

FINAL REPORT
OF THE
CHARTER COMMISSION



Town of
Hudson, Massachusetts

ADOPTED MAY 8, 1978

Amended: May 14, 1979, May 1, 2021

Table of Contents

TO THE CITIZENS OF HUDSON:3

ARTICLE 1 - INCORPORATION: FORM OF GOVERNMENT: POWERS.....5

SECTION 1-1: INCORPORATION5

SECTION 1-2: FORM OF GOVERNMENT5

SECTION 1-3: POWERS.....5

SECTION 1-4: CONSTRUCTION5

SECTION 1-5: INTERGOVERNMENTAL RELATIONS5

ARTICLE 2 TOWN MEETING5

SECTION 2-1: LEGISLATIVE POWER.....5

SECTION 2-2: QUORUM5

SECTION 2-3: CLERK OF THE MEETING.....5

SECTION 2-4: PRESIDING OFFICER6

SECTION 2-5: MEETING - (AMENDMENT ADOPTED: MAY 14, 1979).....6

SECTION 2-6: ELECTION6

SECTION 2-7: TOWN OFFICIALS AT TOWN MEETING.....6

SECTION 2-8: CITIZEN PARTICIPATION.....6

ARTICLE 3 - ELECTED OFFICIALS6

SECTION 3-1: ELECTIVE OFFICES6

SECTION 3-2: ELIGIBILITY6

SECTION 3-3: RECALL OF ELECTIVE OFFICERS7

SECTION 3-4: SELECT BOARD8

SECTION 3-5: MODERATOR: TERM OF OFFICE; COMPENSATION; POWERS AND DUTIES9

SECTION 3-6: SCHOOL COMMITTEE: COMPOSITION, TERM, COMPENSATION, POWERS AND DUTIES.....9

SECTION 3-8: VACANCIES AND FORFEITURE OF OFFICE.....10

ARTICLE 4 - EXECUTIVE ASSISTANT10

SECTION 4-1: APPOINTMENT-QUALIFICATIONS-TERMS.....10

SECTION 4-2: VACANCY10

SECTION 4-3: POWERS AND DUTIES11

SECTION 4-4: ACTING EXECUTIVE ASSISTANT.....12

SECTION 4-5: REMOVAL OF EXECUTIVE ASSISTANT12

ARTICLE 5 - ADMINISTRATIVE ORGANIZATION13

SECTION 5-1: CREATION OF DEPARTMENT, DIVISIONS, AGENCIES AND OFFICES.13

SECTION 5-1-1: BY-LAWS13

SECTION 5-1-2: ADMINISTRATIVE CODE13

SECTION 5-2: PERSONNEL PLAN.....13

SECTION 5-3: MERIT PRINCIPLE.....13

SECTION 5-4: APPEALS PROCEDURE14

SECTION 5-5: RECORD OF ATTENDANCE15

ARTICLE 6 - FINANCES AND FISCAL PROCEDURES15

SECTION 6-1: FISCAL YEAR15

SECTION 6-2: SUBMISSION OF BUDGET AND BUDGET MESSAGE15

SECTION 6-3: BUDGET MESSAGE16

SECTION 6-4: THE OPERATING BUDGET.....16

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM.....16

SECTION 6-6: ACTION ON THE BUDGET.....16

SECTION 6-7: FINANCIAL PUBLIC RECORDS17

SECTION 6-8: APPROVAL OF WARRANTS.....17

SECTION 6-9: FINANCIAL PUBLIC RECORDS17

ARTICLE 7 - GENERAL PROVISIONS.....17

SECTION 7-1: CHARTER CHANGES.....17

SECTION 7-2: SEVERABILITY17

SECTION 7-3: SPECIFIC PROVISIONS SHALL PREVAIL17

SECTION 7-4: RULES AND REGULATIONS18

ARTICLE 8 - TRANSITIONAL PROVISIONS.....18

SECTION 8-1: CONTINUATION OF BY-LAWS.....18

SECTION 8-2: CONTINUATION OF GOVERNMENT18

SECTION 8-3: CONTINUATION OF ADMINISTRATIVE PERSONNEL18

SECTION 8-4: TRANSFER OF RECORDS AND PROPERTY18

SECTION 8-5: CONTINUANCE OF CONTRACTS AND OTHER OBLIGATIONS.....18

SECTION 8-6: PENDING ACTIONS AND PROCEEDINGS.....18

SECTION 8-7: EFFECTIVE DATE19

FINAL REPORT OF THE CHARTER COMMISSION

February 1978

To the Citizens of Hudson:

In accordance with Chapter 43B Section 9 (c) of the General Laws of Massachusetts, the Hudson Charter Commission herein presents its final report, containing the Hudson Town Charter as revised.

