

**TOWN OF FRANKLIN, MASSACHUSETTS
HOME RULE CHARTER**

PREAMBLE

We, the people of the Town of Franklin, Massachusetts, in order to form a more perfect community, reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and take fullest advantage of the Home Rule Amendment to the Constitution of the Commonwealth, do ordain and adopt this Home Rule Charter for our Town.

**ARTICLE ONE
POWERS OF THE TOWN**

Section 1 Incorporation

1-1-1 The inhabitants of the Town of Franklin, within the Town's corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Franklin."

Section 2 Form of government and title

1-2-1 This Charter provides for a Town Council - Town Administrator form of town government, and it shall be known by the title "Franklin Home Rule Charter."

Section 3 Scope and interpretation of town powers

1-3-1 The town shall possess exercise and enjoy all local government powers, rights and privileges under the Constitution and laws of Massachusetts as completely and fully as though they were expressly enumerated herein.

1-3-2 The powers of the Town under this Charter shall be construed liberally in

its favor, and no specific Charter grant of particular powers is intended to limit in any measure its general grant of power.

Section 4 Intergovernmental cooperations

1-4-1 In the exercise of its powers and functions, the Town may enter into intergovernmental agreements with other units or agencies of government by any appropriate means.

ARTICLE TWO THE TOWN COUNCIL

Section 1 Composition and membership

2-1-1 The legislative body of the Town shall be a Town Council whose members shall be elected to meet, deliberate, act and vote in exercise of the corporate powers of the Town.

2-1-2 Nine (9) council members shall be nominated and elected from the Town at large, all for two year concurrent terms of office.

2-1-3 Town Council members shall receive no compensation for service but may be allowed expenses incurred in the performance of their official duties.

2-1-4 The term of office of the Town Council shall begin on the first Wednesday following the election and continuing until their successors are qualified.

Section 2 Eligibility

2-2-1 Any registered voter of the Town shall be eligible for election to Town Council membership. However, no person holding an elective office of the Town as established in general law, Article Three of this charter, or bylaw, shall take the oath or affirmation of office as a Town Councillor.

2-2-2 No town councillor shall, while a member of the town council, hold any other compensated town office or position. No former councillor shall hold any compensated appointive office or employment until one year after the expiration of service on the town council. This provision shall not prevent a town officer or

employee who has taken a leave of absence from such duties in order to serve as a member of the town council from returning to such office or employment following service as a member of the town council.

Section 3 Chairman, Vice Chair-on and Clerk

2-3-1 At the first Council meeting following each regular town election, the Council shall choose from its membership a Chairman and Vice-chairman each to serve for a one-year term of office. The Chairman shall preside at meetings of the Council and perform such other duties as provided by this Charter, by-law, or Council vote. The Vice-chairman shall act as Chairman during the absence or disability of the Chairman.

2-3-2 The Council shall also appoint a Clerk of the Council, who shall give notice of all Council meetings to its members and to the public, maintain a journal of all Council proceedings and perform such other duties as may be assigned by this Charter, bylaw or other vote of the Council.

2-3-3 Vacancies which occur in the offices of Chairman, Vice Chairman or Clerk shall be filled at the next regular Council meeting following the vacancy. All appointments to fill vacancies in Council offices shall be for the remainder of the original one-year term of office.

Section 4 General powers and duties

2-4-1 Except as otherwise may be provided by this Charter, all general, corporate, legislative and appropriations powers of the Town shall be vested in the Town Council.

2-4-2 The Council may enact bylaws, rules, regulations, and other orders, not inconsistent with this Charter, governing its own proceedings, town functions, and all matters bearing on the exercise of its powers and duties.

2-4-3 The Council shall provide for a journal of its proceedings to be kept and maintained as a public record in the office of the town clerk.

2-4-4 The Council shall have the power to appoint the following:

(a) a Town Administrator, as provided in Article Four; (b) a Chairman and Vice Chairman of the Council, as provided in Section 2-3-1; (c) a Clerk of the Council, as provided in Section 2-3-2; (d) a Finance Committee, as provided in Article Six;

and (e) special study committees the composition of which shall be determined by the Council.

Section 5 Procedures

2-5-1 The Town Council shall meet regularly at least twice in each month. Special meetings may be held at any time if called by the Chairman or by four (4) members of the Council, provided that for any special meeting at least twenty-four (24) hours personal notice shall be given to each Council member. All Council meetings shall be conducted in accordance with the open meeting provisions of general law.

