

CHARTER

[HISTORY: Adopted by Annual Town Meeting of the Town of Yarmouth 4-9-1997 by Art. 17, approved by the Senate and House of Representatives in General Court assembled of the Commonwealth of Massachusetts 10-30-1997 by Chapter 133 of the Acts of 1997, effective 1-1-1998. Amendments noted where applicable.]

CHAPTER 1.

Section 1-1 – Incorporation and Powers.

1-1-1 The inhabitants of the town of Yarmouth within the territorial limits established by law, shall continue to be a body corporate and politic under the name town of Yarmouth.

Section 1-2

1-2-1 This instrument shall be known and may be cited as the town of Yarmouth home rule charter.

Section 1-3 – Division of Powers.

1-3-1 The legislative powers of the town shall be vested in the town meeting. The executive powers of the town shall be vested in the board of selectmen. The administrative powers of the town shall be vested in the town administrator. **[Amended 5-27-2010 by Chapter 114 of the Acts of 2010]**

Section 1-4 – Powers of the Town. [Amended 5-27-2010 by Chapter 114 of the Acts of 2010]

1-4-1 It is the intent of the voters of the town of Yarmouth, through the adoption of the charter, to secure for the town of Yarmouth all of the powers possible under the constitution and the General Laws of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1-5 – Interpretation of Powers.

1-5-1 The powers of the town under the charter shall be construed liberally in favor of the town and the specific mention of any particular power is not intended to limit the general powers of the town as provided in section 1-4.

Section 1-6 – Intergovernmental Relations.

1-6-1 The town may enter into agreements with any other agency of municipal government, agency of the commonwealth, other states, or the United States government to

perform jointly, by contract, or otherwise, any of its powers or functions and may participate in the financing thereof.

CHAPTER 2.
LEGISLATIVE BRANCH.

Section 2-1 – Open Town Meeting.

2-1-1 The legislative powers of the town shall be vested in a town meeting open to all voters. A quorum for conducting town business shall be set by by-law.

Section 2-2 – Presiding Officers.

2-2-1 A moderator, elected as provided in chapter three, shall preside and regulate the proceedings of each session of the town meeting.

Section 2-3 – Annual Town Meeting.

2-3-1 The annual town meeting shall be held on a date fixed by by-law and at such time and place as the board of selectmen shall designate.

Section 2-4 – Special Town Meetings.

2-4-1 Special town meetings may be held at the call of the board of selectmen at such times as it may deem appropriate and whenever a special town meeting is requested by voters in accordance with procedures, established by section 2-7.

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 town meeting is to convene, and by separate articles, the subjects which are to be acted upon. Publication and distribution of warrants for town meeting shall be in accordance with by-law of the town governing such matters.

Section 2-6 – Articles Having Fiscal Implications.

2-6-1 All proposed operating expenses shall be included in a single article in the annual town meeting warrant. **[Amended 5-27-2010 by Chapter 114 of the Acts of 2010]**

2-6-2 The board of selectmen and the finance committee shall review and comment on all articles calling for the appropriation of funds that are to be considered at any annual or special town meeting.

Section 2-7 – Initiative.

2-7-1 By written petition to the board of selectmen, ten voters may secure the inclusion of an article in the warrant for the annual town meeting, provided that such petition shall be submitted in accordance with by-law governing town meeting warrants.

2-7-2 By written petition to the board of selectmen, any 100 voters may secure the inclusion of an article for the warrant of any special town meeting, provided that such petition shall be submitted in accordance with by-law governing town meeting warrants.

2-7-3 By written petition to the board of selectmen, any 200 voters may require the calling of a special town meeting. **[Added 5-27-2010 by Chapter 114 of the Acts of 2010]**

Section 2-8 – Town Meeting.

2-8-1 Town officers, members of boards and commissions, department heads, or their duly designated representatives, shall attend town meeting for the purpose of furnishing information when proposals affecting their particular office, board, commission, or department are included in the warrant. The town moderator shall be the presiding officer of town meetings as provided in section 2-2, shall regulate its proceedings and shall perform such other duties as may be provided by the General Laws, this charter, by-law or vote of town meeting. The town moderator shall appoint members to special committees as designated by town meeting vote. **[Amended 5-27-2010 by Chapter 114 of the Acts of 2010]**

2-8-2 The town clerk shall prepare, in consultation with the moderator, rules of parliamentary procedure in simplified form, which shall be made available for distribution to all those requesting them, to new voters at time of registration, and to those in attendance at town meetings.

