budget. The budget shall be voted upon in accordance with the by-laws.

Section 6-6: Capital Improvement Plan

(a) Membership of Capital Planning and Investment Committee

There shall be a Capital Planning and Investment Committee comprised of eight members consisting of three nonvoting members who shall be the Town Administrator, Superintendent of Schools and Finance Director and five voting members each chosen by their respective boards as follows: one member each from the Finance Committee, School Committee and Board of Selectmen; and two citizens at-large appointed by the Board of Selectmen. Each citizen-at-large shall serve a three-year term beginning July 1 and expiring June 30.

(b) Duties

The Committee shall consider matters relating to appropriations from the Capital Stabilization and Investment Fund, and shall make recommendations to the Town or any board, committee or official thereof, and establish policies relative to the funding of capital projects of the Town and set priorities and schedules for such capital projects. The Committee shall study proposed capital

outlays involving the acquisition of land or an expenditure of \$20,000 or greater and having a useful life of at least five years. All officers, boards, and committees, including the Board of Selectmen and the School Committee, shall by September each year give to such Board, on forms prepared by it, information concerning all anticipated capital projects needing Town Meeting action during the ensuing five years. The Committee shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town.

The Committee shall transmit its recommendations to the Finance Committee, Town Administrator, and the appropriate officer, board, agency or department involved in the proposed capital improvement. Such recommendations shall constitute a Capital Improvement Program. The text and tables of the Capital Improvement Program for the following five years shall be published in the Town's Annual Report.

(c) Capital Stabilization and Investment Fund

The Town of Harvard shall establish and maintain a special fund to be known as the "Capital Stabilization and Investment Fund." The Town may appropriate funds into the Capital Stabilization and Investment Fund by a majority vote at an annual or special town meeting. Any interest earned on the assets of the fund shall be added to and become part of the Capital Stabilization and Investment Fund. Monies in the Capital Stabilization and Investment Fund may be appropriated at any annual or special town meetings by a two-thirds vote. Said fund may be appropriated for any purpose for which the Town would be authorized to borrow money under Sections 7 and 8 of Chapter 44 of the Massachusetts General Laws, other than clauses (1) and (2) of said Chapter 44, Section 8, and to pay the debt service on said projects, which are recommended by the Capital Investment Committee.

Section 6-7: Audits

The board of selectmen shall provide for an independent audit of all financial books and records of the town, annually and whenever it deems an audit of the whole town or of any particular town agency to be necessary. Audits of the town's financial books and records shall be conducted by a certified public accountant, or a firm of such accountants, having no direct or indirect interest in the affairs of the town.

ARTICLE 7: GENERAL PROVISIONS

Section 7-1: Charter Changes

This charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and laws of the commonwealth.

Section 7-2: Severability

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

Section 7-3: Specific Provisions to Prevail

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

Section 7-4: 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; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

Section 7-5: Rules and Regulations

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk and any such rule or regulation shall become effective on the date of such filing, unless otherwise provided for by law or by-law. Copies of all such rules and regulations shall be made available for review by any person who requests such information pursuant to the public records law.

- (a) Notwithstanding the provisions of any general or special law to the contrary, any appointed officer, appointed member of a multiple member body or employee of the town not covered by the terms of a collective bargaining or other agreement addressing removal, and whether appointed for a fixed or an indefinite term, may be removed from office by the appointing authority.
- (b) The appointing authority, when removing any such officer, appointed member of a multiple member body or employee of the town, shall act in accordance with the town's personnel by-laws or rules and regulations.

Section 7-6: Periodic Charter Review

At least in every 10 year period after the effective date of this charter, a special committee consisting of 9 members, shall by an affirmative vote of the majority of the full board of selectmen, be established for the purpose of reviewing this charter and reporting its recommendations to the annual town meeting concerning any proposed amendments which the committee may determine to be necessary or desirable. The committee shall consist of 9 members who shall be appointed as follows: each member of the board of selectmen shall designate one person, the finance committee shall designate two persons, the school committee shall designate one person, and the moderator shall designate one person. Persons appointed may, but need not, be members of the agency by which they are designated. The committee shall hold a public hearing within 30 days after the date on which it meets to organize and at least one additional public hearing before filing its final report.

Section 7-7: Removals

Notwithstanding the provisions of any general or special law to the contrary, any appointed officer, appointed member of a multiple member body or employee of the town not covered by the terms of a collective bargaining agreement or other agreement addressing removal, and whether appointed for a fixed or indefinite term, may be removed from office by the appointing authority. The appointing authority, when removing any such officer, appointed member of a multiple member body or employee of the town, shall act in accordance with the town's personnel by-laws or rules and regulations.

Section 7-8: Loss of Office, Excessive Absence

A person appointed to serve as a member of a multiple member body may be removed from office by the appointing authority if the person exhibits excessive absences from the properly scheduled meetings of the multiple member body.

ARTICLE 8: TRANSITIONAL PROVISIONS

Section 8-1: Continuation of Government

All persons appointed or elected to positions at town agencies shall continue to perform their duties until reappointed, reelected or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with this charter.

Section 8-2: Continuation of Administrative Personnel

Any person holding a town office or a position in the administrative service of the town, or any person holding full-time employment under the town, shall retain his office, position or employment, and shall continue to perform the duties of his office, position or position of 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 shall forfeit his pay grade or time in the service of the town as a result of the adoption of this charter; provided further, that this section shall not be deemed to provide any person holding an administrative office or position or person serving in the employment of the town on the effective date of this charter with any greater rights or privileges with regard to his continued service or employment with the town that he had before the effective date of this charter. This provision shall not impair any individual employment contract or collective bargaining agreement.

Section 8-3 Transfer of Records and Property

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