2-5-2 A majority of the full Council membership shall constitute a quorum for the purpose of conducting business.

2-5-3 Except as otherwise may be provided by general law provisions respecting closed sessions, all meetings of the Council shall be open to the public, and residents and employees of the Town shall have a reasonable opportunity to be heard at any such meeting.

Section 6 Town bylaws

2-6-1 Proposed bylaws shall deal with one (1) subject only and shall be introduced in writing and in the form necessary for final adoption.

2-6-2 Any bylaw which amends or repeals a portion of the Town bylaws shall set out in full the portion to be so amended or repealed, by the use of strikeout type, brackets or underscoring.

2-6-3 Prior to final passage, each introduced bylaw shall be read at two (2) separate Council meetings, except in cases of special emergency involving the health or safety of the people or their property. No bylaw shall be declared an emergency unless such an emergency is defined and declared in a preamble thereto, separately voted on and receiving the affirmative vote of at least two-thirds (2/3) of the full Council membership.

2-6-4 The affirmative vote of a majority of the full Council membership, except as otherwise provided by general law or this Charter, shall be necessary for the final passage of any bylaw.

2-6-5 All votes on regular and emergency bylaws shall be taken by roll call and shall be recorded in the journal.

Section 7 Action requiring a bylaw

2-7-1 In addition to other acts required by statute or this Charter to be accomplished through bylaw, those acts of the Town Council shall be through bylaw which: (a) adopt or amend administrative bylaws or establish, alter or abolish any town department, office or agency; and (b) provide for a fine or other penalty, or establish a rule or regulation for the violation of which a fine or other penalty is imposed; and (c) establish all fees which are not set by general law.

Section 8 Vacancy

2-8-1 Unless recalled in accordance with Article Five, Section 4 of this charter, a vacancy in the office of Councillor at Large shall be declared by the Town Clerk following notification of the death, permanent disability to serve, resignation, and/or failure to maintain a permanent residency within the Town of Franklin.

2-8-2 Vacancies shall be filled by special election to be called within ninety (90) days of said vacancy unless a regular or special town election shall occur within one hundred twenty (120) days.

ARTICLE THREE ELECTED TOWN BOARDS AND OFFICERS

Section 1 General provisions

3-1-1 Members of town boards to be elected by the qualified voters of the Town shall be, in addition to the Town Council: (a) seven members of a School Committee elected for terms of two years, (b) three members of a Board of Assessors, (c) three members of a Board of Health, and (d) five members and one associate of a Planning Board all to be elected from the Town at large for four-year overlapping terms of office so arranged that the terms of as nearly half of the members of such boards and committees shall expire at each biennial town election.

3-1-2 Officers of the Town to be elected at large for four-year terms of office shall be: (a) Town Clerk, (b) a Town Treasurer-Collector, and (c) three Constables.

3-1-3 Officers and members of elective boards established under this Article shall receive such compensation as may be authorized by the Town Council within limits of an appropriation made for that purpose.

3-1-4 Officers and members of boards established under this Article shall exercise such powers and duties as are, and may be, provided by general law, this Charter, bylaw and order of the Town Council.

Section 2 Special Provisions

3-2-1 The School Committee established under this Article shall have general charge of the public schools of the town. The school committee shall have the power to select and to terminate a superintendent of schools, establish educational goals and policies for the schools consistent with the requirements of the laws of the commonwealth and standards established by the commonwealth. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth.

Section 3 Vacancies

3-3-1 Unless recalled in accordance with Article Five, Section 4 of this charter, vacancies in boards established under this Article shall be filled by the Town Council jointly with the remaining members of the respective board until the next regular Town election.

3-3-2 Unless recalled in accordance with Article Five, Section 4 of this charter, a vacancy in the office of Town Clerk, Town Treasurer-collector or Constable shall be filled in accordance with the provisions of general law.

ARTICLE FOUR THE TOWN ADMINISTRATOR

Section 1 Appointment and qualifications

4-1-1 The Town Council, by a majority vote of its full membership, shall appoint a Town Administrator who shall administer and implement the directives and policies adopted by the Town Council. The Council shall fix the Administrator's

compensation within the limits of an appropriation adopted for that purpose. The salary, benefits and terms and conditions of employment and the procedures for dismissal shall be negotiated between the Town Council and the Administrator.