2-8-3 Any individual eligible to speak at town meeting shall not speak more than once, unless and until all other voters wishing to speak, making themselves known and being recognized by the moderator, have been provided an opportunity to speak. No individual shall speak on any article for more than 5 minutes at any 1 time except upon receiving permission of the moderator in advance of such individual's presentation. This restriction shall not apply to the presenter of the article making a motion to move the article, the individual making a motion to amend the article or to those individuals required to be in attendance under section 2-8-1.

2-8-4 Only registered voters of the town of Yarmouth shall have the right to address town meeting or vote on any article presented at any town meeting.

2-8-5 A Yarmouth property owner who is not a registered voter, an authorized representative of such a property owner or of a registered voter who is not present at town meeting, or any other individual may be permitted to address town meeting only in the discretion of the town moderator.

2-8-6 The board of selectmen shall, by recorded vote in the warrant, indicate its recommendations on all articles.

2-8-7 A motion for reconsideration of any article acted upon at an annual or special town meeting may not be made prior to 15 minutes following the final vote on the article to be reconsidered, nor more than 1 hour after such vote, unless deliberations on another article are pending at the expiration of such hour, those deliberations need not be interrupted and such a motion may be made immediately following the conclusion of the consideration of that article and prior to the consideration of any further article. This minimum time limitation shall not apply to any article acted upon within the last 15 minutes of town meeting, nor shall the time limitations include any time when town meeting is not in session.

2-8-8 No motion, the effect of which would be to dissolve town meeting, shall be in order until every article on the warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of an article or consideration of any motion to adjourn the meeting to a stated time and place.

2-8-9 All special committees created by town meeting shall make a report in accordance with the schedule set by the town meeting action which created the committee. Written copies of such reports shall be submitted to the town clerk, town administrator and the board of selectmen and shall be published in full or in summary form in the next annual town report.

CHAPTER 3.

EXECUTIVE BRANCH

**[Amended by § 1 of Chapter 105 of the Acts of 1999;
5-27-2010 by Chapter 114 of the Acts of 2010]**

Section 3-1 – The Board of Selectmen.

3-1-1 A board of five selectmen shall be elected at-large for three year overlapping terms.

3-1-2 No selectmen may hold any other elected town office.

3-1-3 Vacancies in the office of selectmen shall be filled by special election within 90 days, in accordance with the provisions of the General Laws.

3-1-4 The board of selectmen shall hold at least two regularly scheduled meetings per month.

Section 3-2 – Policy Leadership.

3-2-1 The board of selectmen shall serve as the chief executive goal setting and policy making agency of the town, and as such shall appoint an administrator to carry out the policies of the board.

Section 3-3 – Executive Powers.

3-3-1 Except as otherwise provided by this charter, all executive powers of the town shall be vested in the board of selectmen and it shall have all the powers and duties given to boards of selectmen under the constitution and General Laws, and such additional powers and duties as may be authorized by this charter, by-law, or town meeting vote.

3-3-2 The board of selectmen shall be a licensing board for the town and shall have the power to issue licenses as authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such licenses as it deems to be in the public interest, and to enforce all laws, rules, regulations, and restrictions relating to all such businesses for which it issues licenses.

3-3-3 Members of the board of selectmen shall possess no individual authority unless such authority shall have previously been granted by a vote of the said board of selectmen.

3-3-4 The board of selectmen shall cause the charter, by-laws, and rules and regulations for the government of the town to be enforced and shall cause an up-to-date record of all of its official acts to be kept.

Section 3-4 – Prohibitions.

3-4-1 No member of the board of selectmen shall serve on any appointed town board established by this charter or by by-law, for which the board of selectmen is the appointing authority, except by an affirmative vote of four-fifths of the members of the board of selectmen.

3-4-2 through 3-4-5 (Reserved)

3-4-6 All appointed boards, committees and commissions shall be responsible to the board of selectmen for policy matters and responsible to the town administrator for all administrative items.

3-4-7 The finance committee members shall be appointed by the chairman of the board of selectmen, the chairman of the finance committee, and the town moderator, as provided for in the town by-law 47-4. All other functions and responsibilities of the finance committee shall be as outlined in section 47-4 of the town of Yarmouth code.

Section 3-5 – Powers in Intergovernmental Relations.

3-5-1 Members of the board of selectmen shall represent the town on regional or intermunicipal committees or may designate a town employee or other person to represent the town.

