

Reading Public Schools
School Committee Meeting Packet
August 10, 2023



Open Session 7:00p.m.

Reading Memorial High School Library
Reading, MA



Town of Reading Meeting Posting with Agenda

Board - Committee - Commission - Council:

School Committee

Date: 2023-08-10

Time: 7:00 PM

Building: School - Memorial High

Location: School Library

Address: 62 Oakland Road

Agenda:

Purpose: Open Session

Meeting Called By: Thomas Wise, Chair

Notices and agendas are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays and Legal Holidays. Please keep in mind the Town Clerk's hours of operation and make necessary arrangements to be sure your posting is made in an adequate amount of time. A listing of topics that the chair reasonably anticipates will be discussed at the meeting must be on the agenda.

All Meeting Postings must be submitted in typed format; handwritten notices will not be accepted.

Topics of Discussion:

7:00 p.m.	A.	Call to Order
7:00 p.m.	B.	Public Comment Consent Agenda 1. Minutes (06-22-2023) 2. Accept the FY24 Investigating History Implementation Grant Award 3. Accept the RMHS PTO Donation Reports 1. Assistant Superintendent of Student Services 2. Assistant Superintendent of Learning & Teaching 3. Director of Finance and Operations 4. Superintendent 5. Liaison/Sub-Committee
7:30 p.m.	C.	Personnel 1. Appointment of Superintendent to Collaborative Boards (A) a. SEEM Collaborative b. Northshore Education Consortium 2. Superintendent Review Timeline Discussion (A)
7:50 p.m.	D.	Old Business 1. Policy Updates – Review and Vote on Amended Policies (A): a. GCJ – Professional Teacher Status b. DGA – Authorized Signatures c. DH – Bonded Employees and Officers d. DI – Fiscal Accounting and Reporting e. DIE – Audits f. DJ – Purchasing g. DJA – Purchasing Authority h. DK – Payment Procedures

This Agenda has been prepared in advance and represents a listing of topics that the chair reasonably anticipates will be discussed at the meeting. However the agenda does not necessarily include all matters which may be taken up at this meeting.



Town of Reading Meeting Posting with Agenda

		2. Review and Vote to Revoke Policy DJG – Vendor Relations (A)
8:30 p.m.	E.	New Business 1. First Reading – DBDA – Special Education Reserve Fund 2. Liaison and Subcommittee Discussion w/ Potential Appointments 3. Charter Review Committee Discussion w/ Potential Appointment 4. Policy Notification – Policies to be Reviewed for Amendment or Creation over the next few meetings: a. ADF – School District Wellness Program b. DJE – Procurement Requirements c. KCD – Public Gifts to the Schools d. DBJ – Budget Transfer Authority
9:00 p.m.	G.	Executive Session 1. To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body (Reading Teachers Association, Paraprofessionals, and Secretaries)
	F.	Information / Correspondence 1.
10:00 p.m.		Adjourn

**Times are approximate

Join Zoom Meeting

<https://readingpsma.zoom.us/j/83657021146>

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Reading Public Schools

School Committee Meeting Packet

August 10, 2023



Consent Agenda



Town of Reading Meeting Minutes

Board - Committee - Commission - Council:

School Committee

Date: 2023-06-22

Time: 7:00 PM

Building: School - Memorial High

Location: School Library

Address: 62 Oakland Road

Session: Open Session

Purpose: Open Session

Version: Draft

Attendees: **Members - Present:**

Shawn Brandt, Carla Nazzaro, Erin Gaffen, Charles Robinson, Tom Wise and Sarah McLaughlin

Members - Not Present:

Others Present:

Superintendent Dr. Thomas Milaschewski, Assistant Superintendent for Learning and Teaching Dr. Sarah Hardy, Assistant Superintendent for Student Services Dr. Jennifer Stys, Director of Finance and Operations Susan Bottan, and HR Director Michelle Roach

Minutes Respectfully Submitted By: Olivia Lejeune on behalf of the chairperson.

Topics of Discussion:

A. Call to Order – Mr. Brandt called the meeting to order at 7:05pm reviewing the agenda.

B. Public Comment – None

Consent Agenda

1. Minutes (06-08-2023)
2. Reading Lacrosse Association Donation
3. J.W. Killam Elementary School Donation
4. FY22 EOYR Audit Report

Ms. Nazzaro motioned to approve the consent agenda, seconded by Mr. Robinson, vote passed 6-0.

Reports

1. Student – No report
2. Assistant Superintendent of Student Services – Dr. Stys along with Dr. Hardy gave a shout-out to the YMCA for helping a group of students who had no engagement in summer programming. The YMCA was able to provide slots for the students to join a summer program as well as transportation. This is a great show of the Reading community coming together.

3. Assistant Superintendent of Learning & Teaching – No report
4. Director of Finance and Operations – Ms. Bottan acknowledged the facilities staff, IT/Tech staff, and Food Service staff for a number of projects and improvements made this school year.
5. Superintendent – Dr. Milaschewski congratulated the Boy’s lacrosse team for winning the state championship last week. This is a huge accomplishment and we are proud of the individuals on the team and the coaching staff.
6. Liaison/Sub-Committee
 - a. Mr. Robinson – SWEC met last week to discuss and finalize the RFI to get a sense of interest and will meet again next week. The Recreation Committee met too to discuss the start of Phase 2 of the Birch Meadow project.
 - b. Ms. Gaffen – The Juneteenth celebration is this Saturday, June 24th on the Town Common.
 - c. Ms. McLaughlin – We will discuss in detail later during this meeting, but the Legal Counsel Subcommittee is moving forward with a recommendation tonight to hire a new legal counsel for student services.
 - d. Mr. Wise – The Audit Committee met last week to review the RMLD last Thursday. There were no findings and the committee will be recommending approval of the audit. Mr. Wise shared some final notes on behalf of School Committee Student Representative Jayda Hayes.
 - e. Ms. Nazzaro – There has been a change of events in terms of the Killam School Building Committee. Terva which is the company the committee approved moving forward with withdrew from the process. Terva is relatively new to the MSBA process and after they had some discussion with the town and MSBA they made the decision not to proceed. The committee will move forward with the second-place company Colliers. The Town Manager has been directed to enter into contract negotiations with Colliers. This was an unexpected turn of events, but grateful to Terva for allowing us to move forward.
 - f. Mr. Brandt – No report

E. New Business

1. SEPAC Year-End Update

SEPAC Board Members presented their year in review. This year, SEPAC has worked hard to get the word out and continue a strong momentum to strengthen internal culture. The board sent a survey out at the beginning of the year gathering feedback and from that feedback they found those who know what SEPAC is are engaged. For those who do not know who or what SEPAC is do not know the resources that can be offered to them. There are some specific initiatives those engaged in SEPAC are looking for in the new school year and the group will be working with student services to make sure everything is lined up for a successful year.

Some highlights from this school year include launching the new website, providing more social activities, and creating intentional connections with Friends of METCO. Part of the SEPAC's mission is to advise Student Services, the School Committee and Superintendent. As a way to keep the momentum moving, SEPAC would like to add a member to hiring search committees moving forward.

Looking ahead to the new school year, SEPAC wants to provide new social networking opportunities, expand workshops, expand Friends of SEPAC, explore fundraising, expand website partnership with the school, hold a Team Chair Meet and Greet, and continue the development of trusted partnerships with students' services and school leaders.

C. Personnel

1. SY22-23 Year-End Personnel Update

Ms. Roach shared some highlights of the work the Human Resource Department has been working on over the past year and also some highlights looking forward to the new school year. Ms. Roach reviewed hiring positions that are filled vs open for the new school year. As a reminder, this is just a snapshot of year-to-year recruitment. There are areas where we have made progress. Ms. Roach acknowledged the work of Food Service Director Ms. Franzetti who has been working hard on recruitment to fill positions in the food service area. In reviewing departures year to year, we are seeing retirement numbers going up and RTA exits going down. We will not have finalized numbers until the end of August so these numbers may fluctuate.

Initiatives for this past year included the development of an HR newsletter and competency and lane change forms and a formalized process. The department expanded the awards night which was well attended and we look to expand further next year possibly creating a standalone event and adding an academic excellence portion. We are receiving good data from exit surveys. When broken down, we see staff departure for similar positions and self-reported contributing factors.

Ms. Nazzaro motioned to move section E4 out of order. Mr. Wise seconded, vote passed 6-0.

E. New Business

4. Review Draft District Strategic Plan

Dr. Milaschewski gave a brief overview of the district strategic plan. There have been a lot of people involved in the process of creating the strategic plan and this is very much so a draft that will continue to be reviewed and revised. Thank you to all of those who have provided feedback over the last several weeks. We will add the strategic plan and feedback link to the website so community members can continue to provide feedback over the summer. The plan is made up of four strategic initiatives: Supportive, Equitable and Safe Learning Environments, Coherent Instructional Systems, School Operations, and Family and Community Engagement. The plan provided in the packet has live links which bring you to the logic models outlining action plans and outcomes.

A question was raised about the length of the plan as it only goes through 2025. This is an error and will be updated so the plan extends through 2026. The School Committee welcomed Theresa Wiggins and Barbara Best who walked through the Family and Community Engagement initiative.

The committee took a 5-minute break returning at 9:24pm.

1. Recommendation and Vote to Appoint Director of Finance and Operations (A)

Dr. Milaschewski recommended moving forward into contract negotiations with Dr. Derek Pinto as the Director of Finance and Operations. Thank you to the screening committee for being part of this process. It was a powerful team and they went through a series of interviews. This is a difficult position to hire in general right now and the bar has been set high by Ms. Bottan's great work. The committee interviewed a lot of strong candidates and we are fortunate to move forward with Dr. Pinto. Dr. Milaschewski outlined some of Dr. Pinto's background which is also shared in the memo in the packet.

Ms. Nazzaro moved to approve the appointment of Dr. Derek Pinto as the Director of Finance and Operations subject to successful contract negotiations. Mr. Wise seconded, vote passed 6-0.

2. Learning and Teaching Year-End Update

Dr. Hardy presented an overview of accomplishments from the 2022-2023 school year and reviewed plans for the 2023-2024 school year with a focus on the following areas: professional learning system, curriculum review process, and curriculum implementation.

3. Review and Approve Killam Principal Search Process (A)

Dr. Milaschewski thanked Principal Leveque for her services as Killam principal the last seven years. In the packet, you will find the Killam Elementary Principal search process. This is a standard process we have gone through in the past for principal searches. We are going to expand the screening committee on the staff side because we have had more interest than anticipated. A question was asked as to why we are going for a full-time search instead of an interim and what are the expectations around what the pool might look like? We feel we are in a window where we can land a full-time candidate. This position is being posted and the process is lining up to the same as last year's search for the Barrows principal. Knowing the outcome and success of the Barrows search it made sense to move forward at this time with a full-time search. We expect to be in an optimal position to find a full-time principal, but will be prepared to pivot to an interim if needed. We have optimism for a strong pool and some hesitation. This is a late time of year for hiring and not a lot of people applying for principal positions in general. However, we posted the position and already have 12 candidates. We will add a SEPAC parent as a representative on the screening committee. Ms. Nazzaro agreed to be the School Committee representative on the screening committee.

Ms. Nazzaro moved to approve the Killam Principal search process. Mr. Wise seconded, vote passed 6-0.

4. Review and Vote to Approve FY23 Budget Transfers (A)

Ms. Bottan confirmed nothing has changed in terms of the budget transfer since the last School Committee meeting on June 8th.

Ms. Nazzaro moved to transfer \$740,000 from the Special Education Cost Center to the following centers:

- \$645,000 to Regular Day
- \$35,000 to Technology Software
- \$60,000 to Facilities

Mr. Wise seconded, vote passed 6-0.

5. Review Legal Counsel Subcommittee Recommendation and Vote to Approve Special Education Counsel (A)

Mr. Wise reviewed the process the Legal Counsel Subcommittee underwent to select a new Legal Counsel to support Student Services. Fourteen firms were invited to participate in the process in which seven interviewed with an outcome of four finalists. One firm had to opt out at the last minute due to staffing limitations which left the subcommittee with three finalists to interview. The subcommittee agreed to recommend appointing Stoneman, Chandler, & Miller. The group negotiated a few financial incentives such as 10 hours of free transition services. Cases will be transferred and managed on an individual basis. Rates are commensurate with other firms.

Ms. Nazzaro motioned to appoint Stoneman, Chandler, & Miller LLP as Student Services Counsel, vote passed 6-0.

6. Letter in Support of PARC Grant Application (A)

Mr. Brandt gave an overview of the PARC Grant and what the money would support. Phase 2 of the Birch Meadow project involves redoing the area behind the high school to build a fully accessible playground where the "Tot Lot" is as well as a renovation of the basketball courts and additional parking. The town is applying for the PARC Grant, which has a submission deadline in mid-July. The grant award eligibility is up to \$500k to support the project. One nuance of the grant is that the property the grant applied to has to be owned by the Town and portions of the plot land are currently deeded to the school district. If the grant is awarded, the School Committee would declare the property as unused and deed it to the Town to give them control and accept the grant. The letter expresses support for the grant and expresses our intent to move forward with the transfer of land when or if the time comes.

A question was asked about the boundaries beyond the tot lot. Are the fields included and is there any risk to high school programs having priority to fields? It does not seem we would run into issues. To clarify this question, this letter just shows our

support and when the grant is awarded or executed we will have time to negotiate and express any concerns.

Ms. Nazzaro motioned to send a letter in Support of PARC Grant Application, Mr. Wise seconded, vote passed 6-0.

D. Old Business

1. Consider and Vote to Approve the Contribution to Special Education Stabilization Fund (A)

At Town Meeting, they approved the creation of the Special Education Stabilization Fund. The School Committee still has some work to do in creating policies, but at this time we have to determine an amount to contribute to the fund. Ms. Bottan is projecting a year-end balance of \$285,000.

The committee had discussions about money set aside in years past in the “backstop bucket” and how the backstop bucket is spent. The committee discussed what would be a reasonable and comfortable number to set aside.

Ms. Nazzaro motioned to contribute \$175,000 to the Special Education Stabilization Fund, Mr. Wise seconded, vote passed 6-0.

2. Policy Updates – Review and Vote on Amended Policies: GCJ, DGA, DH, DI, DIE, DJ, DJA, DK (A)

Mr. Brandt motioned to moves agenda items D2 and D3 to the next School Committee meeting, Mr. Wise seconded, vote passed 6-0.

3. Review and Vote to Revoke Policy DJG – Vendor Relations (A)

C. Personnel

2. Review and Approve Consensus Superintendent Summative Evaluation (A)

Mr. Brandt stated there were only two examples when the group was slightly inconsistent with their review and that was due to difference in opinion in how that specific goal is viewed. Otherwise, there was strong feedback across the board for Dr. Milaschewski’s review.

Ms. Nazzaro motioned to approve the Consensus Superintendent Summative Evaluation, Mr. Wise seconded, vote passed 6-0.

E. New Business

9. Annual School Committee Reorganization (A)

Mr. Brandt turned the meeting over to Dr. Milaschewski for the reorganization of the School Committee. Mr. Brandt and Mr. Wise were nominated for Chair. The committee is highly functional at this point and the other members agreed they would be happy with either person being chair. After some discussion, Mr. Brandt withdrew his nomination.

Roll Call Vote – Roll Call Vote for Mr. Wise, Mr. Robinson – yes, Ms. Gaffen – yes, Ms. McLaughlin – yes, Mr. Wise – yes, Mr. Brandt – yes, Ms. Nazzaro – yes.

Vote passed 6-0.

Mr. Wise took over the meeting as the new Chairperson for nominations for Vice Chair. Ms. Gaffen was nominated as Vice Chair.

Roll Call Vote – Roll Call Vote for Ms. Gaffen, Mr. Robinson – yes, Ms. Gaffen – yes, Ms. McLaughlin – yes, Mr. Wise – yes, Mr. Brandt – yes, Ms. Nazzaro – yes.

Vote passed 6-0.

Mr. Brandt made a motion to adjourn, seconded by Mrs. McLaughlin, vote passed 6-0.

<https://www.youtube.com/watch?v=d3xwnofuKXw>

Meeting Adjourned 10:53pm.

Reading Public Schools

Instilling a joy of learning and inspiring the innovative leaders of tomorrow



82 Oakland Road
Reading, MA 01867
Phone: 781-944-5800
Fax: 781-942-9149

TO: Reading School Committee
CC: Dr. Thomas Milaschewski, Superintendent of Schools
Dr. Derek Pinto, Director of Finance and Operations
DATE: June 29, 2023
FR: Katelyn Finnegan, Finance and Business Analyst
RE: Acceptance of FY24 Investigating History Implementation Grant Award

The Department of Elementary and Secondary Education has awarded the Reading Public Schools with a FY24 Investigating History Implementation Grant in the amount of \$29,525.

Investigating History is a complete and comprehensive package of curricular materials that includes lesson plans, student handouts, and slide decks. The grant will cover the cost of professional development, as well as print costs and substitute costs, for the new Investigating History curriculum in grades 5-7 next year. Erin Burchill has a group of teachers that have signed up to field test this new curriculum before we do a curriculum review in social studies in the next couple of years.

DESE encouraged districts to apply in partnership in order to more efficiently provide professional development to teachers from multiple districts at once and to facilitate cross-district collaboration among educators throughout the implementation process. We partnered with three other districts (Wakefield, Watertown, and Manchester-Essex) in this grant, so the grant funds awarded to Reading cover the costs for all four districts. Reading is the district that is in charge of paying the vendor (Primary Source) through the grant.

Thank you for your support with your vote to accept the FY24 Investigating History Implementation Grant Award.

Reading Public Schools

Instilling a joy of learning and inspiring the innovative leaders of tomorrow



82 Oakland Road
Reading, MA 01867
Phone: 781-944-5800
Fax: 781-942-9149

TO: Reading School Committee
FROM: Olivia Lejeune, Executive Assistant to the Superintendent
DATE: August 2, 2023
RE: Vote to Accept RMHS PTO Donation

Please vote to accept a donation of \$2,300 from the RMHS PTO to support the RMHS Rocket Ambassador Program.

Please find attached the award letter from Linda Kiene, Treasurer of the RMHS PTO Board

Thank you.



Reading Memorial High School PTO, Inc.
62 Oakland Road
Reading, MA 01867

July 28, 2023

Susan Bottan, Director of Finance and Operations
Reading Public Schools
62 Oakland Road
Reading, MA 01867

Dear Ms. Bottan and the Reading School Committee:

The Reading Memorial High School PTO is pleased to offer this donation in the amount of \$2,300 to support the RMHS Rocket Ambassador program.

Sincerely,

Linda Kiene, Treasurer
on behalf of the RMHS PTO Board and Members

cc: ~~Kevin Tracey~~, RMHS Principal

Reading Public Schools

School Committee Meeting Packet

August 10, 2023



Personnel



Administrative Offices
82 Oakland Road
Reading, MA 01867
781 944-5800

READING SCHOOL COMMITTEE

Thomas Wise Chair
Erin Gaffen Vice-Chair

Shawn Brandt
Sarah McLaughlin
Carla Nazzaro
Charles Robinson

Thomas Milaschewski, Ed.D.
Superintendent of Schools

TO: Reading School Committee
FROM: Thomas Wise, Reading School Committee Chair
DATE: August 3, 2023
TOPIC: Appointment of Dr. Milaschewski to the Board of Directors for Education Collaboratives

One of the responsibilities we have as a School Committee is the appointment of either a member of the School Committee or the Superintendent of Schools to the Board of Directors of Education Collaboratives that Reading Public Schools is a part of. This responsibility is codified in [Mass General Laws, Chapter 40, Section 4e](#) with the following pertinent subsection:

*(c) The education collaborative shall be managed by a board of directors which shall be **comprised of 1 person appointed annually by each member school committee or member charter school board. All appointed persons shall be either a school committee member, the superintendent of schools or a member of the charter school board.** The commissioner shall appoint an individual to serve as a liaison from the department of elementary and secondary education to the education collaborative board of directors; provided that, to the extent feasible, the commissioner shall appoint an individual who has expertise in 1 or more of the following areas: educational programming and services, finance, budgeting and management oversight. Each member of the board of directors shall be entitled to a vote. No member of the board of directors shall receive an additional salary or stipend for their service as a board member. No member of the board of directors of an education collaborative shall serve as a member of a board of directors or as an officer or employee of any related for-profit or non-profit organization. The board of directors shall elect a chairperson from its members and provide for such other officers as it may determine are necessary, and may establish advisory committees as desired. Each collaborative board shall meet not fewer than 6 times annually. Each member of the board of directors shall be responsible for providing information and updates on the activities of the collaborative on a quarterly basis to the member's appointing school committee or charter school board at an open meeting.*

Reading Public Schools is currently a member of two collaboratives: [SEEM Collaborative](#) and [Northshore Education Consortium](#). Given the nature of these Collaboratives and the association with the day-to-day operations of the District, I recommend that we appoint Dr. Milaschewski as our representative.

We can discuss this in more detail during our meeting on Thursday.



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READING SCHOOL COMMITTEE

Thomas Wise Chair
Erin Gaffen Vice-Chair

Shawn Brandt
Sarah McLaughlin
Carla Nazzaro
Charles Robinson

Thomas Milaschewski, Ed.D.
Superintendent of Schools

TO: Reading School Committee
FROM: Thomas Wise, Reading School Committee Chair
DATE: August 3, 2023
TOPIC: Superintendent Review Timeline Discussion

At our meeting on August 10, 2023, we will briefly discuss our timeline options for the next Superintendent review. At the conclusion of our discussion, we will vote on one of the options to set a plan in place for the forthcoming academic year.

While other options may come forward on the floor, the two primary options we will discuss as a committee are:

- (1) A one-year review cycle with the formative review in January/February 2024 and the summative review in May/June 2023.
- (2) A two-year review cycle with the formative review in May/June 2024 and the summative review in May/June 2025.

As a reminder, the Department of Elementary and Secondary Education has published a [Model System for Educator Evaluation: Evaluating Superintendents and District-Level Administrators](#). Please review the guide ahead of the meeting.

A key point of discussion during our meeting will be the following excerpt from the "Organizing the Process of Superintendent Evaluation" section:

A one-year cycle for superintendents in their first three years is important; at the committee's discretion, it may be extended to two years for superintendents working under extended contracts, although annual goals are still strongly recommended.

Thank you.

Reading Public Schools

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August 10, 2023



Old Business



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READING SCHOOL COMMITTEE

Shawn Brandt Chair
Carla Nazzaro Vice-Chair

Erin Gaffen
Sarah McLaughlin
Charles Robinson
Thomas Wise

Thomas Milaschewski, Ed.D.
Superintendent of Schools

TO: Reading School Committee
FROM: Shawn Brandt, Reading School Committee Chair
DATE: June 5, 2023
TOPIC: June 8th Policy Updates and Revocation

At our June 8th meeting, we will have eight policy updates to consider and one for which to consider revocation. All of these updates are eligible for a single meeting review and adoption. A note detailing the policies for review, the reasons they have come up for review, and the process to date has been providing by subcommittee Chair Wise and is included within this memo. For each of the policies being updated, we will include both the original version and the red-lined version passed by the subcommittee in the packet. The current version of DJG for revocation is in the packet as well. Finally, we are also including the minutes from several subcommittee meetings as an FYI, as detailed by Mr. Wise below.

From subcommittee Chair Wise:

Below is a summary of the Policies that the Policy Subcommittee has reviewed, updated, and is recommending the full School Committee adopt (single meeting adoption in all cases):

1. GCJ – Professional Teacher Status: This policy change is the result of a review of our Director of Human Resources and is updated to be in alignment with State Law. The Subcommittee voted 3-0 during our meeting on April 13th to recommend these changes to the School Committee for adoption.
2. DGA – Authorized Signatures: This policy update was made after MASC reviews in both 2021 and 2022. We made significant changes to the MASC version to align with our practice. The Subcommittee voted 3-0 during our meeting on April 13th to recommend these changes to the School Committee for adoption.
3. DH – Bonded Employees and Officers: This policy update was made after MASC reviews in both 2021 and 2022. The Subcommittee voted 3-0 during our meeting on April 13th to recommend these changes to the School Committee for adoption.
4. DI – Fiscal Accounting and Reporting: This policy update was made after MASC reviews in both 2021 and 2022. The Subcommittee voted 3-0 during our meeting on April 13th to recommend these changes to the School Committee for adoption.
5. DIE – Audits: This policy update was made after MASC reviews in both 2021 and 2022. The Subcommittee voted 2-0 during our meeting on May 9th to recommend these changes to the School Committee for adoption.
6. DJ – Purchasing: This policy update was made after MASC reviews in both 2021 and 2022. The Subcommittee voted 3-0 during our meeting on April 13th to recommend these changes to the School Committee for adoption.
7. DJA – Purchasing Authority: This policy update was made after MASC reviews in 2021. The Subcommittee voted 3-0 during our meeting on April 13th to recommend these changes to the School Committee for adoption.
8. DK – Payment Procedures: This policy update was made after MASC reviews in both 2021 and 2022. The Subcommittee voted 2-0 during our meeting on May 9th to recommend these changes to the School Committee for adoption.

Additionally, in our Policy Manual review, it was noted that MASC revoked Policy DJG – Vendor Relations in June of 2017. After reviewing with Legal and our Director of Finance & Operations, the Subcommittee voted 2-0 during our meeting on May 9th to recommend the revocation of this policy from our policy manual to the School Committee as well.

Process-wise, all policies were aligned with MASC, reviewed by legal, updated by legal where necessary, reviewed by the Central Office administration team, reviewed and updated by the Subcommittee with appropriate Central Office administration team members, then voted upon. If necessary, a follow-up review was requested by legal as well, and no further changes were deemed necessary. Additionally, in this set of changes, we have incorporated all the changes into single documents. Thus, I am attaching the versions currently in our policy manual and the version, with all the redlines, we finally agreed upon and approved.

Further, some members of the Subcommittee felt the Meeting Minutes may be insightful for members of the full School Committee with respect to the discussion, feedback, and input process we went through in our review. Therefore, I am attaching a few of the finalized minutes as well. Of note:

- a. GCJ – See minutes from 2023-02-15 and 2023-04-13.
- b. DGA – See minutes from 2023-02-16 and 2023-04-13.