The following question will appear on the ballot at the town election on May 8, 1978.

Shall the town approve the charter revision recommended by the Charter Commission, summarized below?

Yes

No

Summary

1. The revisions embodied in the Charter are significant and give the citizens the right to more active participation by establishing more elective offices and retaining the open town meeting.
2. The voters have the right to recall any elected official who does not live up to the standards of that office.
3. The selectmen shall be the Chief Executives of the Town and not the Executive Assistant.
4. The appointive powers of the Executive Assistant have been restricted to department heads, and then only with the approval of the selectmen.
5. Town Employees have been protected from a summary dismissal by way of appeals procedure.
6. In line with the principle of open disclosures, you, as a taxpayer in our town, will know the salaries and other expenses of our officers, employees and other persons transacting business with the town.

The members of the Charter Commission recognize that this summary which is required to appear on the ballot is very brief. We therefore urge you to read the whole charter as revised.

During the Annual Town Election on May 9, 1977 the voters of the Town of Hudson voted to revise Hudson's home rule charter under Chapter 43B by 1364 votes for revision, 497 against. At the same time the voters elected this nine member Charter Commission for this purpose. Since our organizational meeting on May 17th, we have met twice weekly, examined many charters, attended a seminar, summarizing all existing charters in the state, and explored pros and cons of town versus city form of government. Our public hearings generated, appreciated, interest and concern expressed by many town officials and interested citizens, and we feel the charter revisions reflect this. The preliminary report was printed and distributed to at least 90% of the homes in Hudson. Copies were available at the Public Library and Town Clerk's Office.

It has been the intention of the Commission from the beginning to revise Hudson's Charter so that it would be responsive and responsible to the people of Hudson. We feel our recommendations have improved our form of government toward that end. Realistically it would be impossible for any group of nine citizens to recommend revisions that would be totally agreeable to everyone. We firmly believe that the revisions we recommend answer the needs of the Town of Hudson. We ask each citizen to judge this Charter, as revised, objectively on an overall basis and not on any single section that may not totally please him. If you feel as we do, that these revisions improve our form of government, we respectfully request your approval with an affirmative vote on the ballot at the May 8th Town Election.

Respectfully submitted,

Donald J. Gillespie, Chairman
Joseph A. Sappett, Vice-Chairman
Mary-Lee King, Clerk
Richard Beauregard
Salvador Correia
Arthur J. Dudley
Manuel A. Garcia
Alfredo J. Grillo
David J. Shepard

Article 1 - INCORPORATION: FORM OF GOVERNMENT: POWERS

SECTION 1-1: INCORPORATION

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

SECTION 1-2: FORM OF GOVERNMENT

It is the intent of this charter to adopt the open town meeting- select board -executive assistant form of government.

SECTION 1-3: POWERS

The form of government provided by this charter shall be known as the Hudson Home Rule Charter Plan. The town shall have all the powers possible for a town to have under the constitution and the laws of the Commonwealth of Massachusetts as fully and completely as though they were enumerated specifically in this charter.

SECTION 1-4: CONSTRUCTION

The powers of the town under this charter are to be construed liberally in favor of the town and the specific mention of particular powers is not intended to limit in any way the general powers of the town as stated in Section 1-3.

SECTION 1-5: INTERGOVERNMENTAL RELATIONS

The town 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 any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE 2 TOWN MEETING

SECTION 2-1: LEGISLATIVE POWER

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

SECTION 2-2: QUORUM

The quorum necessary for the conduct of business shall be established through by-law.

SECTION 2-3: CLERK OF THE MEETING

The town clerk shall serve as the clerk of the town meeting. The clerk shall give notice of all meetings to the public, keep the journal of the proceedings and perform such other duties as may be assigned by this charter, or by-law or by vote of the meeting.

SECTION 2-4: PRESIDING OFFICER

The moderator shall preside at all sessions of the town meeting. He shall appoint a deputy moderator. The deputy moderator shall serve in the event of his absence or disability, provided that the town meeting ratifies such appointments.

He shall perform such other duties as may from time to time be assigned to the moderator by the by-laws or vote of the town meeting.