4-1-2 In seeking candidates for the Administrator's post, the Town Council shall advertise in appropriate professional journals and other suitable publications as deemed necessary. The Town Administrator need not be a resident of the town at the time of appointment but shall establish residence within the town within one year following appointment, unless the town council shall waive such residency requirement. If a resident of the Town, the successful candidate shall have held no elective town office for a period of one year prior to appointment.

4-1-3 The Administrator shall be appointed on the basis of educational, executive and administrative qualifications and experience, including at least a bachelor's degree in an appropriate field of study from an accredited four-year college or university. Professional experience shall consist of at least three (3) years of full-time, compensated service in town or town administration or related administrative activity.

Section 2 Powers and duties

4-2-1 The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Council for the effective administration of all town affairs placed in his charge by or under this Charter.

4-2-2 The Administrator shall hold no elective or other appointive town office, shall devote full-time to the duties of the office and shall engage in no other business or occupation without the advance written authorization of the Council.

4-2-3 The Administrator shall: (a) attend all meetings of the Council except when excused and have the right to speak but not to vote; (b) keep the Council fully informed regarding Town and departmental operations, fiscal affairs, general problems and administrative actions and submit appropriate periodic reports; (c) keep the Council fully informed as to the long-range needs of the Town, the practices and governmental trends of other communities and the laws and regulations of the Commonwealth and make such recommendations to the Council as deemed necessary and appropriate; (d) prepare, assemble and present to the Council the annual Town operating and capital budgets and cooperate with the Finance Committee in all financial matters; (e) serve as general ombudsman for the Town; (f) maintain an inventory of all town real and personal property; (g) be responsible for the daily administration of the personnel system, including the maintenance of personnel records and enforcement of personnel rules and regulations; (h) serve as central purchasing agent; (i) be responsible for the maintenance of all buildings and property owned or leased by the Town, except that under the jurisdiction of the School Committee; and (j)

perform such other duties as may be required by this Charter, bylaw or order of the Council.

4-2-4 The Administrator may, with the approval of the Council, within the departments and agencies under his jurisdiction, establish, reorganize or consolidate any department, board, commission or office.

4-2-5 Subject to ratification by the Town Council, the Administrator shall have the power to appoint; on the basis of merit and fitness alone: (a) a Fire Chief, a Police Chief, a Director of Public Works, a Town Accountant, a Town Counsel, a Director of Civil Defense, a Library Director, all inspectors except as otherwise provided by general law and three (3) registrars of voters; (b) nine (9) members of a Council on Aging, seven (7) members of a Conservation Commission, seven (7) members of an Historic Commission and three (3) members of a Zoning Board of Appeals, all for three-year overlapping terms of office; (c) fifteen (15) members of an Industrial and Development Commission and five (5) members of an Industrial Development Financing Authority, all for five-year overlapping terms of office; (d) five (5) members of a Personnel Board for terms as fixed through bylaw; (e) four (4) members of a Housing Authority and four (4) members of a Redevelopment Authority, all for five-year overlapping terms of office with the fifth member of each board to be appointed under the authority of the Commonwealth; and (f) members of such other boards, commissions and committees and individual town officers and employees as are authorized by general law, this Charter or bylaw and for whom appointment is not otherwise provided.

Section 3 Removal of the Town Administrator

4-3-1 Final removal of any town administrator shall be effected by a majority vote of the full town council at an open council meeting.

Section 4 Acting Town Administrator

4-4-1 The Town Council may designate a qualified to serve as the Acting Town Administrator and to perform the duties of the office during the period of any vacancy caused by the Administrator's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred twenty (120) days, but such appointment may be extended an additional sixty (60) days by vote of the Council.

ARTICLE FIVE TOWN ELECTIONS

Section 1 Biennial Town Election

5-1-1 The regular biennial election for all town offices and Town Council members shall be by official ballot held on the first Tuesday following the first Monday in November of each odd numbered year. All elections of town officers and Town Council members shall be nonpartisan, and all election ballots shall be printed without any party mark or other political emblem.

5-1-2 The order of candidate names on the official ballot shall be such that incumbents are listed first, followed by other candidates in alphabetical order.

5-1-3 Any person elected to any office, board or the Council shall take up the duties thereof immediately upon taking the oath or affirmation of office.