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READING SCHOOL COMMITTEE

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Charles Robinson

Thomas Milaschewski, Ed.D.
Superintendent of Schools

TO: Reading School Committee
FROM: Thomas Wise, Reading School Committee Chair
DATE: August 7, 2023
TOPIC: Dr. Coram Policy Feedback

Dr. Coram submitted a good deal of feedback on the policies to go before the Committee before our last meeting. After checking with Dr. Coram, I am summarizing that feedback here so other members are aware and can consider the feedback as well.

Policy GCJ

1. The first sentence grants PTS to teachers who have served for 3 years, without any requirement that they have been offered a position for the following year. You indicated that you want it to be a requirement that they be reappointed for the 4th year.
2. In the second paragraph, giving the Superintendent authority to award PTS after one year, should that be one qualifying year?
3. The end of that sentence may need some work, if "conducted" is removed (hard to tell in the marked-up version). It used to be "conducted ... or otherwise allowed", but it lost the parallelism. I think it reads like this:
 - o The Superintendent will base their decisions in accordance with School Committee policy or otherwise allowed by law or regulation.

But it would be better like this:

- o The Superintendent will base their decisions in accordance with School Committee policy and other allowable law or regulation.

(I assume we don't want the decision to be made by some allowable law that conflicts with SC policy, which would be permissible if you have "or otherwise.")

4. The definition of "Qualifying years" should be changed to a definition of "Qualifying year" and perhaps should mention that it's an academic year (or the contract year specified by the collective bargaining agreement).

A qualifying year is defined as

- o An academic year executed under a Massachusetts Department of Elementary and Secondary Education teacher license or another appropriate licensure. This excludes emergency and waiver situations.
- o No leave greater than 30 calendar days was taken during the year.
 - Is it OK to take two (or more) leaves, as long as each is not more than 30 days? Eg. two leaves of 20 days? If a teacher takes FMLA leave of greater than 30 days, is it legal under federal law to count that as disqualifying the year?

- You could add an additional requirement that the employee not be notified that they are not being reappointed (ugh, double-negative) as part of a qualifying year. (It puts some teeth in the requirement of timely notification.)
- The employee was not notified prior to June 15 that they are not being reappointed for the following year.

Policy DGA

1. There may be a minor issue with the paragraph after the three cases; it looks like "on" was struck from the clause, but "agenda" was left, so it ends up with:
 - a. In the first two cases, a record of this approval will be made available at the then-current or at the next regular School Committee agenda.
 - b. "at ... agenda" seems wrong: "on .. agenda" was OK, or "at ... meeting" would be OK. Actually, having it in the minutes of one of those meetings seems like it would be better.
2. I think you want a hyphen before "personnel" in the next sentence:
 - a. In the last case, non-student or -personnel identifying information.

Policy DI

1. In the first sentence, "school system" was changed to "school district," but then later we have "school department." Are those two terms intentionally different?

Policy DIE

1. The wording in the 3rd bullet looks wrong to me:
 - a. * Federal grant audits: As a district that spends about thresholds required, I would expect "above" instead of "about":
 - * Federal grant audits: As a district that spends above the relevant threshold, or
 - * Federal grant audits: As a district that spends above the requirement threshold,
 I think it shouldn't say "thresholds required" because it's not the threshold that's required, it's compliance with the Act that is required based on the threshold.
2. This policy has "department" in some places and "district" in others.

Policy DJ

1. The fourth bullet needs a small tweak:
 - a. To promote social and economic goals such as encouraging local, small, and minority- or women-owned businesses to participate in bidding for District purchases.
 - b. Right now, it's "minority businesses" instead of "minority-owned businesses."
2. Also, the third bullet mentions "requesting departments" and then later we have "appropriate unit head." I'm not sure what a "unit head" is, and whether it should be "department head" or whether the third bullet should use "requesting unit."

In some cases, I was able to easily add or resolve his points. In other cases, there may be a bit more discussion and/or points of awareness for the Committee. I did also gather further feedback from our Director of Human Resources and our Director of Finance and Operations to bring to the meeting as well.

Thank you.

PROFESSIONAL TEACHER STATUS

Teachers and certain other professional employees who have served in the school district for three consecutive years shall be entitled to professional teacher status. The Superintendent, upon recommendation of the Principal, may award such status to a teacher who has served in the Principal's school for not less than one year or a teacher who has obtained such status in any other public school district in the Commonwealth. The Superintendent will base his/her decisions on the results of evaluation procedures conducted according to committee policy.

At the end of each of the first three years of a teacher's employment, it will be the responsibility of the Superintendent to notify each employee promptly in writing of the decision on reappointment. Notification to a teacher not being reappointed must be made by June 15.

A teacher who attains professional teacher status will have continuous employment in the service of the school system. A teacher with professional teacher status whose position is abolished by the School Committee may be continued in the employ of the school system in another position for which he or she is legally qualified.

Nothing in these provisions will be considered as restricting the Superintendent from changing teaching assignments or altering or abolishing supervisory assignments except that, by law, no teacher may be assigned to a position for which he or she is not legally qualified.

Adopted by Reading School Committee on August 24, 2006.

LEGAL REFS: M.G.L. 71:38; 71:38G; 71:38H; 71:41; 71:42; 71:43

PROFESSIONAL TEACHER STATUS

Teachers and certain other professional employees who have served in the school district for three consecutive, ~~and qualifying~~ years shall be entitled to professional teacher status.

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The Superintendent, upon recommendation of the Principal, may award such status to a teacher who has served in the Principal's school for not less than one year, or a teacher who has obtained such status in any other public school district in the Commonwealth. The Superintendent will base ~~his/her/their~~ decisions ~~on the results of evaluation procedures conducted in accordance with~~ ing to School Committee policy or otherwise allowed by law or regulation.

Commented [TW1]: Not a common practice of RPS per Michelle.

Commented [TW2R1]: Agreed by the Committee to stay as recruiting tool or otherwise.

At the end of each of the first three ~~Professional Teaching Status (PTS) qualifying~~ years of a teacher's employment, it will be the responsibility of the ~~Principal and/or~~ Superintendent to notify each employee ~~promptly~~ in writing of the decision on reappointment. Notification to a teacher not being reappointed must be made by June 15 ~~or at an earlier date if required by a collective bargaining agreement.~~

Commented [TW3]: Per Michelle, the law allows us to dismiss for any reason.

Commented [TW4R3]: We want to look to add something here to determine how to align with the MGL option of non-renewal in the first three years.

Commented [TW5]: Suggested addition from Michelle.

Qualifying years are defined as:

1. Each year ~~qualifying~~ is executed under a ~~full~~ DESE Massachusetts Department of Elementary and Secondary Education ~~teacher license~~ or another appropriate licensure. This excludes emergency and waiver situations.
2. No leave greater than 30 calendar days was taken during the three-year period each year.

Commented [TW6]: Grammarly suggests changing this phrase to "the Superintendent will"

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Commented [TW7]: Technically an emergency license is a teacher license, but that shouldn't count toward PTS per Michelle. So, should we try to delineate here in some way? Colby previously removed "full" from this section.

A teacher who attains professional teacher status will have continuous employment in the service of the school system ~~district subject to satisfactory evaluations and good conduct in accordance with M.G.L. c. 71 s. 4271:42.~~ A teacher with professional teacher status whose position is abolished by the School Committee may be continued in the employ of the school ~~system~~ district in another position, ~~subject to availability,~~ for which ~~he or she is~~ they are legally qualified.

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Commented [TW8]: Suggested addition from Michelle.

Commented [TW9]: Suggested addition from Michelle.

Nothing in these provisions will be considered as restricting the Superintendent from changing teaching assignments or altering or abolishing supervisory assignments except that, by law, no teacher may be assigned to a position for which ~~he or she is~~ they are not legally qualified.

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~~Adopted by Reading School Committee on August 24, 2006.~~

LEGAL REFS: M.G.L. [71:38](#); [71:38G](#); [71:38H](#); [71:41](#); [71:42](#); [71:43](#)

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~~Adopted by the Reading School Committee on August 24, 2006.~~

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~~Reviewed, Revised, and Adopted by the Reading School Committee on~~

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NONRENEWAL OF NON-PTS TEACHERS
Questions & Answers

What is Professional Teacher Status and who is eligible?

Definition. Professional Teacher Status (PTS) is a designation in Massachusetts law signifying that a school employee has served a certain probationary period and has thereby obtained some measure of job security. Massachusetts General Laws, Chapter 71 § 41 provides PTS teachers with both substantive and procedural protections against dismissal and suspension. Collective bargaining agreements often provide additional protections, including rights in the event of a reduction in force.

Who is eligible for PTS? Teachers, school librarians, school adjustment counselors, school nurses, school social workers and school psychologists are eligible for PTS, including those employed in vocational schools. M.G.L. c. 71 § 41; M.G.L. c. 74 § 22E.

How is PTS acquired?

What is the length of the probationary period? In order to acquire PTS one must serve in a school district for *three previous consecutive school years under an appropriate license*. However, the superintendent, upon the recommendation of the principal, may award such status to any teacher who has served in the principal's school for not less than one year or to a teacher who has obtained PTS in any other public school district in the Commonwealth. While there is no case directly on point, it is unlikely that the superintendent could grant PTS after one year without the recommendation of the principal. In a vocational school, it is the school committee that may grant early PTS. M.G.L. c. 74 § 22E.

How is "school year" defined? Courts have interpreted this requirement to mean three "complete" school years. In one case, *Nester v. School Committee of Fall River*, 318 Mass. 538 (1945), serving 178 days out of a 180-day school year was sufficient to constitute a complete school year. In another, *Fortunato v. King Philip Reg. School Dist.*, 23 Mass. App. Ct. 998 (1980), 160 days of service out of 182 days was not sufficient to constitute a complete school year.

Consistent with *Nester* and *Fortunato*, the Appeals Court held that a teacher's third consecutive year of employment did not count toward tenure because she had taught only 99 out of the 183 days of the school year before beginning a maternity leave. *Matthews v. School Committee of New Bedford*, 22 Mass. App. Ct. 374 (1986). The court left open the question of whether periods of service in different school years could be pieced together to form a composite complete school year. 22 Mass. App. Ct. at 379.

What about sick leave or other paid leaves of absence? Days spent on paid leaves of absence count toward the accumulation of service toward PTS. *Fortunato*, supra. However, it is an open question as to whether days on **unpaid** leave may count toward PTS.

What does "three previous consecutive school years" mean? Generally, one must serve three consecutive school years in a district to acquire PTS. However, the Supreme Judicial Court held that a non-PTS teacher who took an unpaid maternity leave in a given school year would not have to start from year one to again accumulate the necessary three **consecutive** school years. *Solomon v. School Committee of Boston*, 395 Mass.12 (1985). The year of unpaid leave does not count as service for PTS unless the teacher serves a sufficient amount of time during that year to constitute a "complete" school year.

Who decides whether a non-PTS teacher will continue in employment?

The principal and the superintendent make all hiring and firing decisions. M.G.L. c. 71 §§ 42 and 59B. The law does not specifically state who decides nonrenewal and MTA has not had a situation in which the superintendent and principal were unable to agree on whether a teacher would continue in employment.

How are non-PTS teachers notified whether their employment will continue?

The June 15 Nonrenewal Notice. Chapter 71 § 41 provides that a teacher shall be notified in writing on or before June 15 whenever such person is not to be employed for the following school year.

What form must the notice take? Under Chapter 71 § 41, a teacher must be given clear **written** notification of non-reemployment from the district official authorized to make that decision. This is not a mere technicality but a mandatory requirement. *Paquette v. City of Fall River*, 278 Mass. 172, 173-174 (1932). Given this strict requirement, the notice of nonrenewal must be clear and unambiguous. A mere reference to nonrenewal buried in the text of an evaluation document drafted by the principal may not constitute notice under the statute.

What happens if notice is not received by June 15?

The law specifically states that “unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.” M.G.L. c. 71 § 41. Therefore, failure to honor the statutory deadline to provide notice of nonrenewal means that the teacher is employed for another year. This is true even if the failure to send the notice was an error and the teacher’s continued employment results in the teacher acquiring PTS. See *Bonar v. City of Boston*, 369 Mass. 579 (1976). NOTE: A school district that fails to give notice of nonrenewal by June 15 cannot avoid re-employment by sending the teacher a dismissal notice on June 16. Some intervening misconduct or performance problem must be present.

What are a teacher’s procedural rights in connection with nonrenewal?

Other than the notice requirement outlined above, non-PTS teachers are not entitled to any statutory procedures before they are nonrenewed. The procedures afforded to PTS teachers under Chapter 71 § 42 do not apply to the nonrenewal of non-PTS teachers. Therefore, the district is not required to provide a reason for the nonrenewal. *Laurano v. Superintendent of Schools of Saugus*, 459 Mass. 1008 (2011). Some districts have afforded the pre-dismissal procedures that govern termination of a teacher with PTS to teachers being nonrenewed. When that happens, the MTA field representative assigned to the local will meet with local leaders and the teacher to determine the appropriate course of action. If a meeting is scheduled, the teacher facing nonrenewal is represented by the local association and/or the MTA-assigned field representative. The strategy for the meeting will depend on any contractual or statutory claims the teacher may have.

What rights does a non-PTS teacher have if he or she is terminated rather than nonrenewed?

A district may decide to terminate a non-PTS teacher during the school year. Within the first 90 days of employment, non-PTS teachers have no procedural or substantive rights under the statute. However, the district must adhere to the procedures set out in the collective bargaining agreement, including evaluation and notice procedures.

Chapter 71 § 42 provides some procedural rights to non-PTS teachers who have taught for at least 90 calendar days. The superintendent or principal is required to furnish the teacher with prior written notice of intent to dismiss, with an explanation of the grounds for dismissal and documents relating to the grounds for dismissal. Upon request, the teacher must also be given an opportunity within 10 school days to meet with the principal or superintendent to present information pertaining to the decision.

Can a non-PTS teacher effectively challenge nonrenewal?

Violation of contractual procedures. Chapter 71 § 42 states that non-PTS teachers are “employees at will,” which has traditionally meant that employment may be terminated by the employer for any reason or for no reason. *Fortune v. National Cash Register Co.*, 373 Mass. 96, 100 (1977). Employers have argued that this at-will language means non-PTS teachers have no right to challenge a nonrenewal decision. This issue was put to rest in *School Committee of Hull v. Hull Teachers Association/MTA/NEA*, 69 Mass. App. Ct. 860 (2007), further app. rev. denied, 450 Mass. 1103-04 (2007). This decision affirmed an arbitration award reinstating a non-PTS teacher for another year of employment based on the finding that the employer failed to follow negotiated evaluation procedures, prejudicing the non-PTS teacher. *Hull* affirmed the union’s ability to effectively challenge nonrenewal decisions when negotiated evaluation procedures were not followed.

Other contractual procedures may also be enforceable. For example, where a contract provided that layoff may only occur “when it becomes necessary [for reasons of economy],” one arbitrator determined that a school district had to demonstrate such necessity at arbitration, when nonrenewal was expressly for “economic reasons.” *Fall River Educators Association and Fall River School Committee*, Grievance #10-08 (Boulanger, April 19, 2013).

Violation of contractual antidiscrimination provisions. Contractual prohibitions against illegal discrimination in nonrenewal of a non-PTS teacher are enforceable when it comes to sex discrimination. *Blue Hills Regional Dist. Sch. Comm. v. Flight*, 383 Mass. 642 (1981) (Flight). There have been no cases discussing the enforceability of contract provisions prohibiting discrimination based upon union activity. Given a 2010 decision by the Supreme Judicial Court, if an employer were to nonrenew a teacher because of union activity, MTA might advise challenging that decision by filing with the Department of Labor Relations in lieu of a grievance under the contract. See *Department of State Police v. MOSES*, 456 Mass. 450 (2010)(statute giving State Police non-delegable employment authority over civilian employees supersedes clauses in collective bargaining agreement prohibiting discrimination based upon union activity.)

What is the process of determining whether the teacher has acquired PTS?

Since passage of the Education Reform Act of 1993, an arbitration, not the Superior Court, is the proper forum in which to resolve disputes over whether a teacher has professional status under Chapter 71 § 42. *Lyons v. School Committee of Dedham*, 440 Mass. 74 (2003), *Turner v. School Committee of Dedham*, 41 Mass. App. Ct. 354 (1996); cf. *Goncalo v. School Committee of Fall River*, 55 Mass. App. Ct. 7 (2002).

What rights does a teacher have after nonrenewal?

Eligibility for group health insurance during the summer. Teachers and all other public school employees are deemed to be employees during the months of July and August for the purposes of eligibility for health insurance. M.G.L. c. 32B § 2 (“employee”). Teachers who are nonrenewed at the end of a school year are entitled to group health insurance coverage during July and August, and the employer is obligated to pay its share of premium contributions. There is an arbitration decision directly on point that held that summer coverage for group health insurance benefits extends to teachers post-nonrenewal because Chapter 32B § 2 (“employee”) “does not condition providing health coverage in July and August upon any requirement that teachers be offered teaching positions for the upcoming school year.” Rather, the statute provides that summer health insurance depends upon services rendered by the employee “during the previous school year.” *Fall River Educators Association and Fall River School Committee*, Case #11-390-00620-12 (Gary Altman, AAA December 3, 2012), p. 19.

Eligibility for unemployment compensation. Entitlement to unemployment compensation benefits for municipal employees is governed by M.G.L. Chapter 151A. A teacher who is nonrenewed is eligible to collect benefits as soon as the school year is over (i.e., approximately the end of June) unless and until she receives a “reasonable assurance” that she will be reemployed for the upcoming school year or finds other “suitable employment.” The fact that a teacher may be receiving paychecks from the district during the summer months does not impact eligibility for unemployment benefits, since the teaching salary is considered to have been fully earned during the school year and “deferred” until the summer. However, as soon as the nonrenewed teacher receives “reasonable assurance” of reemployment in any school system for the next school year or finds other suitable employment, eligibility for unemployment ceases. The Department of Unemployment Assistance (DUA) will seek reimbursement of unemployment benefits paid to a nonrenewed teacher after the date on which the teacher had reasonable assurance of a position.

Disclaimer: The information in this document is designed for educational purposes only, to provide general information based on current law. It is not intended to be legal advice. The principles discussed herein do not necessarily apply to all specific fact situations and publication of this information does not establish an attorney-client relationship. Changes in the law after the date this information was published may affect its accuracy. If questions or situations arise pertaining to the subject matter of this document, please contact the president of your MTA affiliate or MTA consultant.

AUTHORIZED SIGNATURES

The chairman of the School Committee, or the vice-chair when the chair is unavailable, and the Superintendent will sign payrolls presented for approval.

The town treasurer, who also serves as the school department treasurer, signs all checks drawn against school department funds. No other signature is valid.

LEGAL REF.: M.G.L. 41:41

Adopted by the Reading School Committee on September 28, 2006.

AUTHORIZED SIGNATURES

The School Committee understands its financial stewardship role and takes it very seriously. As such, the Committee utilizes the following process for authorized signatures with financial implications:

1. For contracts that are the responsibility of the School Committee (Union Contracts and the Superintendent Contract): The Chair of the School Committee will be primarily responsible for signing contracts on behalf of the School Committee. In their absence, if time critical, the Vice Chair can sign instead.
2. For bills, payrolls, and warrants: While Massachusetts General Law allows for the roll call vote of one member to be responsible for review and approval, the School Committee of Reading Public Schools prefers that a quorum of the body review and approve them as correct and approved for payment.
3. For contracts covered by FERPA or Employee Privacy laws: The Committee delegates authority to the Superintendent.

~~In the first two cases, The School Committee will designate by roll call vote a single one member responsible for the review and approval of all bills, payrolls, and warrants as correct and approved for payment.~~

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~~A~~a record of this approval will be made available at the then-current or at on the next regular Committee agenda. In the last case, non-student or personnel identifying information, including a brief amount of trend analysis, will be shared with the Committee on a semi-annual basis to coincide with the second and fourth quarterly financial update. Such designation does not limit the responsibility of each member.

The town treasurer, who also serves as the school department treasurer, signs all checks drawn against school department funds. No other signature is valid.

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Additionally, there are times when a signature is required from the School Committee as part of a state or other process (e.g., MIAA waiver applications, MSBA applications or submissions, etc.) requirement. In those cases, the Chair of the School Committee will be responsible for signing the appropriate document. In their absence, if time critical, the Vice Chair can sign instead. The Chair or Vice Chair shall notify the rest of the Committee at the next meeting that such an action has been taken.

LEGAL REF.: M.G.L. [41:41](#); [41:52](#); [41:56](#)

CROSS REF: DK, Payment Procedures

Adopted by the Reading School Committee on September 28, 2006.
Reviewed, Revised, and Adopted by the Reading School Committee on _____.

~~**NOTE: The above language implements a single signatory of district warrants. It should be altered according to district practice. Town and city charters often address this topic; alignment with charters is necessary. References to appropriate sections of a charter should be added as necessary.**~~

Commented [TW1]: This is a note for consideration and investigation. It should be removed from the final version.

Commented [TW2R1]: In quickly checking the Charter, I do not see any further restrictions related to signatory authority.

Commented [NP3R1]: Me either!

BONDED EMPLOYEES AND OFFICERS

Each employee of the school system who is assigned the responsibility of receiving and dispensing school funds will be bonded individually or covered by a blanket bond. The cost of the bond will be paid by the town.

LEGAL REFS: M.G.L.

Adopted by the Reading School Committee on September 28, 2006.

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BONDED EMPLOYEES AND OFFICERS

Each employee of the school system who is assigned the responsibility of receiving and dispensing school funds will be bonded individually or covered by a blanket bond. The town will pay the cost of the bond ~~will be paid by the town.~~

Commented [NP1]: Looks good to me.

LEGAL REFS: M.G.L. [40:5](#); [41:109a](#); [71:47](#)

CROSS REFS: [DI, Fiscal Accounting and Reporting](#)
[JJF, Student Activity Funds](#)

Adopted by the Reading School Committee on September 28, 2006.

Reviewed, Revised, and Adopted by the Reading School Committee on .

FISCAL ACCOUNTING AND REPORTING

The Superintendent will be ultimately responsible for receiving and properly accounting for all funds of the school system.

The accounting system used will conform with state requirements and with good accounting practices, providing for the appropriate separation of accounts, funds, and special monies.

The School Committee will receive periodic financial updates from the Superintendent showing the financial condition of the school department. Such other financial updates as may be determined necessary by either the Committee or the administration will be presented as found desirable.

LEGAL REF: Board of Education 603 CMR 10:00

Adopted by the Reading School Committee on September 28, 2006.

FISCAL ACCOUNTING AND REPORTING

The Superintendent will be ultimately responsible for receiving and properly accounting for all funds of the school ~~system~~district, maintaining effective internal controls so as to assure the effectiveness and efficiency of operations; adequate safeguarding of property; assurance of expenditures in accordance with programs under which revenues are received; and compliance with applicable laws and regulations.

The accounting system used will conform with ~~state requirements~~the Uniform Massachusetts Accounting System as well as ~~and with~~ good accounting practices, providing for the appropriate separation of accounts, funds, and special monies.

The School Committee will receive periodic financial ~~updates~~statements from the Superintendent showing the financial condition of the school department. Such other financial ~~updates~~statements as may be determined necessary by either the Committee or the administration will be presented as ~~requested~~found desirable.

LEGAL REFS: MGL 44:38
Board of Education-603 CMR 10:00
2 CFR 200.303

CROSS REFS: DBJ, Budget Transfer Authority
DIE, Audits

Adopted by the Reading School Committee on September 28, 2006.

Reviewed, Adjusted, and Approved by the Reading School Committee on _____

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Commented [NP1]: Didn't see anything in the Charter addressing this issue.

AUDITS

The Town of Reading retains a certified public accounting firm to annually audit the financial statements of the Town. The financial records and transactions of the Reading Public Schools are included in the scope of this audit.

Section 3.8 of the Town of Reading's Bylaws concerns the makeup and the responsibilities of the Town's Audit Committee. As required by the Bylaw, the School Committee shall appoint one member of the Audit Committee. The Audit Committee reviews the audit plan with the independent auditor and, upon completion of the audit, meets with the independent auditor to discuss the results of the audit and the annual financial reports. The School Committee's appointment to the Audit Committee shall report the findings of the audit to the School Committee.

In addition to the audit of the Town of Reading's Financial Statements, the School Committee must arrange for and undergo an independent review of the Reading Public Schools End of Year Pupil and Financial Report in accordance with the requirements of the Department of Education.

The School Committee may also engage the services of a certified public accounting firm to audit or independently review the records and transactions of the Reading Public Schools, as the School Committee deems appropriate.

Adopted by the Reading School Committee on September 28, 2006.

AUDITS

As a department of the Town of Reading, an audit of the school department's accounts shall be conducted annually by external auditors within nine months, subject to auditor timelines, of the close of the fiscal year. This review shall be conducted in accordance with the generally accepted accounting principles and the Government Auditing Standards issued by the U.S. Comptroller General.

The Town of Reading retains a certified public accounting firm to annually audit the financial statements of the Town. The financial records and transactions of the Reading Public Schools are included in the scope of this audit.

Section 3.8-3.5 of the Town of Reading's Bylaws concerns the makeup and the responsibilities of the Town's Audit Committee. As required by the Bylaw, the School Committee shall appoint ~~one~~ two members of the Audit Committee. The Audit Committee determines the firm or firms of independent auditors to audit and report on the financial statements issued by the Town, reviews the audit plan with the independent auditor and, upon completion of the audit, meets with the independent auditor to discuss the results of the audit and the annual financial reports. The School Committee's appointment to the Audit Committee shall report the findings of the audit to the School Committee.

Upon completion of the external audit, the Superintendent will share the resulting documentation with the Committee. The Committee will consider the recommendation made by the auditor for maintaining an efficient system for recording and safeguarding the school department's assets.

In addition to the audit of the Town of Reading's Financial Statements, the School Committee must arrange for and undergo an independent review of the Reading Public Schools End of Year Pupil and Financial Report in accordance with the requirements of the Department of Education.

Additionally, the district is also subject to the following:

- End of Year Financial Compliance Report: Every Massachusetts school district must submit the results of this report to the Department of Elementary and Secondary Education (DESE). This End of Year report must be submitted to DESE on or before September 30th each year.
- Government Accounting Standards Board 34: The District is covered in these government financial statements of revenue and expenditures of the town.
- Federal grant audits: As a district that spends about thresholds required, the District is subject to the Single Audit Act.
- Student Activity Account: As required by state law, student activity accounts are audited annually. For accounts that exceed \$25,000, the School Committee shall consider an audit conducted by an outside firm every three years.