Section 3-6 – Other Officers and Town Boards.

3-6-1 There shall be a town moderator, elected by popular vote for a term of 3 years at an annual town election. If the office becomes vacant during any term, the board of selectmen shall include the vacancy either in the next annual town election or in a special election and may, by a four-fifths vote, appoint an interim moderator until such election.

3-6-2 The moderator shall be the individual designated to carry out all of the duties and functions necessary to regulate proceedings of annual town meetings and special town meetings in an orderly and efficient manner.

3-6-3 There shall be a town clerk whose duties shall include: maintaining the vital statistics for the town and serving as custodian of the town seal and all town official records; administering the oath of office to all town officers, elected and appointed; issuing permits and licenses as required by law; supervising and managing the conduct of elections; serving as clerk of town meeting; and having all other powers and duties which are given to town clerks by the General Laws, this charter, by-law or town meeting vote, consistent with this charter.

Section 3-7 – Codification of By-Laws and Regulations.

3-7-1 The board of selectmen shall cause a compilation of by-laws and regulations to be made within 12 months of the adoption of this charter and cause the compilation to be updated at least every 5 years.

Section 3-8 – Charter Revisions.

3-8-1 At least once every 10 years, a special committee shall be appointed by the town moderator, for the purpose of reviewing the provisions of the charter and to make a report, with recommendations to the town meeting, concerning any proposed amendments or revision which said committee may deem to be necessary or desirable.

CHAPTER 4 ADMINISTRATIVE BRANCH

Section 4-1 – Town Administrator.

4-1-1 There shall be a town administrator, who shall be responsible for the administration of the town affairs and who shall be the chief administrator of the town.

Section 4-2 – Qualifications.

4-2-1 The town administrator shall be appointed under paragraph (a) of section 5-1 of chapter 5 on the basis of education, experience, executive and administrative qualifications. The professional qualifications shall be established by the board of selectmen and may be revised by the board of selectmen if necessary.

Section 4-3 – Powers and Duties.

4-3-1 The town administrator shall be the chief administrative officer of the town and shall be responsible for administering and coordinating all employees, activities and departments placed by the General Laws or by by-law under the control of the board of selectmen and the town administrator. The administrator shall implement the goals and carry out the policies of the board of selectmen.

4-3-2 The administrator shall devote full-time to the duties of the office and shall not hold any other public office, elective or appointive, nor be engaged in any other business,

occupation or profession while serving in such office unless such action is approved, in advance and in writing, by the board of selectmen.

4-3-3 The powers and duties of the town administrator shall include, but not be limited to, the following:

- (a) keeping the board of selectmen fully informed as to the needs of the town and recommending to the selectmen, for adoption by it, such measures requiring action by it or by the town as the town administrator deems necessary or expedient;
- (b) informing the selectmen relative to all department operations, fiscal affairs, general problems and administrative action, and submitting periodic reports thereof;
- (c) keeping the selectmen fully informed relative to the availability of all sources of outside funding, both public and private, including inter-governmental grants, in lieu of payments, gifts, grants, contributions and otherwise, giving special consideration as to how any such funding source might relate to the short- and long-range needs of the town;
- (d) preparing and presenting to the board of selectmen a draft annual budget for the town and a proposed capital outlay program;
- (e) administering, during the fiscal year, the annual operating budget and capital outlay appropriations as voted by the town to ensure that all such funds are expended or committed in accordance with the General Laws, by-laws and town meeting votes relating thereto; provided, however, that the town administrator, with the approval of the selectmen and the finance committee, shall have the authority to transfer funds within the budget if the total budget is not increased thereby;
- (f) acting as the chief procurement officer for the town;
- (g) developing, maintaining and updating a full and complete inventory of all real and personal property of the town annually;
- (h) having the right to attend and speak at any regular meeting of any town multi-member body;
- (i) negotiating collective bargaining contracts on behalf of the board of selectmen, unless the town administrator, with the approval of the board of selectmen, has designated another negotiator or negotiating team; provided, however, that all such contracts shall be subject to the approval of the board of selectmen;
- (j) coordinating the activities of all town agencies serving under the office of the town administrator and the office of the board of selectmen with those under the control of other officers and multi-member bodies elected directly by the voters and the town administrator shall have the authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town;
- (k) attending all sessions of town meetings and answering all questions directed to the town administrator which relate to that office; and
- (l) performing such duties as assigned by by-law or vote of the board of selectmen.