5-1-4 Except as otherwise provided by this Charter, the provisions of general law with respect to nominations and elections to town offices shall apply.

5-1-5 The nomination of candidates for election and reelection as Town Council members shall be made by nomination papers filed with the Town Clerk not later than the last day on which nomination papers of candidates for other town offices must be filed. For the office of Town Councillor, such papers shall be signed by at least one hundred (100) qualified voters of the Town. Nomination papers shall not be valid for any candidate whose written acceptance is not attached thereto when filed.

Section 2 Initiative

5-2-1 The voters of the Town shall have the power to propose and act upon any legislative matter falling within the authority of the Town Council so to act, except emergency measures as provided in Sections 2-6-3 and 6-8-1 of this Charter.

5-2-2 Initiative legislation may be proposed by submission to the Town Clerk of a petition signed by the qualified voters of the Town equal in number to not fewer than five percent (5%) of those registered at the last regular town election. Each copy of the petition shall clearly state the question or questions to be voted on.

5-2-3 If, within seven days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provision shall be

made for a special initiative election to be conducted within thirty-five (35) days thereafter for the sole purpose of voting on the petitioned question or questions.

5-2-4 Each question to be voted on the special initiative election shall be in the same form and language as stated on the initiative petition.

5-2-5 No special initiative election shall be valid unless at least twenty-five percent (25%) of the qualified voters of the Town shall cast a ballot on each question submitted.

Section 3 Referendum

5-3-1 No bylaw, order or other measure adopted by the Town Council, except a vote: (a) to appropriate a sum of money less than fifty thousand dollars (\$50,000.) or (b) to enact an emergency measure as detailed in Sections 2-6-3 and 6-8-1 of this Charter, shall become operative until the expiration of fourteen (14) days following the Council's final vote thereon.

5-3-2 If within such fourteen-day period a petition signed by the qualified voters of the Town equal in number to not fewer than five percent (5%) of those registered at the last regular town election is filed with the Town Clerk, asking that any question involved in such a vote be submitted to the voters, then a referendum shall be held for the sole purpose of presenting the question or questions to the voters of the Town.

5-3-3 If, within seven days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provision shall be made for a referendum to be held within thirty-five (35) days thereafter.

5-3-4 Each question to be voted on in the referendum shall be submitted to the voters in the same form and language as when finally voted on by the Town Council.

5-3-5 All procedures for voting upon referendum questions shall be in the same manner as provided by general law for the conduct of town elections.

5-3-6 No referendum against any action of the Town Council shall be valid unless at least twenty-five percent (25%) of the qualified voters of the Town shall cast a ballot on each question submitted.

Section 4 Recall of elective officers

5-4-1 Any elective officer of the Town may be recalled and removed from office by the voters as herein provided. Any voter may file with the Town Clerk a

petition containing the name and title of the elective officer whose removal is sought. For all elective officers such petition shall be signed by the qualified voters of the Town equal in number to at least five percent (5%) of those registered at the last regular Town election. Such recall petition must be filed within fourteen (14) days following its initial date of issuance.

5-4-2 If within seven (7) days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provisions shall be made for a recall election to be held within sixty (60) days but not sooner than forty-five (45) days thereafter, provided that no such election shall take place if the regular Town election or another special election shall be held within ninety (90) days. All procedures for voting upon the recall question and filling any vacancy caused by the recall of an officer shall be in the same manner as provided by general law for the conduct of Town elections.

5-4-3 Any officer sought to be removed may be a candidate to succeed to the same office, and unless the officer requests otherwise in writing, the town clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections. Ballots used in a recall election shall ask if the officer sought to be recalled shall be recalled; and shall provide for the names of candidates seeking the office of the officer recalled.

5-4-4 If the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected provided that at least twenty-five percent (25%) of all those qualified to vote shall have voted.

ARTICLE SIX

FINANCIAL PROVISIONS AND PROCEDURES

Section 1 Applicability of general law

6-1-1 In all matters concerning finances and financial procedures of the Town, the provisions of general law shall apply, together with such other requirements as are provided by this Charter and bylaw.

Section 2 Finance Committee

6-2-1 A Finance Committee of eleven members shall be appointed by the Town Council for one-year terms of office. The Finance Committee shall elect from its membership for

one-year terms of office, a Chairman, a Vice-chairman, and a Clerk. The Town Accountant and the Town Treasurer-collector shall have ex-officio membership, without voting rights, on the Committee. No elected or appointed Town officer, or compensated Town employee who serves in more than part time employments, shall serve on the Committee. Committee members shall serve without compensation.