SECTION 2-5: MEETING - (AMENDMENT ADOPTED: MAY 14, 1979)

The town meeting shall meet two times each calendar year on a regular schedule, set by by-law. except that the second regularly scheduled meeting shall not be sooner than six months after the first regularly scheduled meeting. Special town meetings may be called as prescribed in Chapter 39 of the General Laws.

A town meeting shall, unless a different time or method is prescribed by law, be called by posting an attested copy of the warrant calling the same, at the town hall. at the town clerk's office, at the post office. and at six other public places in the town at the discretion of the officer serving the warrant, seven days, (14 days in the case of a special town meeting, as prescribed in Chapter 39, Section 10 of the General Laws) at least, before the day appointed for said meeting, and, in addition thereto, by either of the following: (I) by publication in a newspaper, if any be published in the town, or (2) by mailing a copy of the warrant, postage prepaid, to each residence of one of more registered voters as listed on the most recent list of voters prepared by the registrars of voters.

SECTION 2-6: ELECTION

The regular elections for the town offices shall be held annually on the date fixed by by- law.

SECTION 2-7: TOWN OFFICIALS AT TOWN MEETING

All town officials, elected or appointed, as well as division or department heads will attend all sessions of the town meeting for the purpose of furnishing information pertinent to the warrant, provided that such person is accorded five (5) days written notice of such requirement by the select board. If such individual does not attend the town meeting after receiving a written notice within the specified time, unless, due to extenuating circumstances, he is excused by the select board, he shall be subject to such penalties as may be provided by by-law.

SECTION 2-8: CITIZEN PARTICIPATION

Any registered voter of the town shall have a right to speak and vote at town meeting sessions subject to such rules as may from time to time be adopted.

ARTICLE 3 - ELECTED OFFICIALS

SECTION 3-1: ELECTIVE OFFICES

The offices to be filled by ballot of the whole town shall be select board, a moderator, a school committee, the trustees of benevolent funds, the housing authority, the municipal light board, the park commission, board of health, library trustees, planning board, cemetery commission, constable, board of assessors, and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise.

SECTION 3-2: ELIGIBILITY

Any registered voter of the town shall be eligible to hold any elective town office; but no elected town official shall simultaneously hold any other elected town office.

SECTION 3-3: RECALL OF ELECTIVE OFFICERS

(a) Any 25 registered voters of the town may file with the town clerk an affidavit duly subscribed to as to each signer by a person qualified to administer oaths in the Commonwealth of Massachusetts; which affidavit shall contain the name of the officer sought to be recalled and a complete enumeration of the specific grounds for recall.

(b) The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. The blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated, shall be addressed to whom they are issued the name or names of the person or persons whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of the successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within twenty (20) days after the filing of the affidavit, and shall have been signed by at least twenty per cent of the registered voters of the town, who shall add to the signatures the street and number, if any, of their residences.

(c) The town clerk shall within twenty-four (24) hours of the receipt submit the petition to the registrars of voters of the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

(d) If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the select board without delay, and -the select board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five (5) days thereafter, order an election to be held on a date fixed by them, not less than twenty-five (25) nor more than thirty-five (35) days after the date of the town clerk's certificate that a sufficient petition has been filed, provided, however, that any other town election is to occur within sixty (60) days after the date of the certificate, the select board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after recall election has been ordered, the election shall nevertheless proceed as provided in this section. Candidates to fill such vacancy shall be nominated in the same manner as for an annual election.

(e) Any officer sought to be removed may be candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct for the same, shall all be in accordance with the provisions of the law relating to the elections, unless otherwise provided in this section.

(f) Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (Name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "candidates", the directions to voters required by Section 42 of Chapter 54, of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. A majority vote to the voters shall be required to recall such elective officer but shall not be effective unless a total of at least 25 per cent of the electors entitled to vote on the

question shall have voted for recall. If such a total is not achieved then the ballots for candidates need not be counted.

(g) No recall petition shall be filed against any officer within six (6) months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six (6) months after the election at which his recall was submitted to the voters of the town has elapsed.

SECTION 3-4: SELECT BOARD (AMENDMENT ADOPTED: MAY 1, 2021 AND APPROVED BY THE STATE LEGISLATION DECEMBER 29, 2021 CHAPTER 114 ACTS OF 2021)

(a) Composition: There shall be a select board consisting of five (5) members.

(b) Term of Office: Members shall be elected by vote of the registered voters of the town for three (3) year overlapping terms, so that the term of office of at least one member expires each year.