The School Committee may request an additional also engage the services of a certified public accounting firm to audit of the school district's accounts at its discretion, or independently review the records and transactions of the Reading Public Schools, as the School Committee deems appropriate.

LEGAL REFS: MGL 44:38; 44:39; 44:40; 71:47; 72:3
31 USC Ch 75

Commented [TW1]: This is in the new MASC Policy, but I suggest we strike it based on the Reading Bylaws reference from our old policy that provides a different path of communication.

Commented [NP2R1]: Agreed! Is the current method of communication the line directly before?

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Commented [TW4]: MASC says Department again here. I replaced it with DESE.

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Town of Reading General Bylaw

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CROSS REFS: DI, Fiscal Accounting and Reporting
JJF, Student Activity Accounts

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Adopted by the Reading School Committee on September 28, 2006.
Reviewed, Revised, and Adopted by the Reading School Committee on _____.

NOTE: References to a town or city charter may be appropriate here. The content of these references may require a change in the content of a policy adopted by a local School Committee in this area.

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Not every district is subject to the single audit act; check thresholds.

Commented [TW6]: MASC notes that can be excluded in the final version.

Commented [TW7R6]: A single audit is required if a non-federal entity (e.g., not-for-profit organization, state and local government, tribe or institution for higher education) spends greater than \$750,000 of federal funds in a fiscal year. In certain circumstances, a program-specific audit can be approved by a funder

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PURCHASING

The School Committee declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended.

The Superintendent will develop and administer the purchasing program for the schools in keeping with legal requirements and with the adopted school budget.

LEGAL REFS: M.G.L. 7:22A; 7:22B; 30B; 71:49A

Revised: January 18, 1996.

Adopted by the Reading School Committee on September 28, 2006.

PURCHASING

The Superintendent will designate the District's purchasing agent. The District's purchasing agent will develop and administer the purchasing program for the schools in keeping with legal requirements and within the adopted school budget. The acquisition of materials, equipment, and services will be centralized in the Superintendent's office of the school district.

It shall be the responsibility of the District's purchasing agent:

- To procure materials, supplies, equipment, and services at the lowest possible cost consistent with the quality necessary for the proper operation of the District, thereby attaining ~~The the School Committee declares its intention to purchase competitively without prejudice and to seek maximum educational value for every all funds dollar expended spent;~~
- To maintain the District's reputation for fairness and integrity and to promote impartial and equal treatment to all who wish to conduct business with the District;
- To encourage a mutually cooperative relationship with requesting departments, recognizing that successful purchasing is a result of team planning and effort;
- To promote social and economic goals such as encouraging local, small, minority, and women-owned businesses to participate in bidding for District purchases.

The Superintendent will ~~The District's purchasing agent~~ develop and administer the purchasing program for the schools in keeping with legal requirements and with the adopted school budget. School purchases will be made only on official purchase order formss approved for issuance by the appropriate unit head and signed by the Superintendent or designee, with such exceptions as may be made by the latter for emergency purchases.

The School Committee reserves ~~their~~ legal right to direct the purchasing agent to return the goods or not approve the payment. ~~Vendor~~The vendor will be informed of School Committee Purchasing Policy and M.G.L. 41:56 Chapter 41, Section 56, which protects the department ~~for~~from paying for unauthorized expenses.

LEGAL REFS: _____ M-G-L- 7:22A; 7:22B; 30B; 41:56; 71:49A

Revised: January 18, 1996.

Adopted by the Reading School Committee on September 28, 2006.

Reviewed, Revised, and Adopted by the Reading School Committee on _____.

Commented [NP1]: Is this already the case, or will this addition of language change how things are run currently? I'm assuming this is already how things are done, but just want to make sure.

Commented [NP2]: Is this already the case, or will this addition of language change how things are run currently? I'm assuming this is already how things are done, but just want to make sure.

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PURCHASING AUTHORITY

Authority for the purchase of materials, equipment, supplies, and services is extended to the Superintendent through the detailed listing of such items compiled as part of the budget-making process.

The purchase of items and services on such lists requires no further Committee approval except when by law or Committee policy the purchases or services must be put to bid.

LEGAL REF: M.G.L. 30B

Adopted by the Reading School Committee on September 28, 2006.

PURCHASING AUTHORITY

Authority for the purchase of materials, equipment, supplies, and services is extended to the Superintendent or designee through ~~the detailed listing of such items compiled as part of the cost-center appropriation~~ as part of the District budget-making process.

Commented [NP1]: I think this language is clearer and makes way more sense than the MASC suggestion

The purchase of items and services ~~on such lists within the cost-center appropriation~~ requires no further Committee approval except when by law or Committee policy ~~the purchases or services must be put to bid~~. All procurement of goods or services must follow best business practices and/or procurement laws.

Commented [NP2]: Confusing and not super accurate, in my opinion

Commented [NP3]: Can committee come up with a better way of phrasing this?

LEGAL REF: M-G-L- 30B
Reading Home Rule ¶Charter 5.2(n)

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CROSS REF: DJE, Bidding Requirements

Adopted by the Reading School Committee on September 28, 2006.
Reviewed, Revised, and Adopted by the Reading School Committee on

Commented [NP4]: Cross-checked the Charter, Town's Chief Procurement Officer is not responsible here, SC is.

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PAYMENT PROCEDURES

All claims for payment from school department funds will be processed in accordance with regulations developed by the Superintendent. Payment will be authorized against invoices properly supported by approved purchase orders, with properly submitted vouchers, or in accordance with salaries and salary schedules approved by the School Committee.

As an operating procedure, the Committee will receive lists of bills for payment from school department funds. The lists will be certified as correct and approved for payment by the School Committee and then forwarded to the town accountant for processing and subsequent payment by the town treasurer. Actual invoices, statements, and vouchers will be available for inspection by the School Committee.

The Superintendent will be responsible for assuring that budget allocations are observed and that total expenditures do not exceed the amount allocated in the budget for all items.

The school building administrators and department directors will be responsible for observing budget allocations in their respective schools and departments.

LEGAL REFS: M.G.L. 41:41; 41:52 41:56

Adopted by the Reading School Committee on September 28, 2006.

PAYMENT PROCEDURES

All claims for payment from school department funds will be processed ~~in accordance with following regulations-procedures~~ developed by the Superintendent.

Payment will be authorized against invoices properly supported by approved purchase orders, with properly submitted vouchers, or ~~in accordance with~~per salaries and salary schedules approved by the School Committee.

~~The Superintendent will be responsible for assuring that the budget allocations are observed and that total expenditure does not exceed the amount allocated in the budget for all items.~~

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Warrants will be forwarded to the Town Accountant for processing and subsequent payment by the Town Treasurer. ~~As an operating procedure, (On a monthly basis~~At each regular School Committee meeting for which a previous warrant cycle has passed, ~~(The~~ Committee will receive ~~monthly lists of bills-warrants~~ for payment from school department funds. ~~The lists will be certified as correct and approved for payment by the School Committee and then~~In compliance with Policy DGA, the designated Committee members will~~The Committee will designate by vote a single member to be responsible for the~~review and approve the warrants for payment. ~~Before the approval request, the warrants will be reviewed for accuracy, legitimacy, and alignment with budgeted spending plans by the Director of Finance and Operations.~~

Commented [TW1]: MASC has "municipal auditor" in this location.

Commented [NP2]: Unsure if "monthly basis" is accurate if you receive bills monthly but at diff. points in the month, but I'm assuming they all come in at around the same time?

Commented [TW3]: I would suggest changing this language to something like "comply with Policy DGA"

Commented [NP4R3]: Agreed.

~~forwarded to the town accountant for processing and subsequent payment by the town treasurer.~~Actual invoices, statements, and ~~vouchers-purchase orders~~ will be available for inspection by the School Committee.

Commented [TW5]: MASC has "municipal auditor" in this location.

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~~The Superintendent will be responsible for assuring that budget allocations are observed and that total expenditures do not exceed the amount allocated in the budget for all items.~~

~~The school building administrators and department directors will be responsible for observing budget allocations in their respective schools and departments.~~

LEGAL REFS: M-G-L- 41:41; 41:52; 41:56

CROSS REF: DGA, Authorized Signatures

Adopted by the Reading School Committee on September 28, 2006.
Reviewed, Revised, and Adopted by the Reading School Committee on _____.

NOTE: Specific details established by an individual town should be substituted for those required in the policy above, which were established by that city's code of ordinances. Appropriate citations should also be substituted.

The above language implements a single signatory of district warrants. It should be altered according to district practice.



Town of Reading Meeting Minutes

2016-09-22 LAG

Board - Committee - Commission - Council:

School Committee

Policy Subcommittee

Date: 2023-02-15

Time: 8:30 AM

Building:

Location:

Address:

Session:

Purpose: Open Session

Version: Final

Attendees: **Members - Present:**

Erin Gaffen, Tom Wise, and Chuck Robinson

Members - Not Present:

Others Present:

Director of Human Resources Michelle Roach, Assistant Superintendent
Jennifer Stys

Minutes Respectfully Submitted By: Tom Wise, Chair

Topics of Discussion:

The meeting was held remotely via Zoom. A recording of the meeting can be found [here](#).

Chair Wise called the meeting to order at approximately 8:34 a.m. via roll call. Mr. Wise walked through the agenda.

B.1. Consent Agenda

Mr. Wise moved to approve the Consent Agenda. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

E.1. New Business – Review, Revise, and Approve MASC and Legal changes to Policy GBA – Equal Opportunity Employment

Mr. Wise outlined the brief legal counsel feedback on Policy GBA. He then outlined the changes from MASC in alignment with the Acts of 2012. Mr. Robinson asked a clarifying question about the Acts of 2012. Mr. Wise corrected himself to say Acts of 2022.

The Subcommittee agreed to remove the comma between “pregnancy” and “or pregnancy-related condition” in the protected classes. They also agreed to move the adoption sections below the legal and cross-references.

Mr. Wise moved that we submit Policy GBA – Equal Opportunity Employment to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.2. New Business – Review, Revise, and Approve Administration And Legal changes to Policy GCJ – Professional Teacher Status

Mr. Wise introduced the policy and shared legal counsel feedback. Mrs. Roach then introduced the administrative need to change the policy with a specific focus on the policy’s original first sentence, which set three consecutive years of employment as the requirement. Mr. Wise outlined the changes from MASC policy alignment. MASC did not have the opening sentence. Mr. Wise outlined legal counsel’s concerns with the policy which concurred and went further than administrative suggestions.

Mr. Robinson asked whether legal counsel suggests revoking the entire policy. Mr. Wise confirmed that was an option but mentioned he wasn't a fan of doing so himself.

Mrs. Roach provided specific feedback for discussion. Her feedback included:

- She raised a concern about professional teacher status for those coming from other districts with said status as that has not been practiced over the preceding 18 months.
- She raised a concern about the last sentence of the first paragraph pointing out that the law allows for non-renewal for any reason in the first three years.
- She added "Professional Teaching Status qualifying" in the first sentence of the second paragraph.
- She added "and good conduct" to the first sentence of the third paragraph.
- She requested adding a "subject to availability" to the last sentence of the third paragraph.

Mr. Robinson asked questions about the process of hiring somebody from another district and raised a concern about losing professional teacher status when a teacher changes districts. Mrs. Roach mentioned we haven't come across that situation yet. Mr. Wise mentioned his inclination to keep the clause as it is an optional "or" clause as he believed it would be an important lever to pull in the recruitment process. Mrs. Roach wanted to make sure this was objective, not subjective, and without bias. Mrs. Gaffen expressed a strong belief that staff must work in Reading for at least one year before attaining professional teacher status. Mr. Wise pointed out that the sentence in question was standard MASC language so other districts have the option as well. Discussions around subjective vs. objective measures and preferences of the Subcommittee and the administration. In the end, there was an agreement that a procedure could be developed by the administration to build in the objective measure while keeping the "or" clause in the first sentence of the first paragraph.

Mr. Wise requested the Subcommittee discuss the definition of "qualifying years" as added by Mrs. Roach. The qualifying clause is trying to correct for long-term leaves. Mrs. Gaffen asked a clarifying question about the three years and whether it was always at year-end. Mrs. Roach mentioned it was rolling based on the hire date, but also raised questions to clarify the leave concern as well. The Subcommittee added a set of defining bullets around the Qualifying PTS years including the execution of the years under full licensure and exclusion of leave greater than 30 days. Mr. Wise asked clarifying questions about the definition of "other professional staff" and examples provided were Specialists and Nurses. Nurses, Psychologists, etc. that may not have teaching licenses were discussed. The Subcommittee agreed on "full teaching or another appropriate licensure." There was a discussion around the 30 days clause and the Subcommittee, with guidance from Mrs. Roach, agreed on 30 calendar days as the second portion of the definition for qualifying PTS years.

Mr. Wise suggested that it may be best to put this policy on the table and go back with the changes to legal counsel for strengthening and cleanup. Mr. Robinson raised concerns about the relationship with the RTA on this topic.

Mr. Wise moved that we table Policy GCJ – Professional Teacher Status until further legal evaluation and updates are complete. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.3. New Business – Discuss & Review NSBA Policy Classification System

Mr. Wise quickly covered the NEPN (typo in the agenda) policy coding system. He outlined the differences between MASC for JIC vs. JK and demonstrated how JIC is aligned with all sorts of Student Conduct. Conversely, JK aligns with discipline.

E.4. New Business – Discuss MASC Feedback on Policy JIC & Policy JK

Mr. Wise confirmed that in his follow-up with MASC, they confirmed they have no idea why there was a change between the JIC and JK policies. They changed in 2014 or early and do not have notes on why the change happened.

E.5. New Business – Discuss and Review Options for Policy JK and Subordinate Policies (JKB, JKD, JKE, and JKF)

Mr. Wise outlined the options for how to handle JK and potential subordinate policies – JKB, JKD, JKE, and JKF. Legal counsel confirmed that we could break up JK or go with just one JK. Legal counsel was inclined to stick with one JK due to all the MGL intertwined laws.

The Subcommittee discussed the two options. Multiple members pointed out how unwieldy a nine or ten-page policy can be. Mr. Robinson voiced a preference to break down JK into JK and subordinate policies. Mrs. Gaffen agreed and focused on ease of use as well. Dr. Stys agreed to break it down as it would be easier to add links to the specific sections. Mr. Wise agreed with that inclination but pointed out how difficult this will be to break down for suspension and expulsion as those two are extremely intertwined in MGL.

E.6. New Business – Review, Revise, and Approve MASC and Legal changes to Policy JK – Student Discipline

Mr. Wise started walking through the nine-page version of JK, section by section, demonstrating the intertwining of the expulsion and suspension between MGL c. 71 s. 37H, s 37H $\frac{1}{2}$, and s 37H $\frac{3}{4}$.

Mr. Robinson asked a clarifying question about a felony committed outside of school. Mr. Wise confirmed the felony doesn't have to be at school.

Mr. Wise noticed that the expulsion section in 37H $\frac{3}{4}$ was already covered in 37H and 37H $\frac{1}{2}$ so he wanted to follow up with legal counsel about why that section is included again.

Mrs. Gaffen asked a clarifying question about expelled students and whether the teachers must continue to give them work. Dr. Stys thought that expelled students didn't need makeup work. In practice, the district would suggest they go to Job Core or something else. Mrs. Gaffen asked to get clarification about our responsibilities in this case.

Mr. Robinson asked clarifying questions about in-school vs. out-of-school suspension. Dr. Stys mentioned it is part of the new law with requires us to try multiple steps to resolve the issue before a suspension. Dr. Stys also mentioned that they are working to make sure the school administration members are thoughtful about suspensions and aligning punishment to the problem.

Mr. Wise motioned that the subcommittee table Policy JK, JKD, JKE, and JKF until available from legal counsel. Mrs. Gaffen seconded the motion. The motion was carried 3-0 via roll call vote.

E.7. New Business – Review, Revise, and Approve Creation of Policy JKB – Detention of Students, if necessary

Mr. Wise mentioned he would be making a motion to indefinitely postpone this policy. Mr. Robinson asked for background information on that recommendation. Mr. Wise mentioned it was because JK doesn't include any information on detentions as currently crafted by legal counsel and legal counsel said we could have full local control. However, we haven't worked to craft anything yet and could do so at any time in the future if we decided to bring this back.

Mr. Wise motioned to indefinitely postpone Policy JKB – Detention of Students. Mrs. Gaffen seconded the motion. The motion was carried 3-0 via roll call vote.

E.8. New Business – Review, Revise, and Approve Creation of Policy JKD – Suspension of Students, if necessary

Tabled per previous motion.

E.9. New Business – Review, Revise, and Approve Creation of Policy JKE – Expulsion of Students, if necessary

Tabled per previous motion.

E.10. New Business – Review, Revise, and Approve Creation of Policy JKF – Discipline of Students with Disabilities, if necessary

Tabled per previous motion.

Motion to adjourn by Mrs. Gaffen, seconded by Mr. Robinson at approximately 9:59 a.m. The motion was carried by a roll call vote of 3-0.



Town of Reading Meeting Minutes

Board - Committee - Commission - Council:

School Committee

Policy Subcommittee

Date: 2023-02-16

Time: 8:30 AM

Building:

Location:

Address:

Session:

Purpose: Open Session

Version: Final

Attendees: **Members - Present:**

Erin Gaffen, Tom Wise, and Chuck Robinson

Members - Not Present:

Others Present:

Director of Finance & Operations Susan Bottan

Minutes Respectfully Submitted By: Tom Wise, Chair

Topics of Discussion:

The meeting was held remotely via Zoom. A recording of the meeting can be found [here](#).

Chair Wise called the meeting to order at approximately 8:33 a.m. via roll call. Mr. Wise walked through the agenda.

B.1. Consent Agenda

Brief discussions ensued about the depth of the minutes. Mr. Robinson suggested sharing the minutes with the full School Committee when the Policies covered by those minutes move forward to the full Committee.

Mr. Wise moved to approve the Consent Agenda. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.1. New Business – Review, Revise, and Approve MASC and Legal changes to Policy DA – Fiscal Management Goals

Mr. Robinson suggested changing the word city to town in bullet #5. That change was made in the Policy in two places. Mrs. Bottan had no concerns about the Policy changes.

Mr. Wise moved that we recommend the amended Policy DA – Fiscal Management Goals to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.2. New Business – Review, Revise, and Approve MASC and Legal changes to Policy DB – Annual Budget

Mr. Wise briefly explained the changes made by MASC and further changes made by Legal Counsel.

The Committee spent time focusing on the newly added paragraph regarding the input process from the School Council on the Budget. Mr. Robinson raised a concern about this process potentially being unwieldy for the Central Office staff. Mr. Wise provided an alternative view of how the process could work. Mrs. Bottan explained how the process worked in a past district in which she worked. Mr. Wise pointed out that the language is aligned with MGL and is one of the roles of School Councils. Mrs. Gaffen voiced concerns about the ability to execute this portion of the Policy but does agree it is necessary. There was an agreement that we should consider a follow-up item on the formation and process consistency of School Councils in Reading.

The Committee moved on to discuss the portions of the Policy that were included from the Reading Home Rule Charter, specifically around notice to news agencies and the public hearing in the Budget process. Discussion focused on “general summary of the budget request” that should be sent to “local news medium.” The Committee finally agreed that the Superintendent’s opening message to the Budget document could be submitted as a Press Release.

Mr. Wise noted he will clean up the layout of the document to improve the presentation of the material. The Committee cleaned up the inclusion of language from the Reading Home Rule Charter. The Committee went through grammatical changes to the Policy as well.

The Committee returned to the language concerning “revisions to the budget may be made by the Committee, on the recommendation of the Superintendent.” The language was changed to “in collaboration with” instead of “on the recommendation of.”

The Committee returned to Mr. Robinson’s question concerning state policy. The Committee adjusted the language of the paragraph in question and condensed the paragraph to a single sentence rather than duplicative sentences.

Mr. Wise moved that we recommend the amended Policy DB – Annual Budget to the full School Committee for adoption. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

E.3. New Business – Review, Revise, and Approve MASC and Legal changes to Policy DBC – Budget Deadlines and Schedules

Mr. Wise briefly outlined the changes to the Policy.

The Committee cleaned up a few of the bullet points and removed the final paragraph as it was duplicative.

Mr. Wise said it would fix the formatting prior to publication to the full School Committee.

Mr. Wise moved that we recommend the amended, with corrected formatting, Policy DBC – Budget Deadlines and Schedules to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.4. New Business – Review, Revise, and Approve MASC and Legal changes to Policy DBD – Budget Planning

Mr. Robinson asked that we include goals in alignment with priorities in the newly added paragraph. Mrs. Bottan asked about priorities vs. guidelines. The Committee changed priorities to guidance.

Changes were made to the first numbered item on the Policy to add the word strategic in front of budgets and use “resource allocations” instead of “expenditures.” Discussion ensued on driving outcomes vs. doing the right thing and thus, agreed to leave “contributions” instead of outcomes in that line.

Mrs. Gaffen asked about the word “taxpayers.” Discussion ensued. Mrs. Bottan mentioned the point of a town-wide interest in advocating for the word “community” as a replacement. Mr. Wise wanted the importance of people’s money to continue to be represented. The Committee agreed to change “the valid interest of taxpayers” to “the financial interests of the community.”

The Committee agreed to take out the word “special” from the last sentence of the Policy.

Mr. Wise moved that we recommend the amended Policy DBD – Budget Planning to the full School Committee for adoption. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

E.5. New Business – Review, Revise, and Approve MASC and Legal changes to Policy DBG – Budget Adoption Procedures

Mr. Wise outlined the MASC vs. Legal changes to the Policy. The Committee discussed the fact that Legal Counsel removed the cost-center language. The Committee was able to get comfortable with the Legal Counsel changes.

Mr. Wise moved that we recommend the amended Policy DBG – Budget Adoption Procedures to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.6. New Business – Review, Revise, and Approve MASC and Legal change to Policy DBJ – Budget Transfer Authority

Mr. Wise outlined the MASC and Legal changes to the Policy.

Mr. Robinson raised concerns with the order and language of the third paragraph. The Committee moved the association of the annual budget approval as a predecessor to the approval of cost-center changes. The Committee added flexibility for budget transfers outside of the quarterly report process, if necessary.

Mr. Wise moved that we recommend the amended Policy DBJ – Budget Adoption Procedures to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.7. New Business – Review, Revise, and Approve MASC and Legal changes to Policy DD – Grants, Proposals, and Special Reports

Mr. Wise outlined the MASC and Legal changes to the Policy.

Mr. Robinson raised a question about “such purposes” vs. “stated purposes”. Mr. Wise noted that elsewhere in our policies allow us to receive donations but not necessarily use them for the purpose in which they were donated. The Committee agreed to keep “such purposes.”

Mrs. Bottan raised a concern that some grants and gifts are not just educational, but also facilities, operations, etc. The Committee added “, operations, and facilities” after “educational purposes” in the first line of the Policy.

Mr. Wise moved that we recommend the amended Policy DD – Grants, Proposals, and Special Reports to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.8. New Business – Review, Discuss Options, Revise, and Approve MASC and Legal changes to Policy DGA – Authorized Signatures

Mr. Wise outlined the MASC and Legal changes to the Policy.

Mr. Robinson raised a concern about what if the one person to sign was not available. Mrs. Bottan agreed with that concern. Mrs. Gaffen asked a question about if there was a problem with the current process. Mrs. Gaffen was also not in favor of the one person.

Mr. Wise suggested we table the discussion, edit the Policy to match the current process, and review it during the next meeting.

Mr. Wise moved to table Policy DGA – Authorized Signatures until the next meeting. Mr. Robinson second. The motion was carried 3-0 via roll call vote.

Motion to adjourn by Mrs. Gaffen, seconded by Mr. Robinson at approximately 10:08 a.m. The motion was carried by a roll call vote of 3-0.



Town of Reading Meeting Minutes

Board - Committee - Commission - Council:

School Committee

Policy Subcommittee

Date: 2023-04-13

Time: 10:00 AM

Building:

Location:

Address:

Session:

Purpose: Open Session

Version: Final

Attendees: **Members - Present:**

Erin Gaffen, Tom Wise, and Chuck Robinson

Members - Not Present:

Others Present:

Director of Human Resources Michelle Roach, Student Intern Kate Leone, Director of Finance & Operations Susan Bottan, Director of Health Services Mary Giuliana, Assistant Superintendent of Student Services Dr. Jennifer Stys

Minutes Respectfully Submitted By: Tom Wise, Chair

Topics of Discussion:

The meeting was held remotely via Zoom. A recording of the meeting can be found [here](#) with a passcode of KyH^2+97.

Chair Wise called the meeting to order at approximately 10:02 a.m. via roll call. Mr. Wise walked through the agenda.

B.1. Consent Agenda

Mr. Wise moved to approve the Consent Agenda. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

D.1. Old Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy GCJ – Professional Teacher Status

The Subcommittee reviewed the comments and other verbiage in the Policy.

1. The Subcommittee agreed to keep the option to allow PTS to be conferred on teachers moving from other districts in which they already had PTS.
2. The Subcommittee agreed they didn't want to box the district on decisions to only evaluation procedures and adjusted the last sentence of the second paragraph to align with policy, law, or regulation.
3. Michelle asked to clarify emergency licenses vs. full teacher licenses. She asserted that emergency licenses should not qualify for PTS. While legal counsel removed the word "full" in their review. There was a suggestion to add "This excludes emergency and waiver situations" to the first bullet of the qualifying years definition. The Subcommittee accepted this change.
4. The Subcommittee removed the word "promptly" from the notification sentence in the third paragraph.

Mr. Wise noted he will confirm the emergency and waiver addition with legal counsel before the full School Committee approval.

Mr. Wise moved that we recommend the amended Policy GCJ – Professional Teacher Status to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

D.2. Old Business – Review, Discuss, Revise, and Approve changes to Policy DGA – Authorized Signatures

Mr. Wise outlined the MASC changes that were previously discussed. He then described what he attempted to do to align the Policy to current School Committee procedures per the previous Subcommittee meeting. That attempt included both financially binding and non-financially binding documents.

Mr. Robinson asked a clarifying question concerning the proposed semi-annual reporting on FERPA and Employee Privacy related contracts. For example, this may be covered by the quarterly Human Resources update, the annual Student Services update, or the budget packet reviewed each year. Mrs. Bottan asked if this section could be clarified a bit more. Mr. Wise explained that he wanted to avoid a prescriptive definition here and allow the administration to align this requirement to current processes. Mr. Robinson suggested a bit more definition around the 1st and 3rd quarterly financial updates. Mr. Wise countered with the 2nd and 4th to align the first report with the budget cycle.