Section 4-4 – Personnel Administration.

4-4-1 The town administrator shall administer and enforce collective bargaining agreements, personnel policies and practices, rules and regulations and personnel regulations adopted by the board of selectmen.

4-4-2 The town administrator shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each town agency, except those under the jurisdiction of the Dennis-Yarmouth regional school committee.

4-4-3 The personnel board shall review and vote recommendations to the town administrator relative to proposed changes to job descriptions and pay classifications for year-round, benefited positions.

4-4-4 The creation of any new full-time compensated position shall require approval by the selectmen and such action shall not be effective until the position has been funded by town meeting vote.

4-4-5 The town administrator shall supervise, evaluate and direct all department heads and, through the department heads, the town administrator shall supervise, evaluate and direct all paid employees of the town.

Section 4-5 – Administrative Reorganization.

4-5-1 The town administrator may recommend to the board of selectmen and implement, with the selectmen's approval, reorganization of any department or position placed by this charter under the town administrator's direction or supervision, except as otherwise provided by the General Laws, by-law or this charter.

Section 4-6 – Evaluation.

4-6-1 At least 3 selectmen shall annually evaluate the performance of the town administrator. The selectmen shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.

4-6-2 The board of selectmen shall provide a copy of the evaluation to the town administrator and a copy shall be kept on file in the office of the board of selectmen for examination by the public.

Section 4-7 – Term of Office.

4-7-1 The town administrator shall serve a term of years under a contract as provided by section 108N of chapter 41 of the General Laws. The town administrator shall not have served in an elective office in the town government for at least 12 months prior to the appointment.

Section 4-8 – Acting Town Administrator.

4-8-1 The town administrator may, by letter filed with the board of selectmen and the town clerk and subject to the approval of the board of selectmen, designate a qualified town officer or employee to exercise the powers and perform the duties of the town administrator during a temporary absence.

CHAPTER 5**APPOINTMENTS AND PERSONNEL POLICIES.****Section 5-1 – Selectmen Appointments.**

- (a) The board of selectmen shall appoint a town administrator by affirmative vote of a least four-fifths of the members of the board of selectmen.
- (b) The board of selectmen shall appoint a town counsel by affirmative vote of at least four-fifths of the members of the board of selectmen.
- (c) If a vacancy arises in the office of the town administrator, the board of selectmen shall advertise the vacancy as soon as practical in local and regional publications. The board of selectmen shall fill the vacancy as quickly as possible, but in no event shall such office remain vacant for longer than 9 months.
- (d) During a vacancy caused by prolonged illness, suspension, removal, resignation or death of the town administrator, the board of selectmen shall designate, within 10 days of the vacancy, a town employee or other qualified person to exercise the powers and perform the duties of the town administrator. This designation shall be effective for periods not to exceed 90 days. In the case of suspension, removal, resignation or death, not more than 2 such 90-day designations shall be made.
- (e) The board of selectmen shall appoint the board of registrars of voters and election officials by an affirmative vote of at least four-fifths, in conformance with the General Laws.
- (f) The finance committee members shall be appointed by the chairman of the board of selectmen, the chairman of the finance committee and the town moderator, as provided for in town by-law 47-4. All other functions and responsibilities of the finance committee shall be as outlined in said by-law 47-4.
- (g) The board of selectmen shall appoint all department heads. The town administrator shall submit to the board of selectmen the names of not less than 3 candidates for department head interview and subsequent appointment. The group of department heads shall include those who are designated as such by the town administrator and approved by the board of selectmen.
- (h) The board of selectmen shall appoint such other town officers and members of multi-member bodies for which no other provision is made. Such appointments shall be consistent with the General Laws.

Section 5-2 – Removal of the Town Administrator.

5-2-1 The board of selectmen, by the affirmative vote of at least four-fifths of the members, may initiate the removal of the town administrator by adopting a resolution to that effect. Such resolution shall state the reason therefore; provided, however, that no such resolution shall be adopted within 60 days following any town election. Any such resolution shall be adopted only at a regularly scheduled public meeting and in open session.

5-2-2 The adoption of such resolution shall serve to suspend the town administrator for not more than 45 days, during which the salary thereof shall continue to be paid. A copy of such resolution shall be delivered in-hand, forthwith, to the town administrator or sent by registered mail, return receipt requested to the administrator's last known address.