(c) Compensation: The select board shall receive the compensation provided by an appropriation made for that purpose by town meeting,

(d) Powers and Duties: The select board shall be the chief executives of the town, having the power to enact rules and regulations establishing town policies not otherwise governed by by-law, by this charter, or by statute. However, when an appropriation may be necessary to implement such action, the vote of the select board shall only be effective if such appropriation is made by town meeting.

The select board may, by a majority vote, create, expand, consolidate or abolish all offices and agencies not specifically provided for by this charter, by statute, or by by-law in the manner provided in Article 5. It is the intent of this section that they shall control and be responsible for the direction of town affairs by establishing policies to be followed by the executive assistant and by making recommendations to the town meeting for actions required to be taken, by that body.

The select board shall have and possess all other powers it is possible for select board to hold under the general laws of the Commonwealth which are not specifically assigned to some other office or agency under this charter or by special act of the legislature.

(e) Investigation: The select board may make investigations and may authorize the executive assistant to investigate the affairs of the town and the conduct of any town department, office or an agency including any doubtful claims against the town and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of the results of such investigation shall be placed on file in the office of the executive assistant and a report summarizing the results of such investigation shall be printed in the next annual town report,

(f) Independent Audit: In the event that the Commonwealth fails for any given fiscal year to provide for the independent audit of all records and accounts of the town, the select board may provide for such audit prior to the end of the next fiscal year. The audit may be partial in scope, or as detailed as the select board may provide for such audit prior to the end of the next fiscal year. The audit shall be made by a certified public accountant, or firm of such accountants, who has no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers.

(g) Collective Bargaining: The select board shall negotiate all contracts involving collective bargaining within their jurisdiction. The personnel board and the executive assistant shall assist the select board at these negotiations.

(h) Employee Relations: Except for the purpose of investigation authorized by this charter, the select board shall deal solely through the executive assistant with town officers and employees subject to his direction and supervision.

SECTION 3-5: MODERATOR: TERM OF OFFICE; COMPENSATION; POWERS AND DUTIES

(a) Term of Office: At each town election a moderator shall be chosen by vote of the registered voters of the town.

(b) Compensation: The moderator shall receive for his services such compensation as may annually be provided for that purpose by appropriation.

(c) Powers and Duties: The moderator shall have the powers and duties provided for that office by statute, by this charter, by by-laws and by other vote of the town meeting.

SECTION 3-6: SCHOOL COMMITTEE: COMPOSITION, TERM, COMPENSATION, POWERS AND DUTIES

(a) Compensation, Term of Office: There shall be a school committee consisting of seven (7) members elected by vote of the registered voters of the town for three (3) year overlapping terms such that the terms of at least two members expire each year.

(b) Powers and Duties: The school committee shall have all the powers and duties school committees may have under the constitution and general laws of the Commonwealth.

SECTION 3-7: POWER TO APPOINT

(a) The power to appoint the executive assistant, board of registrars, the board of appeals, the personnel board, the coordinator of municipal planning, the town accountant, the industrial commission, Tripp's Pond commission, town counsel, the industrial development finance authority and the conservation commission shall be vested in the select board.

(b) The power to appoint the finance committee shall be vested in a committee comprised of the chairman of the select board, the moderator, and the chairman of the finance committee.

(c) The power to make appointments except as provided for in this charter, shall be vested in the select board.

SECTION 3-8: VACANCIES AND FORFEITURE OF OFFICE

(a) An elective or appointive office shall become vacant upon the death, resignation, or removal from office of said officeholder in a manner authorized by law.

(b) No office shall be considered vacant or forfeited unless either a letter of resignation from the office holder has been filed with the town clerk.

(c) Any vacancy of an office, committee, or board, with the exception of the select board, originally filled by election, shall be filled by a majority vote of the select board and remaining member of the office, board, or committee. This appointment shall be effective only until the next annual election of the town, at which time the vacancy shall be filled, by ballot, for the unexpired term of the previously vacant office.

In the event of a vacancy or vacancies on the select board the remaining members or member may fill said vacancy by calling for a special election in accordance with the provisions of the General Laws (Chapter 41; Sec. 10). The remaining members of the select board shall upon petitioned request of 200 registered voters of the town or 20% of the total number of registered voters, whichever is the lesser, call a special election to fill the vacancy, provided that the petitioned request is made not less than 100 days prior to the next annual election.

(d) Any vacancy of an office, board, or committee to which the holder was originally appointed shall be filled for the unexpired term by the official or officials having the original power of appointment after which appointment to said office shall be in the manner and for the term hereinbefore provided.