The Subcommittee added another example to the non-financial signature section of the Policy.

Mr. Wise moved that we recommend the amended Policy DGA – Authorized Signatures to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.1. New Business – Review Administrative changes, Discuss, Compare to MASC Master, Revise, and Approve changes to Policy ADF – Student Nutrition and Physical Activity Policy

Mr. Wise invited Mrs. Giuliana to introduce the topic. She mentioned the policy should be reviewed every three years and that we are currently out of compliance with that requirement. She mentioned the current group that is involved in the review includes Dr. Stys, Catherine Franzetti, Katie Fiorello, Tom Zaya, and Erica McNamara.

Mr. Wise furthered the conversation by sharing both the Reading Policy ADF – Student Nutrition and Physical Activity Policy and the MASC Policy ADF – School District Wellness Program. He asserted the first question was whether we wanted to base our discussion on our existing policy or the model policy from MASC. He mentioned some misalignment between the current Reading ADF and the State law and regulation. Mrs. Giuliana mentioned she would like to see alignment across the district but with input from key constituent bases. Mrs. Gaffen said the inclusion of the School Council in the Reading Policy jumped out to her as well as odd as it doesn't reflect how we operate. Mr. Robinson suggested that the MASC Policy should be the baseline to start with, then add things that may be district unique to that. Mr. Wise concurred with that thought.

Discussion ensued around individual school wellness committees vs. a district-wide committee. Discussion continued on the role of the School Committee in the district-wide solution. Mrs. Giuliana introduced another way to handle it with a core-small committee and annual or semi-annual meeting that brings more people in for greater discussion. Further discussion on the process to share the policy and ensure consistency ensued.

Mrs. Gaffen asked about the inclusion of recess and the exclusion of using recess for discipline. Mrs. Giuliana mentioned some of that is in the current guidelines and pointed out that we may want to pull some of the guidelines into the policy. Further discussions ensued about the inconsistencies between schools.

Mrs. Giuliana asked about specificity as they work to adjust the MASC Policy for Reading. Mrs. Gaffen suggested that things need to be spelled out to be done right, then spell them out. Mr. Wise tried to balance that and suggest the Policy stick to two to three pages so we can balance policy vs. procedures and try to walk that line.

The team discussed the timing of reviews, updates, and legal counsel reviews for the rest of the year.

D.3. Old Business – Review, Discuss, Revise, and Approve the creation of Policy JKD – Suspension of Students

Mr. Wise moved to take E.5. Policy DJ – Purchasing out of order. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

D.4. Old Business – Review, Discuss, Revise, and Approve the creation of Policy JKE – Expulsion of Students

Mr. Wise walked through the way he was approaching Policy JKE – Expulsion of Students. Mr. Wise shared that his intent is for everything common to be in JK, everything that is Suspension to be in JKD, everything that is in Expulsion to be in JKE, and all Students with Disabilities in JKF.

Mr. Wise noted that per the regulations, expulsion is more than 90 days and 71:37H¾ says nothing can be more than 90 days. Thus, you can only expel under 71:37H and 71:37H½. He will review that with legal counsel before submitting the final version to the Subcommittee.

Mrs. Gaffen expressed surprise that we cannot expel if a student attacks another student. Mr. Wise outlined that was true. They can be put on long-term suspension until they are convicted of a felony. Dr. Stys shared that there are other safeguards in place for alternative placements in those situations.

Mr. Wise continued to outline the structure of the new policy. Mrs. Gaffen asked about academic progress and the obligation of teachers. Mr. Wise outlined what the expectation was for principals and the district to create plans for the maintenance of academic progress.

Mrs. Gaffen asked if we had expelled a student since Dr. Stys joined the district. Dr. Stys confirmed that we have not expelled any students in her time in the district.

D.5. Old Business – Review, Discuss, Revise, and Approve the creation of Policy JKF – Discipline of Students with Disabilities

Mr. Wise briefly outlined JKF and noted it was a rip and replace from the new JK, but he hasn't done anything further.

Mr. Wise motioned to table JKD, JKE, and JKF (Suspension of Students, Expulsion of Students, and Discipline of Students with Disabilities) until the next meeting. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

E.2. New Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy DH – Bonded Employees and Officers

Mr. Wise briefly outlined the minor changes to the Policy.

Mr. Robinson moved that we recommend the amended Policy DH – Bonded Employees and Officers to the full School Committee for adoption. Mr. Wise seconded. The motion was carried 3-0 via roll call vote.

E.3. New Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy DI – Fiscal Accounting and Reporting

Mr. Wise briefly outlined the minor changes to the Policy and confirmed there were no Charter alignments that needed to be added. No further questions were raised. Mrs. Gaffen pointed out that period was missing from the end of the last sentence of the policy.

Mr. Wise moved that we recommend the amended Policy DI – Fiscal Accounting and Reporting to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.4. New Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy DIE - Audits

Mr. Wise moved to take E.6. Policy DJA – Purchasing Authority out of order. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

E.5. New Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy DJ - Purchasing

Mrs. Bottan asked about the bullets since they are already codified in law. Mr. Wise addressed the question by stating that we often quote things from the law in policy. Thus, this is generally a standard process.

Mrs. Bottan asked about “each public dollar” and asserted that procurement law addresses both public and private contributions. The Subcommittee agreed to change it to “all funds” instead.

The Subcommittee made a few grammatical adjustments.

Mr. Wise moved that we recommend the amended Policy DJ – Purchasing to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

Mr. Wise moved to take D.4. Policy JKE – Expulsion of Students out of order. Mr. Robinson seconded. The motion was carried 3-0 via roll call vote.

After the review of Policy DJA and the motion to reconsider, Mr. Wise suggested moving the third paragraph become the first paragraph, the second paragraph, after the bullets, be added to the new first paragraph, and amending the sentence proceeding the bullets to show the responsibility of the district's purchasing agent.

Mr. Wise moved that we recommend the amended Policy DJ – Purchasing to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.6. New Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy DJA – Purchasing Authority

Mr. Wise outlined the changes to the policy and his discussion with legal counsel to answer their questions. Legal counsel noted that the Town Manager's responsibilities have an exclusion for School and RMLD purchases.

Mr. Robinson asked about "extended to the Superintendent" and whether that was too restrictive. There was a discussion about whether a curriculum coordinator could be the designee. Due to knowledge of purchasing law, it was agreed that it is more likely to be the Director of Finance and Operations. The Subcommittee agreed to add "or designee" after "extend to the Superintendent".

Mr. Wise moved that we recommend the amended Policy DJA – Purchasing Authority to the full School Committee for adoption. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

The Subcommittee briefly reexamined Policy DJ to determine if it needed to add "or designee".

Mr. Wise moved to reconsider Policy DJ – Purchasing. Mrs. Gaffen. The motion was carried 3-0 via roll call vote.

E.7. New Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy DJE – Procurement Requirements (FKA Bidding Requirements)

Mr. Wise moved to table E.4., E.7., E.8., and E.9. to the next Policy Subcommittee meeting. Mrs. Gaffen seconded. The motion was carried 3-0 via roll call vote.

E.8. New Business – Review, Discuss, and Approve Revocation of Policy DJG – Vendor Relations per MASC and Legal Recommendation

See motion from E.7.

E.9. New Business – Review, Discuss, Revise, and Approve MASC and Legal changes to Policy DK – Payment Procedures

See motion from E.7.

The Subcommittee briefly discussed availability in May and June for the next set of meetings. The members of the Subcommittee expressed availability on the following dates:

- May 9th or 11th
- May 16th, 18th, or 19th
- June 5th or 8th
- June 12th, 13th, or 15th

Motion to adjourn by Mr. Wise, seconded by Mrs. Gaffen at 11:58 a.m. The motion was carried by a roll call vote of 3-0.

VENDOR RELATIONS

Representatives of firms doing or hoping to do business with the school system will be acknowledged and interviews granted or not, depending on the circumstances. Personnel charged with the purchasing function will not be required to put their time at the indiscriminate use of sales personnel, who will limit their visits to staff members designated by school officials.

Adopted by the Reading School Committee on September 28, 2006.

Reading Public Schools

School Committee Meeting Packet

August 10, 2023



New Business

SPECIAL EDUCATION RESERVE FUND

The School Committee desires to budget responsibly and sustainably. As Special Education costs can occur suddenly, a key tool to achieve the Committee's goal is the establishment and funding of a Special Education Reserve Fund.

The Special Education Reserve Fund will be used in alignment with M.G.L. 40:13E. It will be used for unanticipated or unbudgeted costs of:

1. Special Education
2. Recovery High School Programs
3. Out-of-District Tuition
4. Out-of-District Transportation

While the law allows for the Fund to accrue up to 2 percent of the annual net school spending of the District, the Committee understands that any money within the Fund can only be used for the limited cases listed above. Therefore, it is the policy of the Committee to adhere to the following Funding Rules:

1. Only add money to the Fund up to 1 percent of the annual net school spending of the District.
2. Budget to spend money from the Fund during the next fiscal year once the Fund has eclipsed 1.5 percent, due to interest accrual, of the annual net school spending of the District.
3. After the Fund's second year in existence, the Committee will endeavor to maintain a minimum of .5 percent of the annual net school spending of the District.

To assist the Committee in adhering to this policy, the Director of Finance and Operations for the District will work with the Town Treasurer to report the status of the Fund in alignment with annual net school spending annually on two occasions:

1. The first quarter financial report of each school year, or in a standalone report if necessary.
2. The third quarter financial report of each school year.

The first report should be made before or around the annual Finance Committee's Financial Forum in October each year. The School Committee can leverage the Financial Forum to secure secondary approval of the use of the money in the Fund for the next budget year from the Select Board if required to stay in compliance with the second Funding Rule above. If the timing doesn't allow for approval during the Financial Forum, the Committee will endeavor to obtain the approval of the Select Board as soon as possible thereafter and before the budget guidance for the next fiscal year is finalized.

The second report should be made during or before the last June meeting of the school year so the Committee can stay in compliance with the first Funding Rule and, where possible with excess operating funds, the third Funding Rule.

In the event an unexpected need arises outside of a budget cycle, the Director of Finance & Operations in alignment with the Assistant Superintendent of Student Services will submit a request to the School Committee during a normal business meeting. The request will outline the need for the money, in an anonymized way, to provide sufficient documentation so the Committee can approve the request and support the request to the Select Board for their secondary approval.

In either case (annual budget cycle or unexpected need), once approvals of both the School Committee and Select Board are received, the Director of Finance & Operations will work with the Town ~~Treasurer-Accountant and Town Treasurer~~ to directly charge the Fund for appropriate expenses or move the money from the Fund to the appropriate operational account at the appropriate-necessary time, either as soon as possible or at the commencement of the next school year.

LEGAL REFS: M.G.L. [40:13E](#), [71:91](#)

CROSS REFS: DBJ, Budget Transfer Authority
DI, Fiscal Accounting and Reporting
[Town of Reading Home Rule Charter](#)



Administrative Offices
 82 Oakland Road
 Reading, MA 01867
 781 944-5800

READING SCHOOL COMMITTEE

Thomas Wise Chair
 Erin Gaffen Vice-Chair

Shawn Brandt
 Sarah McLaughlin
 Carla Nazzaro
 Charles Robinson

Thomas Milaschewski, Ed.D.
 Superintendent of Schools

TO: Reading School Committee
 FROM: Thomas Wise, Reading School Committee Chair
 DATE: August 3, 2023
 TOPIC: Subcommittee and Liaison Appointments

At our meeting on August 10, 2023, we will briefly discuss the existing Subcommittee and Liaison Appointments. I will ask if anybody wants to change their appointments or otherwise desires other positions. As a refresher, the current appointments are as follows:

Board, Committee, or Subcommittee	Liaison or Appointee	Sunset or Timeline Info
Audit Committee	Brandt and Wise	N/A
Finance Committee	Robinson and Wise	N/A
Recreation Committee	Robinson	N/A
Select Board	Brand and Robinson	N/A
RCTV	McLaughlin	N/A
SEPAC	Gaffen	N/A
Permanent Building Committee	McLaughlin and Nazzaro	N/A
Bylaw Committee	Nazzaro	N/A
Board of Library Trustees	Nazzaro	N/A
Reading Coalition for Prevention and Support	Robinson	N/A
Partners and Allies for Inclusive Reading	Gaffen	N/A
Policy Subcommittee	Gaffen, Robinson, and Wise (Chair)	N/A
Killam School Building Committee	McLaughlin and Nazzaro (Chair)	N/A
Symonds Way Exploratory Committee	Robinson (Vice Chair)	June 30, 2024
Charter Review Committee	TBD	TBD
Special Education Caseloads JLMC	McLaughlin	TBD
Teacher Assessment Process JLMC	Nazzaro	TBD
RTA Salary Schedule JLMC	Brandt	April 2022 – June 2023
Professional Development JLMC	Gaffen	TBD
Technology Impact JLMC	Robinson	TBD

In addition to those Liaison and Subcommittee appointments already established, we will also discuss the forthcoming Charter Review Committee. Attached to this packet is a memo and presentation from Town Legal Counsel outlining the Charter requirements for this committee and possible means of execution for the committee. It should be expected that this committee will have a very heavy lift over the next year or two. While the last review was more exhaustive than this coming one is expected to be, it started in September 2013 and conclude its work with Town Meeting adoption in April

2015. As a final note, we also have the option of designating somebody to cover the School Committee on this Committee if nobody currently sitting on the committee has time to participate at the required level.

Thank you.

June 22, 2023

Fidel Maltez
Town Manager
Town of Reading
16 Lowell Street
Reading, MA 01867

Re: *Revising or Amending the Reading Home Rule Charter*

Dear Fidel:

Section 4.13 of the Reading Home Rule Charter (the “Charter”) requires that a committee be established at least every ten years “for the purpose of reviewing the Charter and making a report, with recommendations, to the Town Meeting concerning any proposed amendments that said Committee may determine to be necessary or desirable.”¹ The Town established the previous Charter Review Committee (“CRC”) on September 16, 2013.² Thus, the Town must form the CRC by September of this year.

This letter details how a community may amend its charter. Briefly, there are three paths this process can take: (1) The Special Act Amendment Process; (2) The Home Rule Revision Process; and (3) The Home Rule Amendment Process. There are legal and practical considerations in relation to each potential revision option. This letter will also review the procedures employed by the prior CRC.

I. Special Act Amendment Process

Revising or amending a charter by special act requires a Town Meeting vote to authorize the Select Board to petition the legislature for the passage of special legislation. Once the petition is filed with the legislature it follows the traditional home rule legislative process for approval. If the bill is approved by the legislature, and signed by the governor, it becomes law. In certain cases, the legislature may mandate local acceptance of the act. Where the act does not require such a ballot

¹ This provision was added to the Charter in 2015. The prior Charter did not include any review requirements.

² Section 4.13 of the Charter states that the CRC shall be comprised of nine members, consisting of the Moderator, one member or designee of the Select Board, one member or designee of the School Committee, one member or designee of the Board of Library Trustees, one member or designee, of the Municipal Light Board of Commissioners, one member of the Bylaw Committee and three Town Meeting members to be appointed by the Moderator.

vote, it will become effective thirty days after the governor signs the bill, or other date set forth in the act.³

Critically, the Special Act Amendment Process presents the legislature with the opportunity to revise the proposed bill, subject to certain limitations. The legislature could also refuse to adopt the act. Thus, to some extent, this option places the power to amend the charter in the hands of the legislature. As described below, the legislature does not play a role in the Home Rule Revision and Amendment Process.

Notwithstanding the above, the Special Act Amendment process is easier and simpler than the Home Rule Revision or Amendment Process and, therefore, is frequently utilized by communities to make charter changes. In fact, Article 11 of Reading's November 14, 2022 Subsequent Town Meeting empowered the Select Board to file special legislation to amend Article 4.4 of the Charter, which outlines the composition of the Board of Health.⁴ The Special Act Amendment Process should be considered by the CRC as a valid and potentially desirable option for amending the Charter.

II. Home Rule Revision and Amendment Process

A municipality may “adopt or revise” its charter pursuant to the Home Rule Amendment of the Massachusetts Constitution.⁵ This is a local process, which requires electing a charter commission. Electing a charter commission can be a lengthy and involved process and is typically not recommended unless significant charter changes are required.⁶

A city or town may also “amend” its charter under the Home Rule Amendment. While amending a charter does not necessitate the election of a charter commission, the power to amend a charter is limited. Specifically, the amendment process may not be utilized to change the “composition, mode of election or appointment, or terms of office of the legislative body... the board of selectmen or town manager.”⁷ Accordingly, the Town must carefully evaluate whether the desired changes may be accomplished through the revision or amendment process.

a. Home Rule Revision Process

As stated, revising a charter under the Home Rule Amendment requires the creation of an elected charter commission. Section 4.13 of Reading’s Charter does not contemplate the formation of such a committee. Instead, the Charter provides that the Town shall establish a Charter Review Committee comprised of identified individuals that are appointed or designated by current

³ G.L. c. 4, § 1.

⁴ This bill is currently working its way through the legislature.

⁵ Mass. Const. amend. II, §§2-4.

⁶ Mass. Const. amend. II, § 4; G.L. c. 43B, § 3.

⁷ Mass. Const. amend. II, § 4.; G.L. c. 43B, § 10.

municipal officials or public bodies.⁸ Additionally, the CRC is only empowered to “mak[e] a report, with recommendations, to the Town Meeting concerning any proposed amendments that said Committee may determine to be necessary or desirable.” An elected charter commission can direct the Select Board to call an election related to the charter revisions. This suggests that the Home Rule Revision Process was not likely the process contemplated when the Town adopted Section 4.13 of the Charter in 2015. Nonetheless, I have outlined the revision process below.

The Home Rule Revision Process commences with the circulation of a petition requesting revisions to the charter.⁹ The petition must be filed with the board of registrars with the signatures of at least fifteen percent of the number of registered voters in the town as of the preceding state election. Once the petition is certified, the Select Board must submit the question of revising the charter to the voters of the town and for the election of a charter commission.¹⁰ Such vote must take place at the “at the first annual or biennial town meeting for the election of town officers, held on or after the sixtieth day following the adoption of the order.”¹¹ Notably, the Select Board cannot place the question to revise the charter and elect a charter commission on the ballot absent such a petition. In those situations where a municipality incorrectly initiates the revision process, special legislation must be sought to ratify the charter revision process.¹²

The charter commission must consist of nine registered voters of the Town elected at large, with each candidate filing certified nominations papers with the registrars of voters at least 35 days prior to the election.¹³ “The vote on the question [to revise the charter]... and the election of the charter commission shall take place at the same time.”¹⁴ If the question regarding whether a commission shall be elected passes, the votes for the candidates are tallied, and the nine candidates receiving the highest number of votes are deemed elected.¹⁵

Within 20 days of the election of the charter commission, the Town Treasurer must credit, with or without appropriation, \$5,000 to the account of the charter commission.¹⁶ The Town may appropriate additional funds for the charter commission as is deemed necessary.¹⁷

⁸ See, footnote 2.

⁹ G.L. c. 43B, § 15.

¹⁰ G.L. c. 43B, § 4.

¹¹ *Id.*

¹² See, Chapter 143 of the Acts of 2010, An Act Validating the Election of a Charter Commission in the City of Holyoke; Chapter 157 of the Acts of 2010, An Act Validating the Election of a Charter Commission in the City of Everett.

¹³ G.L. c. 43B, §§ 5, 6.

¹⁴ Mass. Const. amend. II, § 3.

¹⁵ G.L. c. 43B, § 6.

¹⁶ G.L. c. 43B, § 8.

¹⁷ The charter commission may also accept funds from other sources, subject to certain restrictions. *Id.*

The charter commission's duties include drafting the text of the revision, preparing interim reports, holding hearings, and making a final report on the proposed charter revision.¹⁸ Specifically, the charter commission must take the following actions:

- Within 45 days after its election, the commission must hold a public hearing within the Town. Notice of the hearing must be published at least 10 days prior in a newspaper having general circulation in the Town.
- Within 16 months after its election, the charter commission must prepare a report, which includes the text of the proposed charter revision, and publish such report in a newspaper having general circulation in the Town. The Town Clerk must also have sufficient copies to distribute to registered voters requesting same. Two copies of the report must also be sent to the attorney general and the Executive Office of Housing and Livable Communities. Within four weeks, the attorney general is required to provide the commission with a written opinion, setting forth any conflict between the proposed charter revision and the constitution and laws of the commonwealth.
- Within four weeks of publishing the report, the charter commission must hold one or more public hearings upon the report.
- Within 18 months after its election, the charter commission must submit its final report to the Select Board. The report must include “the full text and an explanation of the proposed . . . revision, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters, and a statement of not more than one thousand words by the commission minority, if any, provided such statement is filed with the chairman of the commission within forty-eight hours after the commission's vote approving such report.”¹⁹ A copy of the final report must also be submitted to the Executive Office of Housing and Livable Communities and to the attorney general.

Once the charter commission has submitted its final report, the “board of selectmen shall order the proposed charter . . . revision to be submitted to the voters . . . for their approval . . . at the first annual or biennial town meeting for the election of town officers, held at least two months after such submission.”²⁰ If the final report by the commission, however, does not recommend revising the charter, the Select Board may not submit the question to the voters.

If the question is to appear on the ballot, the final report of the charter commission must be distributed to each residence of one or more registered voters no later than two weeks before the election. Additional copies must also be filed with the Town Clerk. The question of revising a charter must be submitted to the voters as a single question, “unless the report of the charter

¹⁸ G.L. c. 43B, § 9.

¹⁹ G.L. c. 43B, § 9(c).

²⁰ G.L. c. 43B, § 11.

commission provides for separate submission of proposed revisions.”²¹ The ballot question must take the following form and be submitted to the Town Clerk no later than 35 days before the election: “Shall this (city) (town) approve the charter revision recommended by the charter commission summarized below?”²² A new charter revision approved by the majority of the voters, takes effect on the date specified.

As noted above, the Home Rule Revision Process is by far the most complex and time-consuming of the three options available to the Town and should not be undertaken lightly. Unless the CRC sees a significant need to use this revision process, our advice would be to move forward under the Special Act Amendment Process or the Home Rule Amendment Process, or both (as was done in 2015).

b. Home Rule Amendment Process

As noted above, the amendment process under the Home Rule Amendment may not be used to propose any change in a charter relating in any way to the “composition, mode of election or appointment, or terms of office of the legislative body, ... the board of selectmen or town manager.”²³ Amendments to a charter may be proposed by Town Meeting, upon a two-thirds vote.²⁴ In addition, Town Meeting may vote on any amendment submitted to it by the Town Manager, any member of the Select Board, or upon submittal of a petition signed by at least ten registered voters.

A request to amend a charter submitted by the Town Manager, any member of the Select Board, or upon petition must first be filed with the Town Clerk. Not later than three months after the date the suggested amendment is filed with the Town Clerk, the Select Board must order a public hearing to be held. The public hearing must be held not later than four months after the filing date of the suggested amendments.²⁵ Town Meeting must act on the suggested amendments no later than the first annual Town Meeting held at least six months after the suggested amendments are filed with the Town Clerk. A two-thirds vote of Town Meeting on the suggested amendments is required.

If Town Meeting votes its approval and orders the amendments to be presented to the voters, a copy of the proposed amendment must be submitted to the Attorney General and the Executive Office of Housing and Livable Communities. The Attorney General has four weeks to review the amendment and issue a written opinion describing “any conflicts between the proposed amendment and the constitution and laws of the commonwealth.”²⁶ If the Attorney General

²¹ G.L. c. 43B, § 11.

²² Id.

²³ Mass. Const. amend. II, § 4.; G.L. c. 43B, § 10(a).

²⁴ G.L. c. 43B, § 10.

²⁵ Notice of the public hearing must be published at least seven days in advance in a newspaper of general circulation in the town.

²⁶ G.L. c. 43B, § 10(c).

believes that a conflict exists, the order will not take effect. If no conflict is reported, the order will become effective four weeks after its submission.²⁷

The amendment must then be “submitted to the voters at the first ... election or meeting held at least two months after the order proposing such charter amendment becomes effective.”²⁸ As with ballot questions regarding charter revisions, the ballot question must be filed with the Town Clerk no later than 35 days before the election, and the question must be substantially as follows: “Shall this (town) approve the charter amendment proposed by the (town meeting) summarized below?”²⁹ Any approved amendment will take effect upon the date specified in the proposed amendment or in the order proposing the amendment.³⁰

III. 2013 Charter Review Committee Process

The Town created the 2013 Charter Review Committee in September of 2013 upon an instructional motion of Town Meeting. The CRC presented its proposed changes to Town Meeting on January 5, 2015. Over that 15-month period, the CRC met 25 times, holding various public meetings and hearing.

As a result of its work, the CRC recommended two types of Charter amendments to Town Meeting: (1) Amendments that altered the “composition, mode of election or appointment, or terms of office of the legislative body [i.e., Town Meeting]”; and (2) Amendments that did not alter the “composition, mode of election or appointment, or terms of office of [Town Meeting].” Given the limitations on the use of the Home Rule Amendment Process discussed above, the CRC proposed a set of changes under the Special Act Amendment Process and a set of changes under the Home Rule Amendment Process to Town Meeting. The CRC also produced a “Reading Home Rule Charter Translation Guide” for Town Meeting that explored the various changes.³¹

Specifically, Article 7 of the January 5, 2015, Special Town Meeting proposed a new Home Rule Charter that included only those sections that could be acted upon by local voters under the Home Rule Amendment Process. Town Meeting acted favorably, and the matter was sent to the Attorney General's office for review and approval. After obtaining the Attorney General's authorization, the matter was placed on the ballot and, on April 7, 2015, the voters approved the charter changes by a vote of 17,350 to 1,963.

Additionally, Article 8 of the January 5 Special Town Meeting authorized the Select Board to submit a special act to the legislature to adopt those charter changes which amended the

²⁷ Id.

²⁸ G.L. c.43B, §11

²⁹ The charter amendment must be distributed to each residence of one or more voters not later than 2 weeks before the election and accompanied by a summary prepared by town counsel.

³⁰ G.L. c. 43B, § 11.

³¹ A copy is attached as Exhibit A.