5-2-3 Within 5 days following receipt of such resolution, the town administrator may file a written request for a public hearing with the board of selectmen. Upon receipt of such request, the board of selectmen shall schedule a public hearing to be held within 2 weeks. At least 7 days prior to the public hearing, the board shall advertise the hearing in a local newspaper and shall cause identical notices stating the purpose, location, time and date to be posted in the town hall and in every post office in town.

5-2-4 The town moderator shall preside at any such hearing.

5-2-5 At such hearing, the reasons for the removal shall first be read aloud. The town administrator shall then have the right to respond, personally or through counsel. The board of selectmen and the town administrator shall have the power to compel testimony and to subpoena any town records.

5-2-6 Final removal of any town administrator shall be effected by the affirmative vote of at least four-fifths of the members of the board of selectmen at a public meeting, the time and place of which shall have been published and held within 7 days of any such hearing held pursuant to sections 5-2-3 to 5-2-5, inclusive. If no hearing has been requested, final removal may be effected by affirmative vote of at least two-thirds of the members of the board of selectmen at a meeting of the board of selectmen held not earlier than 14 days after the resolution initiating removal is adopted. The salary of the town administrator shall be paid for a period of 60 days after the vote effecting removal from office or in accordance with the termination clause in the town administrator's contract.

5-2-7 The town administrator shall provide the board of selectmen with not less than 90 days notice of the town administrator's intent to resign. The board of selectmen may reduce the number of days notice required or waive this requirement.

Section 5-3 – Town Administrator Appointments.

5-3-1 The town administrator may appoint an assistant town administrator. If such appointment is made, it shall be made consistent with the General Laws and town by-laws.

5-3-2 The town administrator shall appoint all division heads. Appointments to the position of division head, as defined by the town administrator, shall become effective not later than the fifteenth day following the day on which notice of the proposed appointment is filed

with the board of selectmen, unless four-fifths of the members of the board of selectmen vote to reject such an appointment within such period.

5-3-3 The town administrator shall have the authority to appoint special single purpose committees after notifying the board of selectmen.

5-3-4 The town administrator shall appoint all other compensated town personnel.

5-3-5 Except as provided in section 5-3-1, all appointments made or approved by the town administrator shall be effective immediately.

Section 5-4 – Town Moderator Appointments.

5-4-1 The town moderator shall appoint members to special committees as designated by town meeting vote. The town moderator shall participate in the appointment of members to the finance committee pursuant to clause (f) of section 5-1.

Section 5-5 – Personnel Policies.

5-5-1 With the approval of the town administrator, department heads may employ, terminate and discipline employees under their departmental jurisdiction.

CHAPTER 6 TOWN BOARDS, COMMITTEES AND COMMISSIONS.

Section 6-1 – Powers.

6-1-1 Multi-member bodies shall possess and exercise all powers given to them under the constitution and the General Laws, and shall have and exercise such additional powers and duties as shall be granted and delegated by this charter, by-law or vote of the town meeting. Such committees or boards shall report to the board of selectmen for policy matters and report to the town administrator for administrative matters.

Section 6-2 – Organizations and Procedures.

6-2-1 All appointed boards, committees and commissions shall:

- (a) organize annually;
- (b) elect a chairperson and other necessary officers;
- (c) publish a quorum requirement for their meetings in accordance with the General Laws;
- (d) adopt rules of procedure and voting;
- (e) maintain minutes and all other records of proceedings, copies of which shall be a public record and filed monthly with the town clerk; and
- (f) annually submit a report for inclusion in the annual town report.

6-2-2 To maximize communication and cooperation between the board of selectmen and the elected and appointed boards and committees, all multi-member bodies shall meet with the board of selectmen at least annually.

6-2-3 All multi-member bodies, elected and appointed, shall conduct their meetings in accordance with the open meeting provisions of the General Laws.

6-2-4 Except as provided in this charter and chapter 268A of the General Laws, a compensated town employee may serve on a multi-member body if such body has no administrative responsibility over such employee.

6-2-5 Any person duly appointed to any office or multi-member body shall take up the duties of the office immediately; provided, however, that such person first shall have been sworn to the faithful performance of those duties by the town clerk.

6-2-6 The absence, without appropriate explanation, of a member from 4 consecutive meetings of any appointed multi-member body shall be grounds for removal from office by the appointing authority. The legitimacy of an explanation provided by the absent member shall be assessed by majority vote of the multi-member board and reported to the appointing authority. If 4 consecutive unexcused absences occur, the chairperson shall advise the appointing authority forthwith, and such authority shall take appropriate action which may include removal of the member from the office and filling the vacancy in a timely fashion in accordance with the General Laws and this charter.