ARTICLE 4 - EXECUTIVE ASSISTANT

SECTION 4-1: APPOINTMENT-QUALIFICATIONS-TERMS

(a) The select board by at least three affirmative votes shall appoint an executive assistant for a three-year term, and fix his compensation within the amount appropriated by the town. The executive assistant shall be appointed on the basis of his executive and his administrative qualifications. He shall be a person especially fitted by education, training, and previous experience in public administration to perform the duties of the office.

(b) The executive assistant need not be a resident of the town. (Amendment adopted: May 1, 2021 and approved by the State Legislation, Chapter 32 of the Acts 2022, March 14, 2022)

(c) He shall not have served in an elective office in the town government for at least three (3) years prior to his appointment.

(d) He shall devote full time to the office and shall not hold any other office nor engage in any other business or occupation during his term, unless such action is approved in writing by the select board at a 3-2 vote.

(e) The town may from time to time by by-law establish such qualifications as seem necessary and appropriate.

SECTION 4-2: VACANCY

Any vacancy in the office of executive assistant shall be filled as soon as possible by the select board. Meanwhile, they shall appoint a suitable person as temporary executive assistant to perform the duties of the office. Such temporary appointment may not exceed three (3) months, but one additional renewal may be voted not to exceed

a second three-(3) months. Compensation for such person shall be set by the select board but shall not exceed the rate of compensation approved for the executive assistant by the town meeting.

SECTION 4-3: POWERS AND DUTIES

(a) The executive assistant shall be the administrative officer of the town.

(b) He shall be responsible to the select board for the administration of all town affairs placed in his charge by or under the charter.

(c) The executive assistant shall appoint all department heads contingent upon the approval by the majority of the select board. The department heads shall appoint all employees, with the approval of the majority of the select board. The select board shall be notified one week in advance of filling a vacancy or appointing new employees.

(d) He shall direct and supervise the administration of all functions under his control. He shall develop and record all standard operating procedures for all departments under his jurisdiction.

(e) He shall fix the compensation of all town officers appointed by him, within the limits established by existing appropriations and by the towns personnel by-laws.

(f) He shall attend all regular and special meetings of the select board, unless excused and shall have a voice but no vote in all of its discussions.

(g) He shall attend all sessions of the town meeting, present the budget and capital outlay program and answer all questions directed to him by the voters of the town which relate to his office.

(h) He shall see that all the provisions of the general laws, this charter, votes of the town meeting and select board which require enforcement by him or his offices subject to his direction and supervision are faithfully carried out.

(I) He shall have access to all town books, records and papers of the information necessary for the proper performance of his duties.

(j) He shall prepare and submit to the select board the annual budget and capital outlay program.

(k) He shall be responsible for the keeping of full and complete records of the administrative activities of the town and render a full report to the select board at the end of each fiscal year and otherwise as they may require.

(l) He shall keep the select board informed as to the financial condition and needs of the town and shall make such recommendations to the select board as he deems necessary or expedient.

(m) He shall have full jurisdiction over the rental and use of all town facilities, except schools. He shall be responsible for the maintenance and repair of all town property placed under his control by the town charter or by by-law; provided, however, that the approval of the school committee shall be obtained for all school construction or improvement plans.

(n) He shall be responsible for the appointment, subject to the approval of the select board, of any necessary building and facilities committees having to do with the preparation of plans and supervision of all construction, reconstruction alteration, improvements and other undertakings authorized by the town, provided, however, that the approval of the school committee shall be obtained for all school construction or improvement plans.

- (o) He may investigate at any time any department under his control.
- (p) He shall keep a full and complete Inventory of all property of the town, real and personal.
- (q) He shall, with the select board, negotiate all contracts within his jurisdiction. These proposed contracts shall be subject to final approval and execution by the select board.
- (r) He shall assist the select board at all collective bargaining sessions, but have no vote at these sessions.
- (s) He shall be responsible for purchasing all supplies, materials, and equipment for all departments and activities of the town; but not including food for schools, books, instructional materials, supplies equipment and related printed and audio visual material unless specifically requested by the school committee or the library trustees.
- (t) He shall perform any other duties required by the by-laws, votes of the town meeting or votes of select board.

SECTION 4-4: ACTING EXECUTIVE ASSISTANT

By letter filed with the town clerk, subject to approval of the select board, the executive assistant shall designate a qualified town administrative employee or officer to exercise the powers and perform the duties of administrative officer during his temporary absence.