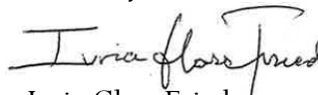
“composition, mode of election or appointment, or terms of office of [Town Meeting]”. The Governor signed the special act on April 24, 2015.³²

IV. Conclusion

The CRC will need to review the current Charter with a critical eye, evaluating what changes or amendments are required. After the CRC has a general idea of the scope and scale of the necessary revisions, it must then determine how best to proceed given the Town's unique needs.

Please let me know if you have any questions or concerns.

Sincerely,



Ivria Glass Fried

³² See, Chapter 16 of the Acts of 2015. A copy is attached as Exhibit B.

EXHIBIT A



Town of Reading Massachusetts

Home Rule Charter Translation Guide

**Special Town Meeting
January 5, 2015**

Reading Home Rule Charter Translation Guide

Special Town Meeting January 5, 2015

At Annual Town Meeting in 2013, an instructional motion approved by Town Meeting established a Charter Review Committee, and charged it "to report its findings and recommendations to Town Meeting". The instructional motion appointed the Moderator as the Chairman, and he subsequently selected a variety of Town Meeting members, including two from the original Charter Commission in 1986, the current and former Chair of the Bylaw Committee and other members, and other current and former elected officials. A full list of the committee is in the Warrant Report.

The first meeting was on September 19, 2013, and since that time the committee has met in public session and deliberated 25 times. Articles 7 & 8 of the January 2015 Special Town Meeting reflect the 15 months of work completed by the committee including significant community input. Further background is provided in the Warrant Report, in the section just before Article 7.

This Translation Guide has two distinct sections. The first is an overview of the types of proposed changes, listed by Warrant Article and arranged as is the proposed new Home Rule Charter. When the change is considered significant, an explanation is included. The second is a bold and cross-out of the existing Charter, showing exact changes. Remember, this bold & cross-out document is quite accurate, but in case it is not perfect, the proposed language in the Warrant Report is the official version.

Translation Guide Section 1 – Overview

	Proposed New Charter	Current Charter
	Preamble	Preamble
Article 1	Existence, Authority and Definitions	Existence and Authority
Article 2	Representative Town Meeting	Representative Town Meeting
Article 3	Elected Officers and Boards or Committees	Elected Officers and Boards
Article 4	Appointed Boards or Committees	Appointed Boards and Committees
Article 5	Town Manager	Town Manager
Article 6	Administrative Organization	Administrative Organization
Article 7	Budget and Capital Improvements Program	Finances and Fiscal Procedures
Article 8	General Provisions	General Provisions
Article 9		Transitional Provisions
Appendix		Table of Organization
Appendix		Index

From the table above one can see there is not a massive re-arranging of the Articles in the Charter. Definitions are moved up from Article 8 to Article 1, and the last three parts of the current Charter (Articles 9 and two Appendixes) have been deleted. The next several pages will use the following self-explanatory format:

Proposed New Charter	Wording to simplify, clarify, modernize	Significant Change	Reason
Preamble	yes	none	

Article 1 – Existence, Authority and Definitions

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
1.1	none	none	
		old 1.2 deleted	Content moved to Definitions
1.2	yes	none	
1.3	yes	none	
1.4	yes	none	
1.5	yes	yes	Clarify role of Board of Selectmen
1.6	yes	yes	Definitions moved from Article 8 for ease of use for the reader; generic term "Board or Committee" added; newspaper & town bulletin board modernized; majority vote clarified – not changed.

Article 2 – Representative Town Meeting (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
*2.1	yes	none	
*2.2	yes	yes	Remove Board of Assessors as they currently play no role; clarify polling location.
*2.3	yes	yes	Significant change in tie-breaking procedure for Town Meeting elections, from ballot position (current) to vote of the Town Meeting Members of the Precinct (proposed).
2.4	yes	none	
*2.5	yes	yes	Nomination papers filing deadline changed from 28 days to 35 days in order to conform to current state law.
*2.6	yes	yes	Remove requirement for oath of office; vacant terms filled by vote of Town Meeting Members only until the next local election if different from the length of the term; delete section about tie votes as redundant.
*2.7	yes	yes	New section added to organize and clarify the conduct of Precinct Meetings.
2.8	none	none	(section is renumbered)
2.9	yes	none	(section is renumbered)
2.10	yes	none	(section is renumbered)
		old 2.10 deleted	Not needed as superfluous.
2.11	yes	none	
2.12	yes	yes	Boards or Committees created by Town Meeting must be subject to Open Meeting Law requirements;
2.12.1	yes	yes	Partial terms of less than two years not counted towards Finance Committee term limits, at the suggestion of FINCOM. Several recent Committee members have had to

			leave after serving 6-1/2 or so years because they served an initial partial term; requirement for 7 days' notice to Town Meeting changed to a "reasonable effort" to do so.
2.12.2	yes	yes	Change from shall propose Town Meeting Articles to may propose – in facts other Boards or Committees such as CPDC already do this; requirement for 7 days' notice to Town Meeting changed to a reasonable effort to do so; shall consider changed to may consider for Zoning Bylaws, since they always have an extensive public process and Bylaw Committee further review may be a duplication of effort; new requirement to propose any General Bylaw revisions needed when the Charter changes; new requirement for the Bylaw Committee to review the General Bylaws every ten years and report any findings to Town Meeting.
2.13	yes	yes	Change the reporting requirement for the Rules Committee to as needed instead of annual.
2.14	yes	yes	Clarify that the Reading Municipal Light Department budget is not subject to Town Meeting approval; for additional information to the reader, add that a petition of two hundred voters may call a Special Town Meeting, as is current state law.
2.15	yes	none	Note that previously Town Meeting approved a change to this section of the Charter, but shortly afterwards the Charter Review Committee was formed, so those changes were not yet sent to the voters. This language further changes and clarifies this section.

Article 3 – Elected Officers and Board or Committees (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
3.1	yes	yes	<p>Board of Assessors removed from this section and moved to Article 4 Appointed Boards or Committees; Vocational School removed as unnecessary.</p> <p>For the Board of Assessors proposed change, please read the Board of Assessors Report in Article 7 in the Warrant Report, where they spell out several reasons to make this change. The Charter Review Committee agreed with those reasons and emphasize that this Board has become highly technical in recent years and they would prefer an appointment process that emphasized qualifications instead of political interest in the position.</p>
*3.2	yes	yes	<p>Transitional language concerning appointment of certain Boards from the original Charter is removed as historically interesting but no longer needed. By default those and many other Boards or Committees not listed are appointed by the Board of Selectmen – there is no proposed change to the actual appointment process; the creation of boards or committees is moved to section 4.14 and is not changed, with regards to the Board of Selectmen.</p>
3.3	yes	none	
3.4	yes	yes	<p>Clarify that the Town Manager may delegate the operational maintenance responsibility for the Library building (e.g. to the Facilities department).</p>
3.5	yes	none	
		old 3.6 deleted	<p>See comments above in section 3.1 about the Board of Assessors</p>
3.6	yes	none	<p>(section is renumbered)</p>

Article 4 – Appointed Board or Committees

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
			The Appointed Boards or Committees have been rearranged to be alphabetical for those that meet regularly, with those that meet less frequently listed at the end of the section. Some of these Boards or Committees have been given their own new sub-section in the Charter.
4.1 Board of Assessors	yes	yes	See the previous section 3.1 for a brief explanation of this change.
4.2 Board of Cemetery Trustees	yes	none	
4.3 Board of Commissioners of Trust Funds	yes	yes	Treasurer charged with investing funds – see Section 5 for a discussion of the Treasurer/Collector position.
4.4 Board of Health	yes	none	
4.5 Community Planning and Development Commission	yes	none	
4.6 Conservation Commission	yes	none	
4.7 Council on Aging	yes	none	
4.8 Historical Commission	new	yes	This is a new sub-section added due to the importance of this Board or Committee.
4.9 Housing Authority	yes	none	
4.10 Recreation Committee	yes	none	
4.11 Town Forest Committee	new	yes	This is a new sub-section added due to the importance of this Board or Committee.
4.12 Zoning Board of Appeals	yes	none	
4.13 Charter Review Committee	new	yes	This is a new Board or Committee designed to replace the current ad hoc Charter Review Committee formed by Town Meeting. This new committee is charged with reviewing the Charter every ten years; its membership at nine (9) is smaller than the current group by design, and consists of the Moderator, a member or designee from each of the Board of Selectmen, the School Committee, the Board of Library Trustees, the Municipal Light Board of Commissioners, the Bylaw

			Committee, and finally three Town Meeting Members appointed by the Moderator.
4.14 Other Boards or Committees	yes	yes	Instead of listing new Boards or Committees here as was done previously, this section instead describes the process for creating new Boards or Committees. A significant change is that the authority to do so is extended from only the Board of Selectmen to include all elected Boards or Committees in Article 3. Another important difference is that only residents may serve on these newly created Boards or Committees, which are meant to solve issues of finite duration.
4.15 Associate Membership	new	yes	This new section allows associate members to be on any Board or Committee created under Article 4. Associate membership currently is largely undefined. In order to have associate members, a Board or Committee must specify in either the General Bylaws or the Charter what rules and regulations apply, including the possibility of voting. State law if applicable will supersede. Currently all associate members are appointed for a fiscal year, so there may be some transition needed, including a future Town Meeting Article to add language in the General Bylaws.

Article 5 – Town Manager (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
*5.1	yes	yes	Termination pay is moved from old Section 5.5.3 (d) but is otherwise unchanged.
5.2	yes	yes	See below for most significant proposed changes:
5.2.2	yes	yes	The Town Manager will appoint the Appraiser, subject to confirmation by the Board of Assessors, in much the same way the Police and Fire Chiefs are appointed and confirmed by the Board of Selectmen; transitional language concerning the appointment of certain staff from the original Charter is removed as historically interesting but no longer needed (as in section 3.2). There is no proposed change to the actual appointment process, <u>except in Assessing</u> .
5.2.11	yes	yes	Clarify that the Town Manager may delegate the operational maintenance responsibility for Town buildings (e.g. to the Facilities department).
5.2.15	yes	yes	Current Charter language assigns the Town Manager the responsibilities under MGL as the Chief Procurement Officer – this proposed change simply states that fact.
5.2.16	yes	none	Moved from old section 7.9
5.3	yes	yes	The Town Manager must appoint an employee to serve in this role and may not serve in it himself. This proposed change is to ensure a check and balance on the position so that every member of the community will have a voice within town government.
*5.4	yes	yes	Increase flexibility from ten (10) to thirty (30) days to avoid the need to re-appoint several times if needed; to clarify the position of Acting Town Manager and allow for 180 days in the position instead of 120 days, as the Town Manager hiring process is extensive and should not be rushed; expand powers of Acting Town Manager by a super-majority vote of the Selectmen in case a situation would so warrant.
5.5	yes	none	Significant re-wording but no real change in meaning.

Article 6 – Administrative Organization

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
			This section was significantly simplified and clarified. Current wording was often a reference to an unclear historical artifact.
6.1	YES!	yes	No one knew what the Administrative Code was, so it was eventually deleted - some believed it to be a description of a practice from some county governments across the country, but never seen in Reading. The Table of Organization was removed from a location within the Charter as it may need to change frequently. Instead it will be published annually in the Town Manager's budget – a second one will be published if the budget proposes any changes to the Table of Organization.
		old 6.2 deleted	Historical reference to the Department of Public Works no longer needed.
6.2	yes	yes	Town Counsel appointment changed from annually to 'at will'; list of some powers and duties removed as not needed; procedure for vacancy added.
6.3	yes	yes	Appointment changed to coincide with the fiscal year instead of the local election cycle.
6.4 and 6.5	yes	yes	Position of Treasurer/Collector split into two distinct parts, Treasurer and Collector, and the duties are assigned to each portion. The Board of Selectmen may combine these positions if the Town Manager so desires. While no staffing change is anticipated today, this change allows the organization to be flexible in the future, in much the same way as the annual adoption of the Table of Organization as part of the budget process.
6.6	new	yes	Town Clerk position added to the Charter.

Article 7 – Budget and Capital Improvements Program

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
7.1	no	none	
7.2	yes	none	
7.3	yes	yes	By Charter, the Town Manager must submit his budget to the Finance Committee by March 1 st , but in practice it is submitted two weeks earlier because FINCOM begins their deliberations in late February. A Charter change is proposed to require the School Committee to deliver their budget to the Town Manager by February 1 st in order to meet the above schedule, instead of 'in a timely fashion'. In recent years the School Committee has ceased delivering their budget to the Town Manager in January as was the past practice; a reference to 15 days removed as ambiguous to the remainder of this section.
Ng the 7.4	yes	yes	Addition of the Table of Organization as a requirement of the annual budget.
7.5	yes	yes	Clarifies that the budget must be balanced to the funds available, which has always been the practice.
7.6	yes	yes	Remove the lower limit of \$500, another probable historical reference no longer needed.
7.7	yes	none	
		old 7.8 deleted	
		old 7.9 removed	Section moved to 5.2.16 as previously described.

Article 8 – General Provisions (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
8.1	yes	none	
8.2	yes	yes	Strengthened by Town Counsel in a similar fashion as was done to the Zoning Bylaws.
8.3	yes	none	
8.4	yes	none	
8.5	yes	yes	Clarified to correlate with the schedule of Town Hall.
8.6	no	none	
		old 8.7 moved to section 1.6	
8.7	yes	none	
		old 8.9 deleted	Modernized with respect to publication.
8.8	yes	yes	Changed to allow for out of Town meetings as are needed, as long as there is public access and clear posting. This proposed change is consistent with State Open Meeting Law.
*8.9	yes	none	(section is renumbered)
8.10	yes	none	(section is renumbered)
*8.11	yes	yes	Insulate elected officials from a recall during the first three months of a term; clarify that the Board of Registrars of Voters (not the Town Clerk) must certify a petition; clarify the process in 8.11.5 and 8.11.6 (section is renumbered)
8.12	yes	yes	Clarify and specify three methods whereby an appointed Board or Committee member may be removed: 1) vote of appointing authority; 2) request to appointing authority by Board or Committee itself; 3) request to appointing authority by 100+ voters. Public Hearing process and removal procedure modelled after that of an elected official, with significant due process. (section is renumbered)
8.13	yes	none	(section is renumbered)
8.14	yes	none	(section is renumbered)

Note that Article 9 Transitional Provisions is deleted from the current Charter as a historical reference no longer needed.

Translation Guide Section 2 – Bold and Cross-out

Please see the following pages for a full listing of all changes proposed to the Charter by the Charter Review Committee.

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~~Not a part of the Home Rule Charter document. For information purposes only.~~

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Preamble

We, the people of **the Town of Reading**, in order to re-establish our individual sovereignty with respect to the conduct of our local government and to take the fullest advantages inherent in the Home Rule Amendment to the Constitution of the Commonwealth of **Massachusetts**, do hereby adopt the following Home Rule Charter for the Town of Reading.

ARTICLE 1 EXISTENCE, AUTHORITY AND DEFINITIONS

1.1 Incorporation

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

~~1.2~~ Short Title

~~This instrument shall be known and may be cited as the Reading Home Rule Charter.~~

1.2 Division of Powers

~~Authority for the management~~ ~~The administration~~ of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Board of Selectmen ~~and administered~~ by a Town Manager. ~~A representative Town Meeting~~ ~~All legislative powers of the Town shall be exercised by a representative Town Meeting~~ ~~all legislative powers of the Town.~~

1.3 Powers of the Town - Intent of the Voters

It is the intent and the purpose of the voters of the Town of Reading, through the adoption of ~~this~~ Charter, to secure for the Town all of the powers possible to secure under the Constitution and statutes of the Commonwealth ~~of Massachusetts~~, as fully and as completely as though each such power were specifically and individually enumerated herein.

1.4 Interpretation of Powers

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power is not intended to limit in any way the general powers of the Town as ~~set forth~~ ~~stated~~ in Section 1.34.

1.5 Intergovernmental Relations

The Town, ~~acting by and through its Board of Selectmen~~, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

~~8.7~~1.6 Definitions

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

Board or Committee – The term "board or committee" shall mean any board, committee, commission, authority or council of the Town however created, elected, appointed or otherwise constituted.

- (a) **Charter** – The ~~term word~~ "Charter" shall mean ~~this the Town of Reading Home Rule Charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.~~
- (b) **Ex officio** - The term "ex officio" shall refer to a ~~A~~ member of any ~~board or committee~~ ~~multiple-member body, except a member of the Rules Committee,~~ who ~~is appointed to an ad hoc or other multiple-member body.~~ ~~serves~~, by virtue of his office or position, ~~on more than one board or committee~~ shall not be required to take an additional oath of office to serve in such capacity.
- (c) **Library** – The ~~term word~~ "Library" shall mean the Reading Public Library and any branch or branches ~~thereof~~ that may be established ~~thereof~~.
- (d) **Local News Medium Newspaper** – The ~~term word~~ "local news medium" ~~–"local newspaper"~~ shall mean a newspaper ~~or other means or channel of information communication of general circulation to which the general public has access~~ within the Town.

- (e) **Majority Vote** - ~~The word "majority vote" shall mean as~~ **As** applied to the Town Meeting, **Committees thereof and precinct meetings, the term "majority vote" shall mean the affirmative vote of a majority of those present and voting provided that a quorum of the body is present. As applied to all other boards or committees, the term shall mean the affirmative vote of a majority of the number of members specified in the Charter, Town Bylaw or other enabling vote or action creating such board or committee.**
- (f) ~~**Multiple Member Body** - The word "multiple member body" shall mean any Board, Commission or Committee consisting of two or more persons, whether elected or appointed.~~
- (g) **Precinct** - The **term word** "precinct" shall mean the areas into which the Town is divided for the purpose of electing Town Meeting Members.
- (h) **Town** - The **term words** "Town" shall mean the Town of Reading.
- (i) **Town Agency** - The **term words** "Town Agency" shall mean any **board or committee, Commission, Committee,** department or office of the Town ~~Government whether however created,~~ elected, appointed or otherwise constituted.
- (j) ~~**Town Bulletin Boards** - The words "Town Bulletin Boards" shall mean the bulletin boards on which official Town notices are posted.~~
- (k) **Town Meeting** - The **term words** "Town Meeting" shall mean the representative Town Meeting of the Town, established by Article 2.
- (l) **Town Officer** - The **term words** "Town Officer" shall mean an elected or appointed official of the Town who, in the performance of his duties of office, exercises some portion of the sovereign power of the Town, whether great or small; **provided, however, it that the term** shall not include a Town Meeting Member; **and provided further that a** ~~A~~ person may be a Town Officer whether or not he receives any compensation for his services.
- (m) **Voters** - The **term word** "Voters" shall mean **the** registered voters of the Town.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

ARTICLE 2 REPRESENTATIVE TOWN MEETING

2.1 Composition

Revisions to Section 2.1 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

The legislative body of the Town shall be a representative Town Meeting consisting of one hundred ninety-two (192) members from eight (8) precincts who shall be elected **by the voters in each precinct.** ~~deliberate, act and vote in the exercise of the corporate powers of the Town.~~

Each precinct shall be equally represented in Town Meetings by members ~~so~~ elected **so** that the term of office of one-third of the members shall expire each year.

2.2 Revisionalignment of Precincts

Revisions to Section 2.2 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

When required by law or every ten (10) years, the **Board of Selectmen** shall review and, if necessary, re-divide the territory of the Town into eight (8) plainly designated precincts. The precincts shall be divided into as nearly an equal number of inhabitants as possible. The territory of each precinct shall be **contiguous** and as compact as possible. The territory of each precinct shall be defined **where reasonably as near as possible** by the **centerline center-line** of known streets or other well-defined limits.

Within ten (10) days of **completing its review any precinct revision**, the **Board of Selectmen** shall file a report ~~on the revisions~~ with the Town Clerk, **and the Board of Registrars of Voters showing any revisions to the precincts that are being made pursuant to this section. and the Board of Assessors.** If **revisions are being made**, ~~The~~ report shall include a map ~~(s)~~ showing the boundaries of each precinct and a list of ~~the~~ its inhabitants' names and addresses. The **Board of Selectmen** shall also post the map and list in the Town Hall and in at least one public place in each precinct.

~~The~~ **Any such precinct** revision shall be effective on the date it is filed with the Town Clerk, ~~and~~ **The Town Clerk** shall **forthwith** notify the Secretary of State of the revision in writing.

~~Any town wide election shall be held at the same time for each precinct at a place or places designated by the Selectmen.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.3 Town Meeting Membership

Revisions to Section 2.3 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

~~The registered voters in every precinct shall elect Town Meeting Members in accordance with all applicable election laws. Whenever~~ **At the first Town wide election after any precincts boundaries altered pursuant to Section 2.2 are revised**, the **registered voters of each precinct** shall elect twenty-four (24) Town Meeting Members to represent the precinct. Terms of office shall be determined by the number of votes received. The eight (8) candidates receiving the highest number of votes shall

serve for three (3) years, the eight (8) receiving the next highest number of votes shall serve for two (2) years, and the ~~next~~ eight (8) candidates receiving the next highest number of votes shall serve for one (1) year from the day of election. Upon the certification of such election, the term of office of all previously elected Town Meeting members shall cease.

At each Annual Election thereafter, the voters in each precinct shall elect eight (8) Town Meeting Members to represent the precinct for a term of three (3) years, and shall also elect Town Meeting Members to fill any vacant unexpired terms. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of his election in writing.

In the event of a tie vote, resulting in a failure to elect the full number of Town Meeting Members in any precinct, the vacancy created thereby shall be filled by a vote of the remaining Town Meeting Members of the precinct. ~~ballot position shall determine the order of finish.~~ In the event of such a vacancy, the Town Clerk shall give written notice of the tie vote, and the vacancy created thereby, to the remaining Town Meeting Members of that precinct and shall publish such notice in the local news medium. Such notice shall provide at least seven (7) days (see Sec. 8.5) advance notification of the time and place for a precinct meeting for the purpose of filling the vacancy.

~~At each Annual Election thereafter, the registered voters in each precinct shall elect eight (8) Town Meeting Members to represent the precinct, and shall also elect Town Meeting Members to fill any vacant terms.~~

~~After the revision of precincts, the term of office of all previously elected Town Meeting Members from the revised precincts shall cease upon the certification of the election by the Town Clerk of their successors. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of his election by mail.~~

~~In the event of a tie write-in vote for a vacant Town Meeting position, the position shall be filled by a vote of the remaining Town Meeting Members of the precinct, from the write-in candidates whose write-in votes were tied. The Town Clerk shall give notice of the tie vote to the remaining Town Meeting Members of the precinct. The Town Clerk shall set a time and place for a precinct meeting for the purpose of filling the vacancy. The Town Clerk shall give notice of the meeting to precinct Town Meeting Members at least seven (7) days in advance and shall publish legal notice in a newspaper of general circulation in the community. A vacant position filled in this manner shall be filled for the entire remainder of the term.~~

[Special Legislation adopted as Chapter 57 of the Acts of 2002 on March 14, 2002]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.4 Town Meeting Sessions

All representative Town Meeting sessions ~~held under the provisions of the Charter~~ shall be limited to the Town Meeting Members elected pursuant to under Section 2.3, together with the duly elected Moderator. The Town Clerk shall notify the Town Meeting Members of the time and place at which representative Town Meeting sessions are to be held, the notices to be sent by mail at least seven (7) days (see Sec. 8.5) before the meeting. The Town Meeting Members shall be the judges of the election and qualification of their members. A majority of the Town Meeting Members shall constitute a quorum for doing business. However, a smaller number may organize temporarily and may adjourn from time to time, but no Town Meeting shall adjourn over the date of an election of Town Meeting Members. All Town Meeting sessions shall be public.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.5 Nomination Procedures

Revisions to Section 2.5 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

Nomination of candidates for Town Meeting Member ~~to be elected under the Charter~~ shall **only** be made by nomination papers bearing no political designation and signed by not ~~less~~ **fewer** than ten (10) ~~registered~~ voters from the candidate's precinct. **Nomination papers shall be obtained in person and signed by the candidate in the presence of the Town Clerk or designee. Completed nomination papers must shall be filed with the Town Clerk at least thirty-five days (35) twenty-eight (28) days before the election. and must be signed by the candidate to be valid.**

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.6 Vacancies

Revisions to Section 2.6 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

A Town Meeting Member may resign by filing a written notice with the Town Clerk ~~which shall take effect on the date filed.~~ A Town Meeting Member who ~~moves from~~ **terminates residency in** the Town shall cease to be a Town Meeting Member. A Town Meeting Member, who moves **his residence** from the precinct from which he was elected to another precinct, ~~may~~ **shall** serve only until the next Annual Town Election.

If any person elected as a Town Meeting Member ~~fails to take his oath of office within thirty (30) days following his notice of election, or~~ fails to attend one-half or more of the total Town Meeting sessions within one year preceding the most recent Annual Town Election, his seat may be declared vacant by a majority vote of ~~the~~ Town Meeting.

The Board of Selectmen shall place an Article **in** on the Annual Town Meeting Warrant to remove any such ~~person~~ **Town Meeting Member** from office. **At least seven (7) days (see Sec. 8.5) prior to the Annual Town Meeting,** ~~the~~ Town Clerk **must shall** notify any such ~~person~~ **Town Meeting Member** and that he may be removed ~~under this section at least seven (7) days in advance of the Annual Town Meeting~~ from office, provided, however, that such notice shall be deemed adequate if **Notice shall be** mailed **postage prepaid to his** the Town Meeting Member's last known address.

~~In the event of a tie write-in vote for a vacant Town Meeting position, the position shall be filled by a vote of the remaining members of the precinct from the write-in candidates whose write-in votes were tied. The Town Clerk shall give notice of the tie vote to the remaining Town Meeting members of the precinct. The Town Clerk shall set a time and place for a precinct meeting for the purpose of filling the vacancy. The Town Clerk shall give notice to precinct Town Meeting members at least seven (7) days in advance of the meeting, and shall also publish notice of the meeting in a newspaper of general circulation in the community. A vacant position filled in this manner shall be filled for the remainder of the term.~~

Any vacancy ~~of~~ **in** a Town Meeting position may be filled until the next Annual Town Election by a vote of the remaining **Town Meeting** ~~m~~Members of the precinct, **provided, however, that t**he balance of any unexpired term shall be filled at the next Annual Town Election. **In the event of a vacancy, t**he Town Clerk shall give **written** notice **thereof any vacancy** to the remaining Town Meeting Members of the precinct **and shall publish such notice in a local news medium. Such notice shall provide at least seven (7) days (see Sec. 8.5) in advance notification of the** ~~The Town Clerk shall set a time and place for a precinct meeting for the purpose of temporarily filling the vacancy any vacancies. The Town Clerk shall give notice of the meeting to precinct Town Meeting Members and shall publish legal notice in a community newspaper of general circulation.~~

[Amended by Chapter 57 of the Acts of 2002]

2.7 Precinct Meetings

The Town Meeting Members of each precinct shall meet at least annually and shall elect a Chair and a Clerk. At any precinct meeting, a majority of the Town Meeting Members of the precinct serving at

the time of the precinct meeting shall constitute a quorum thereof. A majority of votes cast at a precinct meetings shall be sufficient to fill vacancies, elect a Chairman or ~~and a~~ Clerk, or conduct any order of other business. The Chairman and Precinct or Clerk shall certify any vote taken at a election of the precinct meeting and transmit written acceptance of any person elected Town Meeting Member to the Town Clerk.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2-72.8 Compensation

Town Meeting Members shall serve without compensation.