6-2-2 Vacancies on the Finance Committee shall be filled promptly by the Council for the unexpired term.

6-2-3 The Finance Committee shall carry out its duties in accordance with the provisions of general law, this Charter and bylaw, and it shall have regular and free access and inspection rights to all books and accounts of any Town department or office. The Committee shall carefully examine all budget and appropriations proposals and shall issue its recommendations thereon prior to consideration, debate and vote by the Town Council. Section 3 Submission of budget and budget message

6-3-1 Within the period provided by general law, the Town Administrator shall submit to the Town Council and file copies with the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and support documents.

Section 4 Budget message

6-4-1 The budget message shall explain the budget for all Town agencies in 50th fiscal and programmatic terms. It shall: (a) outline proposed financial policies of the Town for the ensuing fiscal year; (b) describe important features of the budget; (c) indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons of such variations; (d) summarize the Town's debt position; and (e) include such other materials as the Town Administrator may deem desirable or the Finance Committee may require.

Section 5 Budget Proposal

6-5-1 The proposed budget shall provide a complete financial plan for all Town funds and activities, including the proposed School Committee budget of the ensuing year.

Except for the school budget or may be required by general law, it shall be in such form as the Town Administrator deems desirable or the Finance Committee may require.

6-5-2 In submitting the proposed budget, the Town Administrator shall utilize modern fiscal principals so as to afford maximum information and financial control. The budget shall detail all estimated revenue from the property tax levy and other sources and all proposed expenditures, including debt service to: the previous, current and ensuing years, and shall indicate separately: (a) proposed expenditures for 50th current operations and capital projects during the ensuring year, detailed by agency, purpose and position, together with proposed financing methods; and (b) estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. Section 6 Action on the proposed budget

6-6-1 The Town Council shall conduct at least two (2) public hearings on the proposed budget, and it shall publish, in one (1) or more newspapers of general circulation in the Town, a general summary of the budget and a notice stating: (a) the times and places where copies of the budget shall be available for inspection, and (b) the dates, times and places, not less than fourteen (14) days after such publication, when the public hearings on the budget proposal shall be conducted. The Finance Committee shall issue printed recommendations and make copies available at the time of the public hearings.

6-6-2 The Town Council shall adopt the budget, with or without amendments, prior to the close of the current fiscal year. Adoption of the budget shall constitute appropriation of the amounts specified therein.

Section 7 Capital improvements program

6-7-1 Within the period provided by general law, the Town Administrator shall submit to the Town Council and file copies with the Finance Committee a six-year capital improvements program, which shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next six (6) fiscal 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 any facility to be constructed or acquired.

6-7-2 Information requirements described above may be revised and extended annually with respect to capital improvements in the process of construction or acquisition. A capital improvement shall be defined by the Finance Committee, in consultation with the Town Administrator and other town officials, such definition to be changed from time to time as necessary to reflect current economic conditions.

Section 8 Emergency appropriations

6-8-1 The Town Council shall have the power to enact emergency appropriations orders to meet a public emergency affecting life, health, property or the public peace. Any such emergency order shall be so declared in an emergency preamble thereto, separately voted on and receiving the affirmative vote of at least two-thirds (2/3) of the full Council membership.

ARTICLE SEVEN GENERAL PROVISIONS

Section 1 Charter amendment

7-1-1 This Charter may be replaced, revised or amended in accordance with the provisions of the Constitution of the Commonwealth and general law.

Section 2 Specific provisions to prevail

7-2-1 To the extent that any specific provision of this Charter shall conflict with any general provision thereof, the specific provision shall prevail.

Section 3 Severability of Charter

7-3-1 The provisions of this Charter are severable. If any provision of this Charter is held invalid, the remaining Charter provisions 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 other persons and circumstances shall not be affected thereby. Section 4 Town boards, commissions and committees

7-4-1 All boards, commissions and committees of the Town shall organize annually and elect a Chairman and other necessary officers, establish a majority quorum requirement for meetings, adopt rules of procedure and voting and maintain a journal of proceedings, copies of which shall be a public record signed by the Clerk of each board and filed regularly with the Town Clerk. All such boards shall conduct their meetings in accordance with the open meeting provisions of general law.