SECTION 4-5: REMOVAL OF EXECUTIVE ASSISTANT

- (a) The select board shall adopt a preliminary resolution by three affirmative votes of its members.
- (b) The preliminary resolution must state the reason or reasons for the removal of the executive assistant.
- (c) The preliminary resolution may suspend the executive assistant for a period not to exceed thirty (30) days.
- (d) A copy of the preliminary resolution shall be mailed to the executive assistant's legal address by registered mail no later than five (5) days from the date that the preliminary resolution was adopted. The suspension of the executive assistant shall begin upon the return mail receipt to the select board, or five (5) days from the date of posting the registered letter if the executive assistant is unable to be located.
- (e) Within five (5) days after the receipt of the preliminary resolution, the executive assistant may request a public hearing by filing a written statement with the select board. This hearing shall be held at a meeting of the select board not later than fifteen (15) days after the request is filed nor earlier than ten (10) Days.
- (f) A suspension once imposed under this procedure must not be rescinded prior to a public hearing if one has been requested.
- (g) The select board may adopt a final resolution of removal, which will be effective immediately, by at least three affirmative votes of its members.
- (h) The final resolution of removal must be made within ten (10) days after receipt of the preliminary resolution by the executive assistant if he does not request a hearing, or is unable to be located, or within five (5) days after a public hearing if one has been requested.

(I) Pay In dispute during this procedure will be determined by the decision rendered. If the case is upheld in behalf of the executive assistant, the executive assistant shall be paid in full.

ARTICLE 5 - ADMINISTRATIVE ORGANIZATION

SECTION 5-1: CREATION OF DEPARTMENT, DIVISIONS, AGENCIES AND OFFICES.

The organization into operating department, divisions, offices and agencies may be accomplished through either of the methods provided in this article.

SECTION 5-1-1: BY-LAWS

Subject to state statute and the provisions of this charter the town meeting may by by-law, reorganize, consolidate, or abolish any town board, commission, committee, department, office or agency, In whole or in part; establish such new boards, commissions, committees, departments, offices or agencies as they may deem necessary or advisable and prescribe the functions of all such entities.

SECTION 5-1-2: ADMINISTRATIVE CODE

The select board, after consultation with the executive assistant, may from time to time prepare and submit to the town meeting plans of organization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

(a) Whenever the select board prepares such a plan it shall hold one or more public hearings on the proposal giving notice by publication in a newspaper of general circulation in the town at least seven (7) days prior to the hearing. This notice shall describe the scope of the proposal and the time and place at which the hearing will be held. Following such public hearing the select board shall submit to the town meeting by a warrant article their proposal which may have been amended subsequent to the public hearing.

(b) An organization or reorganization plan shall become effective at the expiration of thirty (30) days following the date the proposal is submitted by the select board unless the town meeting shall by a majority vote within that time vote to disapprove the plan. The town meeting may vote only to approve or disapprove the plan and may not vote to amend or alter it.

(c) The administrative code, may, subject to the state statute and this charter, reorganize, consolidate or abolish all town boards, departments, committees, commissions, or offices, in whole or in part; establish such new boards, departments, committees, commissions, or offices they deem necessary; and for such purpose transfer the duties and powers, and, so far as is consistent with the use for which funds were voted by the town, transfer the appropriation of one board, department, committee, commission, or office to another; provided, however, that no function assigned by this charter to a particular department, office, agency or board, commission or committee may be discontinued, or unless this charter specifically so provides, assigned to any other.

SECTION 5-2: PERSONNEL PLAN

The executive assistant shall prepare a personnel plan establishing personnel requirements within the departments created by the administrative code or by by-law and it shall become effective unless rejected by the select board within thirty (30) days.

SECTION 5-3: 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 other evidence of competence and suitability, except as provided for in collective bargaining contracts or civil service regulations.

SECTION 5-4: APPEALS PROCEDURE

The purpose of the appeals procedure shall be to settle all grievances between the town and the employee of the town as quickly as possible so as to insure efficiency, and to promote employee morale.

Any employee of the town may be removed from office or suspended by the appointing authority for good cause.

STEP I

The grievance shall be presented to the department head in writing within three working days of the occurrence giving rise to the grievance and taken up within that period by the aggrieved employee and the department head who shall, within three working days, give his answer in writing. If this answer does not resolve the grievance it may be processed to the next step.

STEP 2

The employee shall present in writing the grievance to the executive assistant within three working days of the department heads' answer. The executive assistant shall investigate and give his answer in writing within three days. A copy of this answer will be sent to the employee, the personnel board, and the select board. If the answer does not resolve the grievance it may be processed to the next step.