Section 6-3 – Compensation.

6-3-1 Members of appointed multi-member boards may receive such compensation as may be authorized by the town meeting. During the term for which a member is appointed and for 1 year following expiration of such term, no member of any appointed board under this charter shall be eligible to accept any additional paid position under any such multi-member board.

Section 6-4 – Change in Composition of Appointed Multi-Member Bodies.

6-4-1 The town meeting may, by amendment to the applicable by-laws, increase or decrease the number of persons to serve as members of multi-member boards established under this chapter; provided, however, that all such boards shall consist of an uneven number of members and not fewer than 3.

CHAPTER 7

FINANCIAL PROVISIONS AND PROCEDURES.

Section 7-1 – Submission of Budget and Budget Message.

7-1-1 Each year, not later than October 15, the town administrator shall establish and issue a budget schedule which shall set forth the calendar dates relating to the development of the annual operating budget for the ensuing fiscal year.

7-1-2 The schedule shall be in accordance with this charter unless deviation therefrom is recommended by the town administrator and approved by the board of selectmen and the finance committee.

7-1-3 Each year, not later than October 15, the town administrator shall request and receive from the town treasurer, the town collector, the town accountant, the board of selectmen and the board of assessors the estimated revenue for the ensuing fiscal year. Upon receipt of any additional specific fiscal data provided by the commonwealth or any other source, these officials shall revise, update and submit the data forthwith to the town administrator.

7-1-4 Each year, not later than November 15, the board of selectmen, after consulting with the town administrator, shall issue a policy statement to the town administrator, the finance committee and the Dennis-Yarmouth regional school committee.

7-1-5 All department heads and all multi-member bodies shall submit the budget requests thereof to the town administrator not later than December 1, each year.

7-1-6 Each year, not later than December 31, the town administrator shall submit to the board of selectmen and the finance committee a comprehensive draft budget for all town functions for the ensuing fiscal year and an accompanying draft budget message.

7-1-7 The draft budget message shall explain the draft budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead. This message shall include:

- (a) an outline of the proposed financial policies of the town for the ensuing fiscal year;
- (b) a description of the important features of the budget;
- (c) an indication of any major changes from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes;
- (d) a summary of the town debt positions; and
- (e) such other material as the town administrator may deem appropriate.

7-1-8 The draft budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the town administrator, in consultation with the finance committee, may establish. The draft budget shall indicate proposed expenditures for current operations and for capital projects during the ensuing fiscal year, detailed by each town agency and by specific purposes and projects.

Section 7-2 – Action on Proposed Budget.

7-2-1 Each year, not later than February 28, the finance committee shall, recommend a proposed budget, with or without amendments, and shall submit it to the board of selectmen. In preparing its review, the committee may require the town administrator, any town department, office, board, commission or committee, including the school committee, to appear with, or to provide, appropriate additional financial reports and budgetary information.

7-2-2 A public hearing with public participation shall be held prior to town meeting at which time the town administrator shall present the financial projection for the coming fiscal year and the finance committee, capital budget committee and the Dennis-Yarmouth regional school committee shall present their budgets to the board of selectmen.

Section 7-3 – Budget Adoption.

7-3-1 The town meeting shall adopt the annual operating budget, with or without amendments, prior to the beginning of the fiscal year.

Section 7-4 – Capital Improvements Plan.

7-4-1 The town administrator shall prepare a 5-year capital improvements plan which shall be designed to deal with unmet long-range needs and to implement the goals and objectives of the official town plan.

7-4-2 The capital improvements plan shall include all town activities and departments and the Dennis –Yarmouth regional school district.

7-4-3 The capital improvements plan shall include:

- (a) a clear summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next 5 years, together with supporting data;
- (c) cost estimates, methods of financing and recommended time schedules; and
- (d) the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired.

The information required by this section may be revised by the town administrator and shall apply each year to pending capital improvements and capital improvements in the process of construction or acquisition.

7-4-4 Each year, not later than October 1, the town administrator shall submit the capital improvements plan to the capital budget committee and the finance committee. The capital budget committee shall act thereon and submit its recommendations to the finance committee and the board of selectmen not later than December 1. The board of selectmen may, in its discretion, insert warrant articles seeking appropriations for proposed capital expenditures and adopt the capital improvement plan, with or without amendment.