2-82.9 Presiding Officer

A Moderator, chosen in accordance with the provisions of ~~Article 3~~, Section 3.67, shall preside at all sessions of the Town Meeting. The Moderator shall regulate the proceedings of all Town Meeting sessions, decide all questions of order and make public declaration of all votes. He may also administer the oath of office to any Town Officer and to Town Meeting ~~m~~Members. ~~He shall perform other functions as provided by Charter, Bylaws, Town Meeting vote or State law.~~ In the absence of the Moderator, the Town Meeting shall elect a temporary Moderator *pro tempore*.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2-92.10 Clerk of the Town Meeting

The Town Clerk shall serve as the Clerk of the Town Meeting. In the event of his unavoidable absence, the Town Clerk shall may designate a substitute; otherwise, the Moderator shall appoint a Clerk *pro tempore*. The Clerk shall give notice of all Town Mmeetings to the Town Meeting Members and to the public and, keep the journal of its Town Meeting proceedings. ~~and perform such other functions as may be provided by the Charter, by statute, by bylaw, by Town Meeting vote.~~

2-102.11 General Powers and Duties

~~All legislative powers of the Town shall be vested in the representative Town Meeting except as otherwise provided by law or the Charter or statute. The Town Meeting shall meet, deliberate, act and vote in provide for the exercise of all corporate powers of the Town, and shall provide for the performance of all duties and obligations of the Town.~~

2.11 Participation by Non-Town Meeting Members

Subject to conditions that may be determined from time to time by Town Meeting Members, any person who is not a Town Meeting Member may be allowed to speak at any representative Town Meeting but shall not vote.

At the request of the Moderator or Town Meeting, any Town Officer or Department Head or his designee shall be present at any session of Town Meeting for the purpose of responding to questions of Town Meeting Members.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.12 Establishment of Standing Committees

The Town Meeting may ~~from time to time, by Bylaw,~~ establish ~~standing boards~~ or committees to which shall may be referred Warrant Articles for study, review and report in advance of the sessions of the Town Meeting. All meetings of such boards or committees shall be conducted in accordance with the provisions of the Open Meeting Law, Massachusetts General Laws Chapter 30A, Sections 20 through 22, inclusive.

In establishing ~~standing~~ such boards or committees, the Town Meeting shall also provide for the method of appointment of members either. ~~The method of appointment shall be~~ by an existing multiple member body or shall be by a multiple member appointment committee established for that purpose or by an existing board or committee ~~multiple member body.~~

[Amended November 19, 2001 - Article 12]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.12.1 Finance Committee

There shall be a Finance Committee consisting of nine (9) voters of the Town, appointed for three year staggered terms so arranged that three (3) terms expire on June 30 each year. No member of the Finance Committee Member shall serve for more than three (3) consecutive terms; provided, however, that an appointment to the Finance Committee to fill an unexpired term that has less than two (2) years remaining shall not be counted towards the three (3) consecutive terms.

No Finance Committee Member shall be an elected or appointed Town Officer or an employee of the Town. A member of the Finance Committee Member may be an elected Town Meeting Member but shall serve on no other standing committee.

Finance Committee members shall be appointed by majority vote of an Appointment Committee chaired by the Moderator, and consisting of the Moderator who shall have one vote, the Chairman of the Board of Selectmen who shall have one vote, and the Chairman of the Finance Committee who shall have one vote. The terms of Finance Committee Members shall expire on the first day of July. No Finance Committee Member shall serve for more than three (3) consecutive terms. The Appointment Committee shall fill any vacancy on the Finance Committee. Any vacancy on the committee shall be filled by the Appointment Committee.

The Finance Committee shall have all the powers and duties granted to Finance Committees under by the laws of the Commonwealth of Massachusetts, Town Bylaws, any Town Meeting vote and other applicable laws. In addition to these powers, the Finance Committee shall have the power to investigate the books, accounts, records and management of any office, board or committee in Town, and may use agents in carrying out such investigations. The Finance Committee shall submit a written report to the Town Meeting setting forth its findings, approvals or disapprovals on all Articles in the Warrant that involve the expenditure of funds in the Warrant in writing at least seven (7) days before to Town Meeting. Such a report shall not preclude further action or reconsideration by the Finance Committee. The Finance Committee shall take reasonable action to submit its report at least seven (7) days (see Sec. 8.5) before Town Meeting; provided, however, that such report shall not preclude further action or reconsideration by the Finance Committee.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.12.2 Bylaw Committee on Bylaws

There shall be a Bylaw Committee consisting of five (5) voters of the Town, appointed for three (3) year staggered terms expiring on June 30.

~~The Bylaw Committee shall propose and consider changes in the bylaws or Charter, and petitions for a special act, or local acceptance of a State Statute which is subject to Town Meeting acceptance, and shall report its findings on all such Articles in the Warrant in writing at least seven (7) days before Town Meeting. Such a report shall not preclude further action or reconsideration by the Bylaw Committee.~~

Bylaw Committee members shall be appointed by a majority vote of an Appointment Committee chaired by the Moderator, and consisting of the Moderator who shall have one vote, the Chairman of the Board of Selectmen who shall have one vote, and the Chairman of the Bylaw Committee who shall have one vote. The terms of Bylaw Committee Members shall expire on the first day of July. Appointment Committee shall fill any vacancy on the Bylaw Committee shall be filled by the Appointment Committee.

The Bylaw Committee may propose and shall consider Town Meeting Warrant articles offering changes in the Charter, General Bylaws, petitions for special acts, or local acceptance of State Statutes that are subject to Town Meeting acceptance; and may consider Zoning Bylaw changes and shall submit a written report to the Town Meeting setting forth its findings on all such Articles in the Warrant. The Bylaw Committee shall take reasonable action to submit its report to Town Meeting at least seven (7) days (see Sec. 8.5) before Town Meeting; provided, however, that such report shall not preclude further action or reconsideration by the Bylaw Committee.

Within one (1) year of any adopted change to the Charter, the Bylaw Committee shall propose any revisions to the General Bylaws that it deems to be necessary as a result of such change.

The Bylaw Committee shall review the General Bylaws at least every ten (10) years and submit a written report to Town Meeting setting forth any recommended changes.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.12.3 Rules Committee

There shall be a Rules Committee, chaired by the ~~Town~~ Moderator who shall be a non-voting member, and consisting of the Precinct Chairsmen. The Rules Committee may, which from time to time shall review all aspects of the operation of Town Meeting, and submit a written report ~~make an Annual Report in writing to the~~ Town Meeting setting forth its findings, recommendations, and proposals for rules governing the conduct of Town Meeting.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.13 Warrant Articles

Except for procedural matters, all subjects to be acted upon by the Town Meeting shall be placed on a Warrants ~~therefor~~ issued by the Board of Selectmen. The Board of Selectmen shall place on such Warrants all subjects ~~submitted~~ requested by:

- a) ~~a~~Any two (2) or more members of the Board of Selectmen;
- b) ~~a~~Any ~~elected or appointed Town~~ board or committee or commission;
- c) ~~a~~Any ten (10) or more voters for the Annual or Subsequent or Special Town Meeting as defined in Section 2.15 ~~2-14~~; or
- ~~d) any one hundred (100) or more voters for a Special Town Meeting; and~~
- e) ~~a~~Any other person or agency entity as may be authorized by Town Bylaw or otherwise.

All subjects timely submitted to the Board of Selectmen pursuant to ~~under~~ this section shall be placed on a Warrant for the next ~~scheduled Annual, Subsequent or Special Town Meeting, regular or special.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

All Articles submitted pursuant to Section 2.13(a) shall include the names of all of the Selectmen sponsoring such Article. Sponsorship of Articles submitted pursuant to Section 2.13(b) shall be designated as "The Board of Selectmen as a courtesy to (inset name of Board or Committee requesting the Article)."

Promptly ~~following upon~~ receipt by the Board of Selectmen of any ~~such~~ subject for a Town Meeting Warrant Article, a copy of the Article shall be ~~posted on the Town Bulletin Board and otherwise distributed as may be provided by bylaw. Additional copies shall be kept~~ made available for ~~distribution by inspection in the~~ Office of the Town Clerk.

2.14 Meetings

The Town Meeting shall meet at least twice in each calendar year. The Annual Town Meeting shall be held during the first six (6) calendar months of the year at a time fixed by Town Bylaw, and shall be primarily concerned with the determination of matters that have a fiscal ~~effect~~ impact on the Town including, ~~but not limited to,~~ the adoption of an annual operating budget for all Town ~~a~~Agencies (other than the Reading Municipal Light Department). A Subsequent Town Meeting shall be held during the last three (3) calendar months of the year at a time fixed by Town Bylaw. In addition to the two (2) meetings required by this section, the Board of Selectmen may call a Special Town Meeting into session at other times by the issuance of a Warrant therefor as it deems necessary or appropriate in any manner provided under the General Laws of the Commonwealth of Massachusetts or the Charter, for the purpose of acting upon the legislative business of the Town in an orderly and expeditious manner, ~~call the Town Meeting into session at other times by the issuance of a Warrant.~~ The Board of Selectmen shall call a Special Town Meeting upon the receipt of a petition with two hundred (200) or more signatures of voters, as certified by Board of Registrars of Voters.

2.15 Referendum Procedures

No final affirmative vote of a Town Meeting on any Warrant Article shall be **operative effective** until after the expiration of seven (7) days (**see Sec. 8.5**) following the dissolution of the Town Meeting except **the following**:

- ~~(a) a vote to adjourn or dissolve;~~
- ~~(b)~~(a) Votes appropriating money for the payment of notes or bonds of the Town and interest becoming due within the then current fiscal year;
- ~~(c)~~(b) Votes for the temporary borrowing of money in anticipation of revenue; or
- ~~(d)~~(c) A vote declared by a preamble, **and adopted** by a two-thirds (2/3) vote of **the** Town Meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town.

If a referendum petition is not filed **pursuant to Section 2.15.1** within the said seven (7) days (**see Sec. 8.5**), the **remaining** votes of the Town Meeting shall then become **effective operative**.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

2.15.1 Referendum Petition – If, within said seven (7) days (**see Sec. 8.5**), a referendum petition, signed by not **less fewer** than three (**3**) percent (**3%**) of the voters, **as** certified by the Board of Registrars of Voters, containing their names and addresses, is filed with the Board of Selectmen requesting that any **of the remaining** affirmative votes of **the** Town Meeting be submitted to the voters in the form of a ballot question, ~~such ballot question to be in the form required in (b) herein,~~ then the **effectiveness operation** of **the such** Town Meeting vote shall be further suspended pending its determination as provided **herein below**. The Board of Selectmen shall, within ten (10) days after the filing of such referendum petition, call a Special Election ~~that shall to~~ be held within thirty (30) days or such longer period as may be required by law after issuing the call, for the purpose of presenting ~~to the voters any~~ such ballot question **to the voters; provided, however, that if if, however,** a regular or Special Election is to be held not more than sixty (60) days following the date the referendum petition is filed, the Board of Selectmen may provide that **any** such ballot question be presented to the voters at that Election.

2.15.2 Form of Referendum Petition/Ballot Question - Each ballot question submitted shall appear at the top of each referendum petition and shall be presented in the following form which shall be placed on the official ballot: "Shall the Town vote to approve the action of the representative Town Meeting whereby it was voted on (insert date of Town Meeting) to (insert complete language of the vote in the same form in which it was stated when presented by the Moderator to the Town Meeting, and as it appears in the records of the Clerk of the meeting)?"

~~The form of the referendum petition shall be in conformance with this section.~~

The circulator(s) of the referendum petition may make **multiple additional** copies of the petition form, but such copies must be **an exact duplicates** thereof, **and t**he petition form may not be altered in any way. No extraneous markings, such as underlines, highlighting, erasures, marking out or insertion of words or other information, **are shall be** allowed on any area of the petition form **or any copy thereof**. Any **petition form or copy thereof containing** such extraneous markings ~~or,~~ or alterations ~~of the petition form, or copies of the petition form~~ that are not exact duplicates **shall be invalid, and no will result in the invalidation of all** signatures contained **thereon that petition form shall be counted toward the required number. For the purpose of this prohibition, the term "e**Extraneous markings" ~~de~~ shall not include signatures, **names** or addresses.

Each petition form shall include language informing voters that additional markings will disqualify the signatures on the petition form; that for their signature to be **counted valid**, they must be a registered voter of the Town of Reading; that their signature shall be written **in the same form** as they are registered; that they should not sign the petition **and any copy thereof** more than once; and that, if they are prevented by physical disability from writing, **that** they may authorize some person to write their name and **address-residence** in their presence. The back of each petition

form where signature lines appear shall include the following instruction: "ATTENTION VOTERS: Before signing, read signer information on the other side."

~~Upon request, the Town Clerk shall provide a Town referendum petition/ballot question form with the final article language voted at Town Meeting. The Town Clerk shall deliver A) sufficient paper copies or B) an electronic version by email at the requestor's option. Provided forms shall be deemed compliant with form conformance requirements. Foot Note: Approved by Town Meeting but not sent to the Voters of Reading. Date of Town Meeting Here~~

Upon request, the Town Clerk shall provide a Town referendum petition/ballot question form with the final article language voted at Town Meeting. The Town Clerk shall deliver A) sufficient paper copies according to the laws of the Commonwealth of Massachusetts or B) an electronic version by email at the requestor's option. Provided forms shall be deemed compliant with form conformance requirements.

In addition to the certification of signatures on the petition form, the Board of Registrars of Voters shall examine the petition forms for extraneous markings, and determine whether they are exact copies.

- 2.15.3 Election** - Any ballot question submitted in accordance with ~~the~~ procedure **set forth herein** shall be determined by a majority vote ~~thereon of the voters voting in said election~~, but no action of the Town Meeting shall be reversed unless at least twenty percent (20%) of the **eligible voters cast ballots vote in such election on the ballot question**.

[Amended November 15, 2010 - Article 16]

ARTICLE 3 ELECTED OFFICERS AND BOARDS OR COMMITTEES

3.1 General Provisions

The offices to be filled by the voters shall be the Board of Selectmen, School Committee, ~~Board of Assessors,~~ Board of Library Trustees, Municipal Light Board ~~of Commissioners,~~ Moderator, ~~Vocational School Representative~~ and such members of regional authorities or districts as may be established by statute, intergovernmental ~~local~~ agreement ~~executed pursuant to Section 1.5~~ or otherwise.

Only a registered voter of the Town shall be eligible to hold any elective town office; ~~provided, however, that, but~~ no person holding any elective Town office shall simultaneously hold any other elective Town office except that of Town Meeting Member.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

Elected Town Officers shall ~~receive no~~ ~~serve without~~ compensation unless ~~otherwise~~ specifically voted by Town Meeting.

~~Notwithstanding their election by the voters, the~~ Elected Town Officers ~~named in this Article~~ shall be subject to the call of the Board of Selectmen at all reasonable times for consultation, conference and discussion on any matter relating to their respective offices.

3.2 Board of Selectmen

Revisions to Section 3.2 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

There shall be a Board of Selectmen consisting of five (5) members elected for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all of the powers and duties ~~given~~ ~~granted~~ to Boards of Selectmen ~~under~~ ~~by~~ the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may ~~be authorized~~ ~~provided~~ by the Charter, by Town Bylaw, or by ~~other~~ Town Meeting vote.

The Board of Selectmen shall cause the laws and orders for the government of the Town to be enforced and shall cause a record of all its official acts to be kept. ~~To administer its policies and aid the Board of Selectmen in its official duties, the Board of Selectmen shall appoint a Town Manager, as provided in Article 5. Without limiting the foregoing, the Selectmen shall have all of the powers and duties of the present Personnel Board and such Board is hereby abolished.~~

The Board of Selectmen shall appoint ~~a~~ ~~Town Manager,~~ ~~a~~ Town Counsel, ~~a~~ Town Accountant, not more than five (5) Constables, ~~members of the Recreation Committee, Council on Aging, Board of Cemetery Trustees, Housing Authority, Community Planning and Development Commission, Board of Health, Conservation Commission and Board of Appeals,~~ and any other appointed ~~board or committee member~~ ~~multiple member bodies~~ for whom no other method of selection is provided by the Charter or by Town Bylaw.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

~~The Board of Selectmen may establish and appoint standing advisory committees from time to time for a specific purpose. Such committees shall be considered a "multiple member body" as defined in the charter, shall be appointed in accordance with the process detailed in Section 8-12, and members shall physically reside in the Town of Reading at the time of their appointment and during their term of office.~~

The Board of Selectmen or **its designee** shall be the Licensing Board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, **and** to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

3.3 School Committee

There shall be a School Committee consisting of six (6) members elected for three (3) year terms so arranged that two (2) terms shall expire each year.

The School Committee shall have all of the powers and duties **granted to School Committees** ~~are given under by~~ the Constitution and General Laws of the Commonwealth of Massachusetts and such additional powers and duties as **provided may be authorized** by the Charter, by **Town Bylaw**, or by ~~other Town Meeting vote. The powers of the School Committee shall include, but need not be limited to, the following:~~

- ~~(a) The School Committee shall appoint a Superintendent of Schools and fix his compensation, define his duties, make rules concerning his tenure of office and may and may discharge him.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

- (b) The School Committee shall make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the Town. The School Committee shall also appoint a Superintendent of Schools and shall define his duties and terms of employment.**

3.4 Board of Library Trustees

There shall be a Board of Library Trustees consisting of six (6) members elected for three (3) year terms so arranged that two (2) terms shall expire each year.

The Board of Library Trustees shall have all of the powers and duties granted to Boards of Library Trustees by the Massachusetts General Laws, and such additional powers and duties as may be authorized by the Charter, by Town Bylaw, or by Town Meeting vote.

The Board of Library Trustees shall have control over the selection of Library materials, and shall have custody and management of the Library and of all property of the Town related thereto; **provided, however, except** that the Town Manager or his designee shall have responsibility for the maintenance of the Library building and grounds. **The Board of Library Trustees shall appoint a Library Director and shall define his duties and terms of employment, subject to the personnel policies and classification and compensation plans established by the Board of Selectmen.**

The Board of Library Trustees shall administer ~~a~~All money or property that the Town may receive on behalf of the Library by gift or bequest ~~shall be administered by the Board~~ in accordance with the provisions of such gift or bequest.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

~~The Board shall have all of the powers and duties given to Board of Library Trustees under the Constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by the Charter, by Bylaw, or by other Town Meeting vote.~~

3.5 Municipal Light Board of Commissioners

There shall be a Municipal Light Board of Commissioners consisting of five (5) members elected for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

~~The Municipal Light Board of Commissioners shall have charge of all the real estate, facilities, personnel and equipment of the Town pertaining to the production and transmission of electrical power, both within the Town and elsewhere.~~

The Municipal Light Board of Commissioners shall have all the powers and duties ~~given~~ granted to cities and towns in respect to municipal lighting plants ~~under by~~ Massachusetts General Laws Chapter 164 Section 34 *et seq.* and other general and special acts pertaining thereto, together with such further powers and duties assigned to them by the Charter, by ~~Town~~ Bylaw, or by ~~Town of Reading~~ Town Meeting vote.

The Municipal Light Board of Commissioners shall hire the General Manager of the ~~Reading~~ Municipal Light Department and set ~~his duties and terms of employment. his compensation; the General Manager shall serve at the pleasure of the Board and may be removed by vote of a majority of the entire Board after notice and public hearing.~~

The Municipal Light Board of Commissioners shall appoint the Accounting Manager or Chief Accountant of the ~~Reading~~ Municipal Light Department and appoint Counsel to the ~~Reading~~ Municipal Light Department.

The Accounting Manager or Chief Accountant, as the case may be, and Counsel shall be subject to the supervision of the General Manager.

The Municipal Light Board of Commissioners shall approve warrants for payments of all bills and payroll of the Municipal Light Department and shall approve all contracts which are at or above the competitive sealed bid procedures level as stated in Massachusetts General Laws Chapter 30B Section 5 and, further, all contracts shall be made in accordance with Massachusetts General Laws Chapter 30B. Contracts for purchasing of power shall not be subject to Massachusetts General Laws Chapter 30B but shall be approved by the Municipal Light Board of Commissioners.

The Municipal Light Board of Commissioners shall employ the Auditor appointed by the Town of Reading Audit Committee.

The Municipal Light Board of Commissioners shall annually set electric rates and approve an annual operating budget and Capital Improvements Program each fiscal year. Such approval will be done by a majority vote of the Municipal Light Board of Commissioners. After the Municipal Light Board of Commissioners has approved an annual operating budget and Capital Improvements Program, it will present them to the Town of Reading Finance Committee and Town of Reading Town Meeting. Upon request of any of the other towns served by the ~~Reading~~ Municipal Light Department, the Municipal Light Board of Commissioners shall make a presentation to the Finance Committee and/or Town Meeting of any such town(s).

[Amended April 28, 2003 - Article 7]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

~~3-6~~ Board of Assessors

~~There shall be a Board of Assessors consisting of three (3) members elected for three (3) year terms so arranged that one (1) term shall expire each year.~~

~~The Board of Assessors may appoint property appraisers and shall have all the powers and duties given to Boards of Assessors by the Law of the Commonwealth not inconsistent with this Charter.~~

[Amended November 30, 1989 - Article 36 and approved by vote of the Town on March 19, 1990]

~~3-73.6~~ Moderator

There shall be a Moderator elected for a one (1) year term. ~~The Moderator, as provided in Article 2 Section 2-8, shall be an ex officio representative Town Meeting Member and shall preside and regulate the proceedings at all sessions of the Town Meeting.~~

The Moderator ~~He~~ shall have all of the powers and duties ~~given~~ granted to Moderators ~~under~~ by the Constitution and ~~Massachusetts~~ General Laws of the Commonwealth of ~~Massachusetts~~, and such additional powers and duties as ~~provided may be authorized~~ by the Charter, by ~~Town~~ Bylaw, or by

other Town Meeting vote. The Town Moderator shall not simultaneously serve as an elected Town Meeting Member or in any other elected municipal Town office in the Town.

ARTICLE 4 APPOINTED BOARDS OR COMMITTEES AND COMMITTEES

4.1 Board of Assessors

There shall be a Board of Assessors consisting of three (3) members ~~electe~~ appointed by the Board of Selectmen for three (3) year terms so arranged that one (1) term shall expire each year.

The Board of Assessors shall have all the powers and duties granted to Boards of Assessors by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

The elected members of the Board of Assessors serving at the time that this section first becomes effective may continue to serve in office until their elected terms expire, unless reappointed for an additional term or terms pursuant to this section.

~~The Board of Assessors may appoint property appraisers and shall have all the powers and duties given to Boards of Assessors by the General Laws of the Commonwealth not inconsistent with this Charter.~~

[Amended November 30, 1989 - Article 36 and approved by vote of the Town on March 19, 1990]

~~4-54.2~~ Board of Cemetery Trustees

There shall be a Board of Cemetery Trustees consisting of six (6) members appointed by the Board of Selectmen for three (3) year terms so arranged that two (2) terms shall expire each year.

The Board of Cemetery Trustees shall ~~be responsible for the preservation, care, improvement and embellishment of the Town's cemeteries and burial lots therein and such other~~ have all the powers and duties given granted to the Boards of Cemetery Trustees under by the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, or by Town Meeting vote.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

~~4-74.3~~ Board of Commissioners of Trust Funds

There shall be a Board of Commissioners of Trust Funds consisting of five (5) members. Three (3) shall be appointed by the Board of Selectmen for three (3) year terms so arranged that one (1) term shall expire each year. In addition, the Board of Selectmen shall appoint one of ~~its~~ their members to serve as a full voting member *ex officio*, and the Town Treasurer/~~Collector~~ shall serve as a full voting member *ex officio*.

The Board of Commissioners of Trust Funds shall have ~~all the such~~ powers and duties as are granted given to them by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

~~4-24.4~~ Board of Health

There shall be a Board of Health consisting of three (3) members appointed by the Board of Selectmen for three (3) year terms so arranged that one (1) term shall expire each year.

The Board of Health ~~shall be responsible for the formulation and enforcement of rules and regulations affecting the public health. It~~ shall have all of the powers and duties given granted to Boards of Health under by the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws, and such additional powers and duties as may be provided authorized by the Charter, by Town Bylaw, or by ~~either~~ Town Meeting vote.

~~4-14.5~~ Community Planning and Development Commission

There shall be a Community Planning and Development Commission consisting of five (5) members appointed by the Board of Selectmen for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

~~The Community Planning and Development Commission shall make studies and prepare plans concerning the resources, developmental potential and needs of the Town. The Community Planning and Development Commission shall report annually to the Town giving information regarding the physical condition of the Town, and any plans or proposals known to it affecting the resources, physical development and needs of the Town.~~

~~The Community Planning and Development Commission shall have the power to regulate the subdivision of land within the Town by the adoption of Rules and Regulations governing such development.~~ The Community Planning and Development Commission shall have all of the powers and duties ~~given~~ **granted** to Planning Boards, Boards of Survey and Industrial Development Commissions ~~under by the Constitution and General Laws of the Commonwealth~~ **Massachusetts General Laws**, and such additional powers and duties as may be ~~provided~~ **authorized** by the Charter, by ~~Town~~ **Town** Bylaw, or by ~~other~~ **other** Town Meeting vote. ~~The Community Planning and Development Commission shall have the power to regulate the subdivision of land within the Town by the adoption of Rules and Regulations pertaining thereto.~~

The Community Planning and Development Commission shall make studies and prepare plans concerning the resources, developmental potential and needs of the Town; ~~and The Community Planning and Development Commission~~ shall report annually to the Town giving information regarding the physical condition of the Town, and any plans or proposals known to it affecting the resources, physical development and needs of the Town.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

4-84.6 Conservation Commission

There shall be a Conservation Commission consisting of seven (7) members appointed by the Board of Selectmen for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Conservation Commission shall have all the powers and duties ~~given~~ **granted** to Conservation Commissions by the Massachusetts General Laws, ~~and such additional powers and duties as may be provided~~ **provided** by the Charter, by ~~Town~~ **Town** Bylaw, or by Town Meeting vote.