STEP 3

The grievance shall be presented to the personnel board, in writing within three days of the executive assistant's answer. The board shall investigate and answer the grievance, in writing, within seven days. A public hearing will be held only on the request of the aggrieved employee. If a public hearing is requested by the employee, the hearing and answer must be completed no later than fourteen days from receipt of the grievance. A copy of this decision will be sent to the employee and the select board.

STEP 4

The select board shall approve or disapprove any decision of the personnel board to make it binding on the town. This action must be completed within seven days of the personnel board's decision.

Pay in dispute during this procedure will be determined by the decision rendered. If the case is upheld in behalf of the employee, the employee will be paid in full.

This procedure is not intended to limit the rights of the employee but to provide a procedure for resolving the grievance within the town of Hudson itself.

SECTION B OF APPEALS PROCEDURE

Any appointed official or appointed member of a multiple member body may be suspended from office by the appointing authority if such action is deemed by them to be necessary to protect the interests of the town.

However, no suspension shall be for more than fifteen (15) days. Suspension may be coterminous with removal and shall not interfere with the rights of the official under the removal procedure given below.

(a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by registered mail to the last known address of the person sought to be removed.

(b) Within five days of delivery of such notice the official or appointed member of a multiple member body of the town may request a public hearing at which he may be represented by counsel, Shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

(c) Between one and ten days after the public hearing is adjourned, or if the official or appointed member of a multiple member body of the town fail to request a public hearing between six and fifteen days after delivery of the notice of intent to remove the appointing authority shall take final action, either removing the official or appointed member of a multiple member body of the town or notifying him that the notice is rescinded.

SECTION 5-5: RECORD OF ATTENDANCE

The chairman of each board, commission, or committee shall keep an attendance record of each regular meeting, special meeting, or executive sessions of that board, commission or committee. These records shall be filed with the town clerk's office and they shall be open to the public.

ARTICLE 6 - FINANCES AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

The fiscal year of the town shall be as required by the general laws.

SECTION 6-2: SUBMISSION OF BUDGET AND BUDGET MESSAGE

At least one-hundred and twenty (120) days prior to the start of the budgetary session of the town meeting, the executive assistant shall submit to the select board and file with the finance committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents.

SECTION 6-3: BUDGET MESSAGE

The message of the executive assistant 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 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 executive assistant deems desirable, or the select board may require.

SECTION 6-4: THE OPERATING BUDGET

The operating budget shall provide a complete financial plan of all town funds and activities, including the budget adopted by the school committee for the ensuing year. Except for the school budget or as may be required by statute or by this charter, it shall be in the form which the executive assistant deems desirable or the select board may require. In this presentation of the budget, the executive assistant shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and 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:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by agency and position in terms of work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency and the proposed method of financing each such capital expenditure and
- (c) Estimated surplus revenue and free cash at the end of the year, including estimated balances in any special accounts established for specific purposes.

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

- (a) The executive assistant shall submit a capital improvement program to the select board and the finance committee at least one-hundred and fifty (150) days before the start of each fiscal year.

It shall be based on material prepared by the capital planning committee of the town, including (a) a clear concise general summary of its contents, (b) a list of all capital improvements proposed to be undertaken during the next ensuing five (5) years, with supporting information as to the needs of each such capital improvement, (c) cost estimates, methods of financing and recommended time schedules for each improvement, and (d) 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 capital planning committee with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

- (b) The capital planning committee shall be composed of the chairman of the finance committee who shall be a standing member, the coordinator of municipal planning who shall be a standing member, one member of the finance committee, appointed by and from it, who shall serve for one (1) year, one member of the school committee, appointed by and from it, who shall serve for one (1) year, and three (3) additional members, appointed by the moderator, who shall be appointed for three (3) year terms such that one will expire each year. Vacancies shall be filled for the unexpired terms in the manner of the original appointments.

SECTION 6-6: ACTION ON THE BUDGET

(a) The finance committee shall hold one or more public hearings on the proposed budget not less than twenty-one (21) days prior to the town meeting at which it is to be submitted for adoption.

(b) When the budget proposed by the executive assistant including the budget adopted by the school committee, insofar as permitted by law, is before the town meeting for action, it shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

SECTION 6-7: FINANCIAL PUBLIC RECORDS

Statements summarizing the budget and the capital improvements program and related warrant articles as adopted by the town meetings shall be made available at the office of the executive assistant for examination by any registered voter or taxpayer of the town by the twentieth day after their adoption. These provisions shall not affect the availability of the annual town report, the town warrant or the report of the finance committee.