Section 7-5 – Notice of Public Hearing on Capital Improvements Plan.

7-5-1 The board of selectmen shall publish the capital improvements plan on the official town website and shall publish, in a local newspaper, a notice stating:

- (a) the times and places where copies of the capital improvements plan shall be available for inspection; and

- (b) the date, time and place when the board of selectmen and the finance committee shall conduct a joint public hearing on such plan.

Section 7-6 – Capital Improvements Planning.

7-6-1 A committee of 7 voters shall be appointed by the finance committee to be known as the capital budget committee, in accordance with article 16 of the annual town meeting held on April 7, 1981.

7-6-2 The requirements of section 7-6-1 may be waived by a two-thirds vote of the annual meeting.

Section 7-7 – Annual Audit.

7-7-1 Prior to the end of each fiscal year, the board of selectmen and the town administrator shall retain a certified public accountant or qualified accounting firm to conduct an independent annual audit.

CHAPTER 8
ELECTIONS.

Section 8-1 – Town Elections.

8-1-1 The regular election for all town offices shall be by official ballot held on the date established by by-law.

Section 8-2 – Town Elections to be Nonpartisan.

8-2-1 All town elections shall be nonpartisan and election ballots shall be printed without any party mark or designation.

Section 8-3 – Eligibility for Town Office.

8-3-1 Any resident eligible to vote in town elections shall be eligible for election to any elective office or multi-member body of the town.

8-3-2 No person shall hold, concurrently, more than 1 paid executive or town office.

Section 8-4 – Time of Taking Office.

8-4-1 Any person duly elected to an office or multi-member body shall forthwith be sworn to the faithful performance of the duties thereof by the town clerk or a designee thereof and shall assume the duties of the office thereof.

Section 8-5 – Recall Election.

8-5-1 Any recall election shall be conducted pursuant to chapter 344 of the acts of 1989.

CHAPTER 9.
CONTINUITY.

Section 9-1 – Continuation of Existing Laws.

9-1-1 Except as specifically provided by this charter and by general or special law, by-law or, vote, rule or regulation of, or pertaining to, the town of Yarmouth not inconsistent with this charter, shall continue in full force and effect until amended or rescinded by the due course of law or expiration thereof.

Section 9-2 – Continuation of Boards, Committees and Agencies.

9-1-1 Except as specifically provided in this charter, all committees, boards, commissions, councils, departments, offices and other agencies of the town shall continue in existence and the incumbents thereof shall continue to perform their duties until not reappointed, reelected or elected or their duties have been transferred.

Section 9-3 – Transfer of Records and Property.

9-3-1 If a power or duty is reassigned as the result of the adoption of this charter, the records, property and equipment necessary to fulfill such power or duty shall likewise be reassigned to the newly responsible office or agency.

9-3-2 A transfer pursuant to section 9-3-1 shall be carried out under the direction of the town administrator.

Section 9-4 – Amending This Charter.

9-4-1 This charter may be revised, amended or replaced in accordance with the procedures made available by Article 89 and Article 113 of the Amendments to the Constitution of the commonwealth and any legislation enacted to implement said amendments.

CHAPTER 10.
DEFINITIONS.

10-1-1 In this charter, unless the context clearly otherwise requires, the following words shall have the following meanings:

“Appoint”, to select to fill an office or to employ in the service of the town.

“Certification”, the town clerk’s validation that a person has been declared elected to a town office or multi-member body and sworn to the faithful performance of the duties thereof.

“Charter”, this charter and any amendments to it made through any of the methods provided under Article 89 and Article 113 of the Amendments to the Constitution of the commonwealth.

“Dissolve town meeting”, the final and permanent ending of the town meeting at which the motion to dissolve town meeting is made, so that no further action may thereafter be taken on any matter included in that meeting’s warrant.

“General Laws”, the Massachusetts General Laws.

“Local newspaper”, a newspaper of general circulation in the town.

“Majority vote”, a majority of those present and voting; provided, however, that a quorum of the body shall be present.

“Multi-member body”, any board, commission or committee of the town consisting of 3 or more persons, whether appointed or elected.

“Town”, the town of Yarmouth

“Town agency”, any office, department, board, committee or commission of the town government.

“Voter”, a registered voter of the town.

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular and, except where the context requires, wherever words are used in 1 gender, they shall be construed to include the other gender and the neuter.