4-64.7 Council on Aging

There shall be a Council on Aging consisting of ten (10) members appointed by the Board of Selectmen for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Council on Aging shall have all the powers and duties ~~given~~ **granted** to Councils on Aging by the Massachusetts General Laws, ~~and such additional powers and duties as may be provided~~ **provided** by the Charter, by ~~Town~~ **Town** Bylaw, or by Town Meeting vote.

4.8 Historical Commission

There shall be a Historical Commission appointed by the Board of Selectmen, which shall determine the number of members and their term of appointment, not to exceed three (3) years

The Historical Commission shall have all the powers and duties granted to Historical Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, or by Town Meeting vote.

4-34.9 Housing Authority

There shall be a Housing Authority consisting of five (5) members. Four (4) members shall be appointed by the Board of Selectmen, ~~and~~ **and** the fifth (5th) member shall be a resident of the Town, appointed by the Commonwealth of ~~Massachusetts~~ **Massachusetts** Department of Housing and Community

Development or as otherwise provided by law. Housing Authority Members shall serve for five (5) year terms so arranged that one (1) term shall expire each year.

The Housing Authority shall have all of the powers and duties **given granted** to housing authorities **under by the Constitution and General Laws of the Commonwealth** Massachusetts General Laws, and such additional powers and duties as may be **provided authorized** by the Charter, by **Town Bylaw**, or by ~~other~~ Town Meeting vote.

4-94.10 Recreation Committee

There shall be a Recreation Committee consisting of nine (9) members, eight (8) appointed by the Board of Selectmen, and one (1) appointed by the School Committee for three (3) year terms so arranged that three (3) terms shall expire each year.

The Recreation Committee shall have all such powers and duties as are granted to them by the Board of Selectmen, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

The Recreation Committee shall be responsible for the evaluation of **recreational** program activities, formulation of overall plans for the **recreational** program development, and for the scheduling of Town parks and **recreational** facilities ~~the field house~~ when not in use by the School Department.

~~It shall also have all the powers and duties given to Recreation Committee by the Charter, by Bylaw, or by Town Meeting vote.~~

4.11 Town Forest Committee

There shall be a Town Forest Committee, appointed by the Board of Selectmen, which shall determine the number of members and their term of appointment, not to exceed three (3) years.

The Town Forest Committee shall have all the powers and duties given to Town Forest Committees by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, by the Board of Selectmen or by Town Meeting vote.

4-44.12 Zoning Board of Appeals

There shall be a **Zoning** Board of Appeals consisting of **five (5)** members and **two (2)** associate members appointed by the Board of Selectmen for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The **Zoning** Board of Appeals shall have **all** the powers and duties of Zoning Boards of Appeal under the ~~Constitution and General Laws of the Commonwealth~~ Massachusetts General Laws and such additional powers and duties as may be **provided authorized** by the Charter, by **Town Bylaw**, or by Town Meeting vote.

[Amended November 17, 2005 - Article 22 and approved by vote of the Town on April 4, 2006]

4.13 Charter Review Committee

At least every ten (10) years a special Committee consisting of nine (9) members shall be established for the purpose of reviewing the Charter and to making a report, with recommendations to the Town Meeting concerning any proposed amendments that said Committee may determine to be necessary or desirable. The Committee shall consist of the Moderator, one (1) member or designee of the Board of Selectmen, one (1) member or designee of the School Committee, one (1) member or designee of the Board of Library Trustees, one (1) member or designee of the Municipal Light Board of Commissioners, one (1) member of the Bylaw Committee and three (3) Town Meeting members to be appointed by the Moderator.

4-10 4.14 Other Boards or Committees

~~The Selectmen shall appoint the following committees and determine the number of members and their term of appointment, not to exceed three (3) years:~~

- (a) ~~Town Forest Committee~~
- (b) ~~Historical Commission~~

Any of the elected boards or committees authorized by Article 3 ~~The Board of Selectmen~~ may establish and appoint or dissolve ~~standing or ad hoc advisory boards or committees~~ from time to time for a specific purpose. ~~Members of sSuch boards or committees shall be considered a "multiple-member body" as defined in the cCharter, shall be appointed in accordance with the process detailed in Section 8-102, and members shall physically reside in the Town of Reading at the time of their appointment and during their term of office.~~

~~Any of the elected boards or committees as listed in Article 3 of the Charter may, from time to time, establish and appoint ad hoc committees which shall serve no longer than 12 months. The term may be extended one time only for up to an additional 12 months. Each ad hoc committee shall be considered a "multiple member body" as defined in the Charter, and shall be bound by all laws of the Commonwealth of Massachusetts but shall not be required to meet the requirements of Section 8-12 of the Reading Home Rule Charter as to the appointment process.~~

~~Standing committees shall be appointed in accordance with the process detailed in Section 8-12. Members shall reside in the Town of Reading at the time of their appointment and during their term of office.~~

~~Any of the elected boards or committees as listed in Article 3 of the Charter may, from time to time, establish and appoint ad Hoc committees which shall serve no longer than 12 months. The term may be extended one time only for up to an additional twelve (12) months. Each ad Hoc committee shall be considered a "multiple member body" as defined in the Charter, and shall be bound by all laws of the Commonwealth of Massachusetts but shall not be required to meet the requirements of Section 8-12 of the Reading Home Rule Charter as to the appointment process.~~

The appointing authority of any such board or committee shall, in advance of the first meeting of said board or committee and annually thereafter, report the purpose, membership and contact information of said board or committee to the Town Clerk.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]
 [Amended November 15, 2010 - Article 15 and approved by vote of the Town on April 8, 2010]

4.15 Associate Membership

All appointed boards or committees authorized by Article 4 may have associate members if specified in the Charter, Town Bylaw or Massachusetts General Laws. Associate members shall be appointed in the same manner as other members of the board or committee. All rules and regulations relating to associate membership on appointed boards or committees shall be set forth in the Bylaw or Charter provision defining the conduct of such bodies.

Associate members may not vote on any issue to be decided by the board or committee to which the individual is appointed as an associate member except as allowed by the Charter, Town Bylaw or the Massachusetts General Laws. In no case shall an associate member vote on any issue if he has served as an associate member for less than one hundred and eighty days (180) following his initial appointment except as allowed by the Massachusetts General Laws.

ARTICLE 5 TOWN MANAGER

5.1 Appointment, Qualifications, and Term

Revisions to Section 5.1 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

The Board of Selectmen shall appoint a Town Manager, who ~~and may enter into a contract with the Town Manager not exceeding three (3) years in length, and shall fix his compensation within the amount annually appropriated for that purpose. The Town Manager shall not be subject to a personnel Bylaw, if any. The Town Manager~~ shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had at least five (5) years of full-time paid experience as a City or Town Manager or Assistant City or Town Manager or the equivalent level public or private sector experience.

The terms of the Town Manager's employment shall be the subject of a written contract, **for a term not to exceed three (3) years**, setting forth his tenure, compensation, vacation, sick leave, benefits, and such other matters as are customarily included in an employment contract. **The Town Manager's employment contract shall be in accordance with and subject to the provisions of the Charter and shall prevail over any conflicting provision of any personnel bylaw, rule, or regulation. The Town Manager's compensation shall not exceed the amount annually appropriated for that purpose.**

~~While serving as~~ The Town Manager ~~he~~ shall devote full time to ~~his the~~ office ~~(and, except as expressly authorized by the Board of Selectmen), shall not engage in any other business or occupation, and (e) Except as expressly provided in the Charter,)~~ **he shall not hold any other public office, elective or appointive office, in the Town; provided, however, that, with the approval of the Board of Selectmen, the Town Manager may serve as the Town's representative to regional boards, commissions, or similar entities, but shall not receive any additional salary from the Town for such services.**

Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, he may receive termination pay as determined by the Board of Selectmen, not to exceed twelve (12) month's salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager shall provide the Board of Selectmen a minimum of sixty (60) days written notice of his intent to leave. This benefit shall not be available if the Town Manager is terminated for cause.

~~With the approval of the Board of Selectmen, he may serve as the Town's representative to regional boards, commissions and the like but shall not receive additional salary from the Town for such services.~~

[Amended November 10, 1997 - Article 7 and approved by vote of the Town on March 24, 1998]

[Amended November 15, 2004 - Article 18 and approved by vote of the Town on April 5, 2005]

[Amended November 21, 2011 - Article 28 and approved by vote of the Town on March 6, 2012]

5.2 Powers and Duties

The Town Manager shall be the Chief Administrative Officer of the Town and shall be responsible to the Board of Selectmen for the proper administration of all Town affairs placed in his charge by or under the Charter. The Town Manager's ~~shall have the following~~ powers and duties **shall include:**

- 5.2.1 **S**To supervise and be responsible for the efficient administration of all functions under his control, as may be authorized by the Charter, by **Town Bylaw**, by ~~either~~ Town Meeting vote, or by the Board of Selectmen, including all officers appointed by him and their respective departments.

- 5.2.2 ~~A~~To appoint, and ~~may~~ remove, subject to the civil service laws where applicable, ~~Treasurer-Collector, Town Clerk, the~~ Police Chief, Fire Chief, ~~Appraiser and all other department heads, all officers and all subordinates~~ and all employees for whom no other method of appointment is provided in the Charter, except persons serving under the School Committee, Municipal Light Board of Commissioners and or Board of Library Trustees, and appointments made by the representatives of the Commonwealth of Massachusetts. The Town Manager's appointment of the Police Chief and Fire Chief shall be subject to confirmation by the Board of Selectmen. ~~The Town Manager's appointment of the Appraiser shall be subject to confirmation by the Board of Assessors. any full-time or part-time Department Head, under the direct supervision of an appointed board, shall be appointed by the Town Manager subject to approval of such appointed board. In the event that the Board fails to take action within fourteen (14) days after notice to the Board of the Town Manager's appointment, the Board shall be deemed to have approved the appointment.~~
- 5.2.3 ~~A~~To administer all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or Town Bylaw, and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town.
- 5.2.4 ~~F~~To fix the compensation of all Town officers and employees appointed by him within the limits established by ~~applicable the~~ appropriations, and any compensation plan adopted by the Town Meeting.
- 5.2.5 ~~A~~To attend all regular and special meetings of the Board of Selectmen, ~~except meetings at which his own removal is to be discussed,~~ unless excused at his own request, and ~~shall to~~ have a voice, but no vote, in all discussions.
- 5.2.6 ~~A~~To attend all sessions of ~~the~~ Town Meetings and ~~shall to~~ answer all questions directed to him that are related to his office.
- 5.2.7 ~~S~~To see that all of the provisions of the Massachusetts General Laws, of the Charter, of the Town Bylaws ~~and other of~~ Town Meeting votes, and of votes of the Board of Selectmen that require enforcement by him, or Town Officers and employees subject to his direction and supervision, are faithfully carried out.
- 5.2.8 ~~P~~To prepare and submit a proposed Annual Operating Budget and a proposed Capital Improvements Program ~~as provided in in accordance with~~ Article 7.
- 5.2.9 ~~To en~~Assure that a full and complete record of the financial and administrative activities of the Town is kept and ~~shall to~~ render a full report to the Board of Selectmen at the end of each fiscal year and at such other times as may be required by the Board of Selectmen.
- 5.2.10 ~~K~~To keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and ~~shall to~~ make such recommendations to the Board of Selectmen as he ~~may deems~~ necessary or ~~appropriate expedient~~.
- 5.2.11 ~~H~~To have full responsibility ~~jurisdiction over~~ for the rental and use of all Town facilities, except those under the care, custody, management and control ~~jurisdiction~~ of the School Committee, the Board of Library Trustees, ~~and the~~ Municipal Light Board of Commissioners, or other boards or committees specified by Town Bylaw or Town Meeting vote ~~and properties designated by bylaw or other Town Meeting vote~~. He or his designee shall be responsible for the maintenance and repair of all Town property ~~which is designated to be~~ under his control.
- 5.2.12 ~~May at any time~~ To inquire into the conduct of any Town Officer, employee or department under his control.

- 5.2.13 ~~K~~To keep a full and complete inventory of all **real and personal** property of substantial value belonging to the Town, ~~both real and personal~~.
- 5.2.14 ~~B~~To be responsible for the negotiation of all contracts for **goods and services** involving any subject within his jurisdiction and ~~to~~ approve the awarding thereof.
- 5.2.15 To serve as **Chief Procurement Officer** pursuant to the provisions of **Massachusetts General Laws Chapter 30B** and to ~~B~~be responsible for purchasing all supplies, materials, **and** equipment, **goods and services**, except those of the School Committee and the Municipal Light Board **of Commissioners**; **to negotiate and** approve the award of all contracts for all departments and activities of the Town except those of the School Committee and Municipal Light Board **of Commissioners**; **to examine the services performed for any Town Agency pursuant to any such contract**; and **to** examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies, **or** equipment **or goods** delivered to or received by any Town **a**Agency, ~~and examine services performed for any Town agency secured through the purchasing procedure~~.
- 5.2.16 To approve any warrants for the payment of Town funds prepared by the Accountant in accordance with the provisions of the **Massachusetts General Laws**; provided, however, that the approval of any such warrant by the Town Manager shall be sufficient to authorize payment by the Town Treasurer, and provided further that the **Board of Selectmen** shall approve such warrants in the event of a vacancy in the office of Town Manager.
- 5.2.17 To serve as ~~Be deemed to be~~ the Executive Officer of the Town **for the purposes of** ~~under~~ **Massachusetts General Laws Chapter 258** ~~Massachusetts General Laws Chapter 258~~.
- 5.2.18 ~~P~~To perform any other duties required of him by the Charter, by **Town** Bylaw, by ~~other~~ Town Meeting vote, or by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

5.3 Ombudsman

The Town Manager shall appoint ~~himself or some other full-time~~ **a Town** employee ~~in his office~~ to act as an Ombudsman to all citizens in their day-to-day contacts and dealings with the Town, its officials, and boards **or committees**. The function of the Ombudsman shall be:

- (a) To direct the citizens to the proper **Town** Officer, board or committee to deal with **the issue or concern of** the citizen's ~~problem~~;
- (b) To set up appointments for citizens to meet with directors, department heads and boards **as appropriate**;
- (c) To provide citizens with access to public information within the Town and;
- (d) To otherwise serve the public in connection with their dealings with the Town.

The office of the Town Ombudsman shall be clearly and conspicuously marked within the Town Hall.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

5.4 Acting Town Manager

Revisions to Section 5.4 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

- 5.4.1 **Temporary Absence** - By letter filed with the Town Clerk and the Board of Selectmen, the Town Manager shall designate a qualified **individual** ~~Town officer or employee~~ to serve as Acting Town Manager during any **anticipated** temporary absence ~~anticipated~~ not to exceed **thirty (30)** ~~ten (10)~~ **working-business** days.

- 5.4.2 Long-Term Absence** - In the event of the absence, incapacity or illness of the Town Manager in excess of ~~thirty (30) ten (10) working business~~ days, the Board of Selectmen shall appoint a qualified ~~Town officer or employee~~ **individual** to serve as Acting Town Manager until the Town Manager returns.
- 5.4.3 Vacancy** - When the office of Town Manager is vacant, or the Town Manager is under suspension as provided in Section 5.5, the Board of Selectmen shall appoint a qualified ~~Town officer or employee~~ **individual** to serve as Acting Town Manager **under terms of employment to be determined by the Board of Selectmen.** ~~until the vacancy is filled or the suspension has been terminated.~~ In the event of vacancy, the Board of Selectmen shall initiate recruitment for a new Town Manager without delay and shall appoint a new Town Manager within one hundred ~~eighty (180) twenty (120)~~ days.
- ~~(d) Term - No appointment of an Acting Town Manager may exceed ten (10) working business days, whereupon the appointment may be renewed or another Acting Town Manager appointed.~~
- 5.4.4 Powers** - **Except as authorized by a four-fifths (4/5) vote of the Board of Selectmen,** ~~the~~ powers of an Acting Town Manager ~~are shall be~~ limited to routine matters requiring immediate action and to making emergency temporary appointments to any Town office or employment within the scope of the Town Manager's responsibilities.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

5.5 Removal Procedures

The Board of Selectmen may remove the Town Manager from office as follows:

- 5.5.1 Notice** - By affirmative vote of a majority of its members, the Board of Selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Manager forthwith following its adoption.
- 5.5.2 Public Hearing** - Within five (5) days (**see Sec. 8.5**) after the delivery of the preliminary resolution of removal, the Town Manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the Board of Selectmen. The hearing shall be convened by the Board of Selectmen not less than twenty (20) nor more than thirty (30) days after **such** a request is **submitted filed**. Not less than five (5) days (**see Sec. 8.5**) **prior to such hearing,** written notice ~~thereof~~ **the date upon which the hearing will commence** shall be given to the Town Manager at his last known address. The time limitations set forth herein may be waived in writing by the Town Manager. **Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing,** ~~the~~ Town Manager ~~shall be entitled to~~ **may** file a written statement with the Board of Selectmen responding to the reasons cited for the proposed removal, ~~provided the same is received by the Board of Selectmen not less than forty eight (48) hours in advance of the time set for the commencement of the public hearing.~~ The Town Manager may be represented by counsel at the public hearing **and He** shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

- 5.5.3 Removal** - ~~If the Town Manager does not request a public hearing, then upon the expiration of ten (10) days from the date of delivery to him of the preliminary resolution of removal, or if the Town Manager does request a public hearing, then five (5) days (see Sec. 8.5) from the completion of the public hearing or forty five (45) days from the date of the adoption of the preliminary resolution, whichever occurs later,~~ **the** Board of Selectmen may by a vote of a majority of its members adopt a final resolution of removal, **which that** shall be effective upon **its** adoption; **provided, however, that such resolutions shall not be adopted until:**

- (a) **Ten (10) days after the date of delivery to the Town Manager of the preliminary resolution of removal;** or

- (b) If the Town Manager has made a timely request for a public hearing. Five (5) days (see Sec. 8.5) after completion of the public hearing or forty-five (45) days after the adoption of the preliminary resolution, whichever occurs later.

Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the Board of Selectmen. The Town Manager shall continue to receive his salary until a final resolution of removal has become effective.

- ~~(d) Severance — Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, he shall receive termination pay as determined by the Board of Selectmen, not to exceed twelve (12) month's salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager must give the Board of Selectmen sixty (60) days written notice of intent to leave. This benefit will not be available if the Town Manager is terminated for cause.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

ARTICLE 6 ADMINISTRATIVE ORGANIZATION

6.1 Creation of Departments, Organization of Town Agencies and Offices

The organization of the Town into operating **Town Agencies** shall be accomplished through the establishment of ~~an Administrative Code, either by adoption of a bylaw or by the adoption of a Table of Organization that presents the organization of all Town Agencies. Such table shall be prepared by the Town Manager in consultation with the Board of Selectmen and may be revised from time to time.~~ both as provided in this section:

- (a) ~~Bylaws~~ — Subject only to express prohibitions in the Constitution, Massachusetts General Laws or the Charter, the Town Meeting may, by bylaw, approve the reorganization, consolidation, or abolishment of any Town agencies, in whole or in part, and the establishment of such new Town agencies as it deems necessary or advisable. It may prescribe the functions of any Town agency.
- (b) ~~Table of Organization~~ — Subject only to express prohibitions in the Constitution, Massachusetts General Laws or the Charter, the Board of Selectmen, after consultation with the Town Manager, may from time to time, prepare and submit to the Town Meeting for approval a table of organization or reorganization, or amendments to any existing table of organization for the orderly, efficient or convenient conduct of the business of the Town.

~~The administrative code may reorganize, consolidate or abolish any Town agencies in whole or in part and establish such new Town agencies as it deems necessary or advisable. It may prescribe the functions of any Town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use, for which the funds were voted by the Town, transfer the appropriations of one Town agency to another. However, no function assigned by the Charter to a particular Town agency may be discontinued, or unless the Charter specifically so provides, assigned to any other.~~

~~Whenever the Board of Selectmen prepares such a bylaw or table, the Board shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper not less than seven (7) days in advance, which notice shall describe the scope of the proposal and the time and place at which the hearing shall be held. Following such public hearing the Board of Selectmen shall submit to the Town Meeting, by Warrant Article, its proposed Administrative Code which it may have modified subsequent to the public hearing.~~

~~An administrative code shall become effective at the expiration of ninety (90) days following the date of the Town Meeting at which the proposal is submitted, unless the Town Meeting shall, by a majority vote within that time, vote to disapprove the code.~~

~~The Town Meeting may vote only to approve or disapprove the administrative code and may not vote to amend or alter it, except that a substitute motion may be moved by a majority of the Board of Selectmen.~~

[Amended November 17, 2011 - Article 20 and approved by vote of the Town on April 5, 2011]

6-2 Publication of Administrative Code and Table of Organization

For the convenience of the public, ~~the administrative code, if adopted as a~~ the Table of Organization, shall be printed as an appendix to, but not ~~as an integral~~ part of, the ~~Bylaws~~ of the Town. The Table of Organization shall also be published annually in the Town Report.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

[Amended November 17, 2011 - Article 20 and approved by vote of the Town on April 5, 2011]

6-3 Department of Public Works

- (a) ~~Establishment and Scope~~ — There shall be a Department of Public Works responsible for the performance of all public works activities of the Town placed under its control by the Charter, by Bylaw, by administrative code or otherwise including, but not limited to, protection of natural resources, maintenance of all municipal buildings and grounds except those of the School and Municipal Light Departments, water supply and distribution, sewers and sewerage systems, streets

~~and roads, parks and playgrounds, refuse collection and disposal, forestry services, and cemetery services.~~

~~The Department of Public Works shall assume all of the duties and responsibilities in the performance of public works functions including, but not limited to, those performed prior to the adoption of the Charter by or under the authority of the Department of Public Works.~~

- ~~(b) Director of Public Works — The Department of Public Works shall be under the direct control of a Director of Public Works who shall be appointed by and who shall be directly responsible to the Town Manager. The Director of Public Works shall serve at the pleasure of the Town Manager. He shall be a person especially fitted by education, training and previous experience to perform the duties of the office.~~

~~The Director of Public Works shall be responsible for the supervision and coordination of all divisions within the department in accordance with State Statutes, Town Bylaws, administrative code and directives of the Town Manager.~~

- ~~(c) Policy Formulation — The Board of Selectmen, acting through the Town Manager, shall be responsible for the overall supervision of the Department of Public Works and for the establishment of policies and priorities to govern the operation of the department.~~

~~The Board of Selectmen shall have the same power to adopt rules and regulations and grant licenses previously given by law to the Department of Public Works and its predecessor water, sewer and park commissions.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

6-46.2 Town Counsel

Appointment and, Qualifications, Term of Office – The Board of Selectmen ~~each year~~ shall appoint a Town Counsel and fix his compensation within the amount annually appropriated for that purpose. The person appointed and employed by the Board of Selectmen as Town Counsel shall be a member in good standing of the bar of the Supreme Judicial Court of Massachusetts and of all other courts before which he has been admitted to practice. Any Special Counsel employed by the Board of Selectmen shall be a member in good standing of the bar of all courts before which he has been admitted to practice.

Powers and Duties – ~~The Town Counsel shall provide legal advice, representation and litigation services to the Town, Town Agencies and Town Officers, as In addition to those duties which the Board of Selectmen or Town Manager may request or authorize. the Town Counsel to perform; he shall have the following powers and duties:~~

- ~~(a) The Town Counsel shall examine and report to the Town Manager upon the title to any land to be acquired by the Town or any Town agency.~~
- ~~(b) The Town Counsel shall, when requested, advise with respect to all contracts, bonds, deeds and other legal instruments to which the Town is a party, or in which any right or interest of the Town is involved.~~
- ~~(c) The Town Counsel shall advise all Town agencies and officers regarding legal questions relating to their powers and duties.~~
- ~~(a) The Town Counsel, when requested by the Board of Selectmen, shall appear and conduct, or assist in the conduct of the prosecution, defense or compromise of any claims, actions and proceedings by, on behalf of, or against the Town or any Town agency.~~

Vacancy – ~~If the Town Counsel is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a~~

temporary Town Counsel to hold such office and exercise the powers and perform the duties until the Town Counsel can resume his duties, or until another Town Counsel is duly appointed.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

6-6 6.3 Town Accountant

Appointment, Qualification, and Term of Office – There shall be a Town Accountant, appointed by the Board of Selectmen. The Town Accountant shall be qualified in accordance with State law, and shall have ~~at least three (3) years~~ appropriate prior full time accounting experience ~~as determined by the Board of Selectmen.~~ ~~The Town Accountant shall devote his entire time to the performance of his duties and the supervision of the employees of his department.~~

The Town Accountant shall be appointed in March of every year for a one (1) year term to run from the first day of the following ~~July~~ April and shall serve until the qualification of his successor. ~~The Town Accountant may be removed by the Board of Selectmen for cause and the vacancy filled by them in the same manner as an original appointment for the remainder of the unexpired term.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

Powers and Duties – The Town Accountant shall be subject to the supervision of the Town Manager. ~~He shall have,~~ in addition to the powers and duties conferred and imposed upon Town Accountants by the Massachusetts General Laws, ~~the following~~ his powers and duties shall include:

- (a) ~~He shall~~ (a) To prescribe the methods of installation and exercise supervision of all accounting records of ~~the several~~ Town Agencies and Town Officers; ~~provided, officers and agencies.~~ However, that any change in the system of accounts shall be made only after consultation ~~first be discussed~~ with the Town Manager and the Town agencies affected.
- (b) ~~He shall~~ (b) To establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the Town, including clerical and office methods, records, reports and procedures as they relate to accounting matters; ~~and to.~~ He shall prepare and issue rules, regulations and instructions relating thereto that, when approved by the Town Manager, shall be binding upon all Town ~~a~~ Agencies and employees.
- (c) ~~He shall~~ (c) To draw all ~~W~~warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the ~~several~~ appropriations of the Town Meeting and other accounts.
- (d) ~~He shall~~ (d) Prior to submitting any ~~W~~warrant to the Town Manager, he shall to examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examinations, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any Town Agency or Town Officer of agency. If, upon examination, it appears to the Town Accountant that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the Town Manager and Town Treasurer and Chairman of the Finance Committee a written report of his findings.
- (e) ~~He shall~~ (e) To be responsible for a continuous audit of all accounts and records of the Town wherever located.