SECTION 6-8: APPROVAL OF WARRANTS

The executive assistant shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the general laws shall be submitted to the executive assistant. The approval of any such warrant by the executive assistant shall be sufficient authority to authorize payment by the town treasurer, but the select board shall approve all warrants in the event of the absence of the executive assistant or a vacancy in the office of executive assistant.

SECTION 6-9: FINANCIAL PUBLIC RECORDS

The executive assistant in conjunction with the town treasurer, shall prepare a report to be published In the annual town report as a part of the town treasurer's report, said report to contain the names, addresses, said addresses to include residences, city or town, of all persons, organizations, corporations, partnerships, businesses, elected or appointed officials, town employees, or independent contractors, who receive salaries, wages, compensations, pensions, or any other form of remuneration or pecuniary consideration from the town.

ARTICLE 7 - GENERAL PROVISIONS

SECTION 7-1: CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with the procedures made available by Article LXXXIX of the amendments to the state constitution and any legislation enacted to implement the said amendment.

SECTION 7-2: SEVERABILITY

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

SECTION 7-3: SPECIFIC PROVISIONS SHALL PREVAIL

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

SECTION 7-4: RULES AND REGULATIONS

A copy of all rules and regulations adopted by an officer, board, commission, department or agency, of the town shall be filed in the office of the town clerk and made available for review by any person who requests such information.

ARTICLE 8 - TRANSITIONAL PROVISIONS

SECTION 8-1: CONTINUATION OF BY-LAWS

All special acts, by-laws, resolutions, rules, regulations, and votes of the town meeting in force on the effective date of this charter not inconsistent with its provisions shall continue in force until amended or repealed, including, if any, by-laws which have been passed prior to the acceptance of this charter and have been approved by the attorney general but have not been published.

SECTION 8-2: CONTINUATION OF GOVERNMENT

All committees, commissions, boards, departments, officers, and other agencies of the town shall continue to perform their duties until re-appointed, re-elected, or unto their successors are duly elected or appointed, or their duties have been transferred.

SECTION 8-3: CONTINUATION OF ADMINISTRATIVE PERSONNEL

Any person holding an office or position in the administration service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform his duties until provisions have been made by another person or agency, provided, however, that no person in the permanent full-time service or employment of the town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

SECTION 8-4: TRANSFER OF RECORDS AND PROPERTY

All records, property, and equipment whatsoever 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 power and duties. are assigned.

SECTION 8-5: CONTINUANCE OF CONTRACTS AND OTHER OBLIGATIONS

All leases, contracts, franchises, and obligations entered into by the town or for its benefit prior to the effective date of this charter shall continue in full force and effect.

SECTION 8-6: PENDING ACTIONS AND PROCEEDINGS

No action or proceedings, civil or criminal, in law or in equity, pending at the time this charter takes effect, brought by or against the town or any office, department, or other agency thereof, shall be affected or abated by the adoption of this charter.

SECTION 8-7: EFFECTIVE DATE

This charter shall become effective upon its approval by a majority of the voters of Hudson voting thereon, and in accordance with the following schedule:

(a) Following acceptance of this charter, or at the earliest possible date thereafter, the Board of Selectmen shall appoint an Executive Assistant. This transitional period not to exceed 90 days.

(b) At the annual town election to be held in May 1979, the following offices will become elective:

Three (3) member board of assessors
Three (3) member park commission
Three (3) member board of library trustees
Three (3) member board of health
Three (3) member cemetery commission
Five (5) member planning board

Candidates shall be nominated, and elections held, in accordance with the general laws relating to town elections.

Candidates seeking positions on three member elected boards shall be elected and serve in the following manner:

The candidate who receives the highest number of votes shall serve until the town election in three years. The candidate receiving the second highest number of votes, shall serve until the election in two years. The candidate receiving the third highest number of votes, shall serve until the town election in one year.

Candidates seeking positions on a five member board shall be elected in the following manner:

The two candidates receiving the highest number of votes shall serve until the town election in three years. The candidate receiving the third highest number of votes shall serve until the town election in two years. The candidates receiving the fourth and fifth highest number of votes shall serve until the annual election in one year.

(c) Three constables to be elected to serve independently of one another.

The candidate receiving the highest number of votes shall serve until the town election in three years. The candidate receiving the second highest number of votes shall serve until the town election in two years. The candidate receiving the third highest number of votes shall serve until the town election in one year.