Section 5 Counting of days

7-5-1 In counting days under this Charter, every calendar day shall be counted, including Sundays and all holidays.

Section 6 Phasing of terms

7-6-1 Elections and appointments to boards, commissions and committees consisting of more than one (1) member and terms of office greater than one (1) year shall be made so that terms overlap. Terms of an equal, or as nearly equal as may be, number of board, commission or committee members shall expire each year.

Section 7 Suspensions and removals

7-7-1 Except as otherwise may be provided by this Charter, collective-bargaining agreements or applicable civil service and tenure provisions, appointing authorities under this Charter shall have the power to suspend or remove from office, for good cause, salaried officials and employees under their jurisdiction.

7-7-2 Good cause shall include, but shall not be limited to, inefficiency, incapacity other than temporary

illness, insubordination or conduct unbecoming the officer.

7-7-3 Suspension shall be ordered by the appointing authority only if deemed necessary to protect the best interests of the Town and for no longer than fifteen (15) days.

7-7-4 Removal proceedings shall be as follows: (a) a written notice of intent to remove, together with a statement of the cause or causes therefor, shall be delivered by registered mail to the last known address of the person sought to be removed; (b) within seven (7) days following receipt of said written notice, the officer or employee shall have the right to request a public hearing before the appointing authority which shall be held within fourteen (14) days after such request is made; (c) at any such hearing, the officer or employee shall have the right to be represented by counsel, present evidence, call witnesses and question any witness; and (d) final action shall be taken by the appointing authority within five (5) days following the date of such public hearing or, if no hearing is requested, within five (5) days after delivery of the notice of intent to remove.

7-7-5 Nothing in this section shall be construed as granting hearing rights to any person holding a fixed-term appointment whose term has expired without reappointment.

ARTICLE EIGHT TRANSITIONAL PROVISIONS

Section 1 Effective Date

8-1-1 This charter shall become fully effective upon ratification by the voters, except as provided in this Article:

The election to elect the first town officers under this charter shall be held on first Tuesday following the first Monday in November 1995.

At such election the terms of office of all members of the

Town Council then serving shall expire notwithstanding the term for which they were elected. At such election a new nine member Town Council shall, as provided in this charter shall be elected. Forthwith following the election the town clerk shall call together persons elected to the Town Council for the purpose of taking their oaths of office and organizing in accordance with this charter.

At such election the terms of office of all members of the school committee shall expire notwithstanding the terms for which they were elected. At such election a new school committee, as provided in this charter shall be elected

At such election the terms of office of all members of the board of assessors shall expire notwithstanding the terms for which they were elected. At such election a new board of assessors shall be elected as follows: two candidates who received the highest number of votes shall be declared elected for a term of four years, and the candidate who received the next highest number of votes shall be declared elected for a term of two years. As terms of office of members so elected expire, successors shall be chosen as provided in Article 3 of this charter.

At such election the terms of office of all members of the board of health shall expire notwithstanding the terms for which they were elected. At such election a new board of health shall be elected as follows: two candidates who received the highest number of votes shall be declared elected for a term of four years, and the candidate who received the next highest number of votes shall be declared elected for a term of two years. As terms of office of members so elected expire, successors shall be chosen as provided in Article 3 of this charter.

At such election the terms of office of all members of the planning board shall expire notwithstanding the terms for which they were elected. At such election a new planning board shall be elected as follows: three candidates who received the highest number of votes shall be declared elected for a term of four years, and the two candidates who received the next highest number of votes shall be declared elected for a term of two years. The associate member shall be elected for a term of two years. As terms of office of members so elected expire, successors shall be

chosen as provided in Article 3 of this charter.

At such election the terms of office of Town Clerk, Town Treasurer-Collector, and the three Constables shall expire notwithstanding the terms for which they were elected. At such election the Town Clerk, and Town Treasurer-collector, and the three Constables shall be elected for a term of four years in accordance with provisions of this charter.

Section 2 Continuation of Existing Laws

8-2-1 All bylaws, resolutions, rules, regulations, and votes of the Town Council which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

Where provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders, and special acts and acceptances of general law, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in force. Section 3 Existing Officials and Employees

8-3-1 Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service.

Section 4 Continuation of Government

8-4-1 All town officers, boards, commissions or agencies shall continue to perform their duties until re-appointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.