Vacancy – If the Town Accountant is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a temporary Town Accountant to hold such office and exercise the powers and perform the duties until the Town Accountant ~~who was disabled or absent~~ can resume his duties, or until another Town Accountant is duly appointed in the same manner as an original appointment, for the remainder of the unexpired term. ~~Said temporary appointment shall be in writing, signed by the Board of Selectmen and filed in the office of the Town Clerk.~~

6-6 6.4 Town Treasurer – Collector

Appointment, and Qualifications, ~~Term of Office~~ – There shall be a Town Treasurer-~~Collector~~, appointed by the Town Manager ~~for a term of one year~~. The Town Treasurer-~~Collector~~ shall be qualified in accordance with ~~State the Massachusetts General Laws~~. ~~The Town Treasurer-Collector shall devote his entire time to the performance of his duties and the supervision of the employees of his department.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

The Board of Selectmen, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Treasurer with those of the Town Collector, and the Town Manager may then appoint a Town Treasurer-Collector.

~~The Town Treasurer-Collector shall be appointed in March of every year for a one (1) year term to run from the first day of the following April and until the qualification of his successor. The Town Treasurer-Collector may be removed by the Town Manager for cause, and the vacancy filled by him in the same manner as an original appointment, for the remainder of the unexpired term.~~

Powers and Duties – ~~The Town Treasurer-Collector shall be subject to the supervision of the Town Manager. He shall have,~~ in addition to the powers and duties conferred and imposed upon Town Treasurers ~~and Town Collectors~~, by the Massachusetts General Laws, the following powers and duties **of the Town Treasurer shall include:**

- ~~(a) The Town Treasurer-Collector shall supervise and be responsible for the collection and receipt of all sums and accounts due, owing or paid to the Town including taxes and fees, and shall act as the Town Collector of Taxes.~~
- ~~(b) The Town Treasurer-Collector shall report to the Town Manager at such times as he may direct or as he may deem appropriate, but at least semi-annually, as to all uncollected claims or accounts due or owing to the Town. Such reports shall include the Town Treasurer-Collector's recommendations as to whether suit should be instituted on behalf of the Town for the establishment or collection of any claim or account for the benefit of the Town.~~
- ~~(c) The Town Treasurer-Collector shall~~ (a) To supervise and be responsible for the prompt deposit, safekeeping and management of all monies collected or received by the Town.
- ~~(b) The Town Treasurer-Collector shall~~ (b) To be the custodian of all funds, moneysies, securities or other things of value ~~which that~~ are or have been given, bequeathed or deposited in trust with the Town for any purpose, including the preservation, care, improvement or embellishment of any of the Town's cemeteries or burial lots therein; ~~to The Town Treasurer-Collector shall invest the same as directed by all sums held in trust as he determines to be appropriate after consultation with the Board of Cemetery Trustees and the Board of Commissioners of Trust Funds Gemmissioners;~~ and shall to distribute the income therefrom on the order of said ~~Board trustees or Trust Fund Gemmissioners.~~

Vacancy – If the Town Treasurer is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Treasurer to hold such office and exercise the powers and perform the duties until the Town Treasurer can resume his duties, or until another Town Treasurer is duly appointed.

6.5 Town Collector

Appointment and Qualifications – There shall be a Town Collector, appointed by the Town Manager. The Town Collector shall be qualified in accordance with the Massachusetts General Laws.

The Board of Selectmen, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Collector with those of the Town Treasurer, and the Town Manager may then appoint a Town Treasurer-Collector.

Powers and Duties – In addition to the powers and duties conferred and imposed upon Town Collectors by the Massachusetts General Laws, the powers and duties of the Town Collector shall include:

- (a) To be responsible for the collection and receipt of all sums and accounts due, owing or paid to the Town including taxes and fees, and shall act as the Town Collector of Taxes.
- (b) To report to the Town Manager at such times as he may direct or as he may deem appropriate, but at least semi-annually, as to all uncollected claims or accounts due or owing to the Town. Such reports shall include the Town Collector's recommendations as to whether suit should be instituted on behalf of the Town for the establishment or collection of any claim or account for the benefit of the Town.

Vacancy – If the Town Collector is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Collector to hold such office and exercise the powers and perform the duties until the Town Collector can resume his duties, or until another Town Collector is duly appointed.

6.6 Town Clerk

Appointment, Qualifications, Term of Office – There shall be a Town Clerk, appointed by the Town Manager. The Town Clerk shall be qualified in accordance with the Massachusetts General Laws.

Powers and Duties – The Town Clerk shall have all the powers and duties conferred and imposed upon Town Clerks by the Massachusetts General Laws or by Town Bylaws.

Vacancy – If the Town Clerk is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Clerk to hold such office and exercise the powers and perform the duties until the Town Clerk can resume his duties, or until another Town Clerk is duly appointed.

ARTICLE 7

FINANCES AND FISCAL PROCEDURES BUDGET AND CAPITAL IMPROVEMENTS PROGRAM

7.1 Fiscal Year

The fiscal year of the Town shall begin on July first (1st) and end on June thirtieth (30th), unless another provision is made by the Massachusetts General Laws.

7.2 Submission of Proposed Budget

At least four (4) months before the start of the fiscal year, and following consultation with the Board of Selectmen on the Municipal Government portions of the budget, the Town Manager shall submit to the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. He shall simultaneously provide for the publication in a local newspaper medium of a general summary of the proposed budget, and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public, ~~or take any other action with respect thereto.~~

[Amended November 21, 2011 - Article 29 and approved by vote of the Town on March 6, 2012]

7.3 School Committee Budget

The budget ~~adopted~~ requested by the School Committee shall be submitted to the Town Manager in sufficient time at least five (5) months before the start of the fiscal year to enable him to prepare the total Town budget ~~he is required to submit by~~ pursuant to Section 7.2.

- (a) **Public Hearing** – At least fourteen (14) days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper medium a general summary of ~~its proposed such~~ budget request. The summary shall indicate specifically any major variations from the ~~present current year's~~ budget and the reasons for such variations and a notice stating ~~(1)~~ the times and places where complete copies of the budget shall be available for examination by the public, ~~and (2) as well as~~ the date, time and place, not less than seven (7) ~~nor more than fifteen (15)~~ days (see Sec. 8.5) following such publication, when a public hearing shall be held by the School Committee on the proposed budget request.
- (b) **Adoption** – ~~The action of the School Committee in adopting the budget following the public hearing shall be summarized and the vote shall be duly recorded.~~

7.4 Budget Message

The Budget Message submitted by the Town Manager shall explain the proposed budget for all Town agencies, both in fiscal terms and in terms of work programs. ~~The Budget Message shall include a current Table of Organization and may include a proposed Table of Organization. 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 budget for the current year in financial policies, expenditures and revenues together with the reasons for such changes; summarize the Town's debt position and include such other material as the Town Manager deems desirable.~~

7.5 The Proposed Budget

The proposed budget shall provide a complete financial plan for ~~of~~ all Town funds and activities; ~~shall be balanced to the funds available;~~ and shall present including the budget as requested by the School Committee for the ensuing year. Except as may otherwise be required by the Massachusetts General Laws or by the Charter, the proposed budget ~~it~~ shall be in the form that the Town Manager deems desirable. In his presentation of the budget, the Town Manager shall make use of modern concepts of fiscal presentation so as to furnish a high level ~~maximum amount~~ of information and ~~maximum the best~~ financial control. The proposed budget shall ~~be so arranged as 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 Town Agency, function and work programs, and the proposed methods 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.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- (d) ~~Set forth a~~All encumbered funds from prior fiscal years.

7.6 Action on the Budget

- 7.6.1 **Public Hearing** – The Finance Committee shall, forthwith upon receipt of the proposed budget, provide for publication in a local newspaper medium of a notice stating the date, time and place, not less than five (5) nor more than fourteen (14) days following such publication, when a public hearing shall be held by the Finance Committee on the proposed budget.
- 7.6.2 **Finance Committee Meetings** – The Finance Committee shall consider in public meetings the detailed expenditures ~~for each Town agency~~ proposed by the Town Manager ~~for each Town Agency~~, and may confer with representatives of any such Town Agency in connection such considerations. The Finance Committee may require the Town Manager or any other Town Agency to provide such additional information as it deems necessary or desirable in furtherance of its responsibilities.
- 7.6.3 **Presentation to the Town Meeting** – The Finance Committee shall file a report of its recommendations with the Town Clerk in sufficient time to be distributed to all Town Meeting Members at least fourteen (14) days before the action on the budget Warrant Article is to begin. The budget to be acted upon by the Town Meeting shall be the budget as proposed by the Finance Committee; ~~provided, however, that such budget which budget~~ may be amended by the Town Meeting.
- 7.6.4 All Warrant Articles requiring an appropriation in ~~excess of five hundred dollars (\$500.00) shall be integrated into the Town Manager's budget, and~~ shall be considered and reported thereon by the Finance Committee.

7.7 Capital Improvements Program

The Town Manager shall submit a Capital Improvements Program to the Board of Selectmen and the Finance Committee at least thirty (30) days before the date fixed for submission of his proposed budget. ~~Such Capital Improvements Program~~ shall contain:

- (a) ~~a clear, concise~~ A general summary of its contents;
- (b) ~~a~~A list of all capital improvements proposed to be undertaken during the ensuing five (5) years, with supporting information as to the need for each capital improvement and
- (c) ~~e~~Cost estimates, methods of financing and recommended time schedules for each ~~such capital~~ improvement.

~~The Capital Improvements Program may further contain~~ the estimated annual cost of operating and maintaining each such ~~capital improvement facility and piece of major equipment involved~~. This information ~~is to~~ may be annually revised with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

~~7-8~~ Financial Public Records

~~Statements summarizing the budget and the Capital Improvements Program and related Warrant Articles, as adopted by the Town Meeting, shall be made available in the office of the Town Manager for examination by the public not more than twenty (20) days after their adoption.~~

~~7-9~~ Approval of Financial Warrants

~~Warrants for the payment of Town funds prepared by the Accountant in accordance with the provisions of the Massachusetts General Laws shall be submitted to the Town Manager. The approval of any such Warrant by the Town Manager shall be sufficient authority to authorize payment~~

~~by the Town Treasurer, provided, however, that but the Board of Selectmen shall approve all Warrants in the event of a vacancy in the office of Town Manager.~~

ARTICLE 8 GENERAL PROVISIONS

8.1 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 Constitution of the Commonwealth of Massachusetts and ~~the provisions of Massachusetts General Laws Chapter 43B of the Massachusetts General Laws. In general terms, this means that any provision of the Charter, except as to the composition, mode of election or appointment, or terms of office of the legislative body, the Board of Selectmen or Town Manager can be changed by a two-thirds vote of the Town Meeting approved by the voters at the next Town Election.~~

The Town Clerk shall be authorized to make non-substantive changes to the component provisions of the Articles of the Charter from time to time as he deems appropriate.

[Amended November 19, 2001 - Article 11]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.2 Severability

If any provision of the Charter shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Charter shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in the Preamble.

~~The provisions of the Charter are severable. If any provision of the 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 the Charter and its provisions to other persons and circumstances shall not be affected thereby.~~

8.3 Specific Provisions Prevail

To the extent that any specific provision of the Charter ~~shall~~ may conflict with any provision expressed in general terms, the specific provision shall be deemed to prevail.

8.4 References to Massachusetts General Laws or MGL

All references to the Massachusetts General Laws ~~or MGL~~ contained in the Charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the Massachusetts General Laws enacted subsequent to the adoption of the Charter.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.5 Computation of Time

In computing time under the Charter, if seven (7) days or less is specified, only days that Town Hall is open to the general public ~~business days not including Saturdays, Sundays or legal holidays~~ shall be counted; if more than seven (7) days is specified, every calendar day shall be counted.

8.6 Number and Gender

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender shall include the feminine gender.

8.7 Definitions

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

~~**Board or Committee** — The term "board or committee" shall mean any board, committee, commission or council of the Town however created, elected, appointed or otherwise constituted.~~

- (a) ~~Charter~~ — The ~~term word~~ "Charter" shall mean ~~this the Reading Home Rule Charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.~~
- (b) ~~Ex officio~~ — The ~~term "Ex officio" shall refer to a~~ A member of any ~~board or committee multiple-member body, except a member of the Rules Committee, who serves, by virtue of his office or position, is appointed to an ad hoc or other multiple member body.~~ A person serving as an ex officio member of ~~more than one board or committee~~ shall not be required to take an additional oath of office to serve in such capacity.
- (c) ~~Library~~ — The ~~term word~~ "Library" shall mean the Reading Public Library and any branch or branches that may be established thereof.
- (d) ~~Local News-Medium Newspaper~~ — The ~~term word~~ "local news medium" "local newspaper" shall mean a newspaper ~~or other means or channel of information communication of general circulation to which the general public has access~~ within the Town.
- (e) ~~Majority Vote~~ — The ~~word "majority vote" shall mean~~ ~~As applied to the Town Meeting the term "majority vote" shall mean~~ and ~~Committees thereof a majority of those present and voting provided that a quorum of the body is present. As to all multiple member bodies, the affirmative vote of a majority of all its members shall be necessary to adopt any motion, order, appointment or approval to take any action not entirely procedural in nature.~~
- (f) ~~Multiple Member Body~~ — The ~~word "multiple member body" shall mean~~ any Board, Commission or Committee consisting of ~~two or more persons, whether elected or appointed.~~
- (g) ~~Precinct~~ — The ~~term word~~ "precinct" shall mean the areas into which the Town is divided for the purpose of electing Town Meeting Members.
- (h) ~~Town~~ — The ~~term words~~ "Town" shall mean the Town of Reading.
- (i) ~~Town Agency~~ — The ~~term words~~ "Town Agency" shall mean any ~~board or committee, Commission, Committee, department or office of the Town Government whether however created, elected, appointed or otherwise constituted.~~
- (j) ~~Town Bulletin Boards~~ — The ~~words "Town Bulletin Boards" shall mean~~ the bulletin boards on which official Town notices are posted.
- (k) ~~Town Meeting~~ — The ~~term words~~ "Town Meeting" shall mean the representative Town Meeting of the Town, established by Article 2.
- (l) ~~Town Officer~~ — The ~~term words~~ "Town Officer" shall mean an elected or appointed official of the Town who, in the performance of his duties of office, exercises some portion of the sovereign power of the Town, whether great or small; ~~provided, however, if that the term~~ shall not include a Town Meeting Member; ~~and provided further that a~~ A person may be a Town Officer whether or not he receives any compensation for his services.
- (m) ~~Voters~~ — The ~~term word~~ "Voters" shall mean registered voters of the Town.

[Amended November 15, 2004 — Article 16 and approved by vote of the Town on April 5, 2005]

8.7 Rules and Regulations

A copy of all Rules and Regulations adopted by any Town ~~a~~Agency shall be filed in the ~~e~~Office of the Town Clerk and made available for review by any person ~~who upon requests such information provided, however, that s~~Such Rules and Regulations ~~adopted subsequent to the adoption of the Charter shall not become effective until~~ ten (10) days following ~~their adoption, whether or not the date~~ they are so filed.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8-9 Reenactment and Publication of Bylaws

~~Within one (1) year of the adoption of the Charter and at intervals of not more than ten (10) years thereafter, proposed revisions or recodification of the Bylaws of the Town shall be presented to Town Meeting by the Bylaw Committee.~~

~~At least four (4) months prior to the Town Meeting at which action under this section is to be taken, the Committee shall cause to be published in a local newspaper: (a) a report summarizing its recommendations and noting the times and places within the Town where complete copies of the report shall be available for inspection by the public, and (b) the date, time and place not less than two weeks following such publication when a public hearing shall be held by the committee on the preliminary report.~~

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8-108.8 Procedures of Boards or Committees Multiple-Member Bodies

8.8.1 Meetings - All **boards or committees multiple-member bodies** of the Town whether elected, appointed or otherwise constituted shall meet at such times and places within the Town as they may, by their own rules, prescribe. **Additional Special** meetings of any **board or committee multiple-member body** shall be held on the call of the respective chairman or by a majority of the members thereof by suitable written notice delivered to the residence or place of business of each member at least twenty four (24) hours in advance of the time set. A notice of each meeting shall be posted at least forty eight (48) hours in advance on the Town Bulletin Board, except in the event of an emergency meeting within the meaning of Massachusetts General Laws, Chapter 39. All meetings of all multiple-member bodies shall, at all times, be open to the public and to the press except as may otherwise be authorized by law.

8.8.2 Rules and Minutes - Each **board or committee multiple-member body** shall determine its own rules and order of business unless otherwise provided by the Charter or by **bylaw Town Bylaw** and shall provide for the keeping of minutes of its proceedings. **Copies** of these rules and minutes shall be **publicly available a public record kept** in the **Office** of the Town Clerk, and **copies shall be kept available** in the Library.

8.8.3 Voting - Except on procedural matters, all votes of all **boards or committees multiple-member bodies** shall be taken by a show of hands, or roll call vote, the results of which shall be recorded in the minutes. **A majority vote shall be necessary to adopt any motion, order, appointment or approval to take any action not entirely procedural in nature.**

8.8.4 Quorum - A majority of the **number of members of a boards or committees specified in the Charter or other action creating such board or committee the multiple-member body** shall constitute a quorum thereof, but a smaller number may adjourn **a board or committee meeting** from time to time.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8-118.9 Elections

Revisions to Section 5.4 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

8.9.1 Annual Town Elections - The **election** choice of **elected** Town Officers and Town Meeting Members, **as well as and referendum** questions, shall be acted upon and determined **on the date fixed by Town Bylaw**, by voters on official ballots without party or other designation **on the date fixed in the Bylaws of the Town.**

- 8.9.2 Procedures** - All elections ~~conducted~~ held pursuant to the Charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.
- 8.9.3** ~~Any town-wide election shall be held at the same time in each precinct at the place designated by the Selectmen.~~ Any town wide election shall be held at the same time for each precinct at a place or places designated by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8-128.10 Vacancies on Boards or Committees, Committees, and Commissions

Whenever a new ~~Standing board or committee~~ is established, or a vacancy occurs on any existing ~~Board, board or committee, or Commission, which vacancy is to be filled by the Board of Selectmen or any multiple member body, whether such vacancy is by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the Board of Selectmen or other~~ the appointing authority shall forthwith cause public notice of the vacancy to be publicly available ~~posted on the Town Bulletin Board~~ for not less than fifteen (15) days. Any person who desires to be considered for appointment to the position may, ~~within fifteen (15) days following the date notice is posted and up until~~ prior to the time the position is actually filled, file with the Town Clerk a statement setting forth ~~in clear and specific terms~~ his interest in and qualifications for the position.

[Amended November 13, 1986 - Article 17 and approved by vote of the Town on March 23, 1987]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8-138.11 Recall Procedures

Revisions to Section 5.4 are beyond the scope of authority of the Charter Committee. Suggested changes will be brought forward to Town Meeting in January 2015 as part of a single separate Article seeking a Special Act of the Legislature.

- 8.11.1 Application** - Any holder of an elective office, other than a Town Meeting Member, with more than six (6) months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section. ~~No recall petition shall be filed against an Town eOfficer within three (3) months after he takes office.~~
- 8 11.2 Recall Petition** - Two hundred and fifty (250) or more voters, ~~including at least twenty-five (25) voters from each of the precincts into which the Town is divided,~~ may file with the Town Clerk an affidavit containing the name of the ~~Town eOfficer~~ whose recall is sought and a sworn statement of the grounds upon which the ~~affidavit petition~~ is based. ~~At least twenty-five (25) names of voters shall be from each of the eight precincts into which the Town is divided.~~ The Town Clerk shall, within twenty-four (24) hours of receipt, submit the ~~affidavit petitions~~ to the Board of Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters. ~~A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.~~

If the ~~affidavit petitions~~ contains sufficient signatures, the Town Clerk shall ~~thereupon~~ deliver to the first ten voters listed upon the affidavit, ~~blank petition forms, blanks~~ in such number as requested demanding such recall, ~~printed forms of which 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 and~~ addressed to the Board of Selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought ~~and~~ the grounds for recall as stated in the affidavit, and shall demand the election of a successor to the ~~said office held by such person.~~ ~~A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.~~ The recall petitions shall be returned and filed with the Town Clerk within twenty-one (21) days following the date of the filing of the affidavit, signed by at least ten percent (10%) of the voters and containing their names and addresses; ~~provided, however, that~~ ~~However,~~ not more than twenty-five percent (25%) of the total number of signatures may ~~shall~~ be from voters registered in any one precinct.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.11.3 Recall Election - If the petition ~~shall be~~ **is** certified by the ~~Board of Registrars of Voters~~ **Town Clerk** to be sufficient, ~~he~~ **it** shall forthwith submit the ~~petition same~~ with ~~his~~ **its** certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of ~~the such~~ petition and certificate to the ~~Town e~~Officer whose recall is sought, by mailing ~~the same~~ postage prepaid to his address as shown on the most recent voting list; and ~~posting shall cause such notice of the petition and certificate to be publicly available on one or more of the Town Bulletin Boards.~~ If ~~said such~~ **Town e**Officer does not resign his office within five (5) days (~~see Sec. 8.5~~) after the date of such notice, the Board of Selectmen shall order an election to be held not less than thirty-five (35) nor more than sixty (60) days after the date of the ~~Town Clerk's~~ certificate of the ~~Board of Registrars of Voters~~ **sufficient petition**; ~~provided if, however, that if~~ any other Town Election is to occur not less than thirty-five (35) nor more than sixty (60) days after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of such other election.

If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted to determine a successor in office.

8.11.4 Nomination of Candidates - ~~Any No~~ **Town e**Officer whose recall is sought may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the Warrant for the recall election, and the conduct of ~~same the election~~ shall all be in accordance with the provisions of law relating to elections.

8.11.5 Propositions on Ballot - Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of **Town e**Officer)
Against the recall of (name of **Town e**Officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word "candidates" and the names of candidates nominated ~~as required in pursuant to Section 42 of Chapter 54 of the~~ Massachusetts General Laws **Chapter 54, Section 42**.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected ~~and the incumbent shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term; provided, however, that, if the successor fails to qualify within five (5) days (see Sec. 8.5) after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office shall be deemed vacant.~~

If a majority of votes ~~cast upon the question of recall~~ is in the negative, ~~the ballots for candidates need not be counted except as provided above under Recall Election.~~ **no candidate shall be declared elected, and the Town Officer whose recall was sought shall continue in office**

~~(f) Office Holder - The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section.~~

~~If he is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.~~

8.11.6 Repeat of Recall Petition - No recall petition shall be filed against a **Town Officer** ~~officer within three (3) months after he takes office, or 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.

8-148.12 Removal of an Appointeesd Board or Committee Member

8.12.1 ~~Appointing authorities may remove for cause appointees to boards, commissions, committees and offices.~~ The appointing authority may remove an appointed member of a board or committee, with more than six (6) months remaining in the term for which he is appointed. The process for such removal may be initiated in any of three methods:

- (a) The appointing authority may, by majority vote, cause a notice of removal to be filed with the Town Clerk;
- (b) A board or committee may, by majority vote, submit a written request that the appointing authority remove one of its members, specifying the grounds for such removal request in writing and causing a notice of removal to be filed with the Town Clerk;
- (c) One hundred (100) or more voters may file with the Town Clerk a petition requesting the removal of a member of a board or committee, specifying the grounds for such removal. Upon certification by the Board of Registrars of Voters of a sufficient number of valid signatures, the Town Clerk shall immediately notify the appointing authority thereof.

8.12.2 Public Hearing – A public hearing shall be convened by the appointing authority not less than twenty (20) nor more than thirty (30) days after a notice, request or valid petition for removal is filed with the Town Clerk. Not less than five (5) days (see Sec. 8.5) prior to such hearing, written notice thereof shall be given by the Town Clerk to the board or committee member whose removal is sought, by mail, postage prepaid, to his last known address. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the board or committee member shall be entitled to file a written statement with the appointing authority responding to the reasons cited for the proposed removal. The board or committee member may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

8.12.3 Removal - The appointing authority may by majority vote, adopt a final resolution of removal which shall be effective upon adoption. Failure to adopt a final resolution of removal within thirty (30) days of the public hearing shall be deemed to be disapproval of such resolution. The action of the appointing authority in removing the board or committee member shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such removal in the appointing authority. The board or committee member shall continue to serve on the board or committee until a final resolution of removal has become effective.

8-158.13 Resignation of Town Officers

Any person holding an elective or appointive office may resign his office by filing a notice of resignation with the Town Clerk, and such resignation shall be effective immediately upon such filing, unless a time certain is specified therein when it shall take effect.

8-168.14 Town Seal

The Town Seal in existence at the time of adoption of theis Charter shall continue to be the Town Seal and shall be kept in the custody of the Town Clerk. Papers or documents issued ~~from~~ by any ~~office or board or committee of the~~ Town Officer or Town Agency may be attested by use of the Town Seal.

ARTICLE 9 — TRANSITIONAL PROVISIONS**9-1 — Continuation of Existing Laws**

- (a) ~~All Bylaws, resolutions, rules, regulations, and votes of the Town Meeting which are in force at the time this Charter is adopted, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed, including Bylaws, if any, which have been passed and have been approved by the Attorney General but have not yet been published.~~
- (b) ~~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 laws not superseded by this Charter shall remain in force.~~

9-2 — Continuation of Government

- (a) ~~All contracts or obligations entered into by the Town prior to the effective date of this Charter shall continue in full force and effect.~~
- (b) ~~No actions or proceedings, whether civil or criminal, pending at the time this Charter shall take effect, brought by or against the Town or any department, board or commission or other Town agency, shall be affected or abated by the adoption of this Charter or by anything therein contained.~~
- (c) ~~All taxes levied or assessed by the Town prior to the effective date of this Charter which have not been collected by the Town shall be collected, with any penalties thereon, by the duly established Town Government and officers under this Charter.~~

9-3 — Continuation of Personnel

~~No person employed by the Town on a permanent full-time basis as of March 1st, in the year of the adoption of this Charter, except elected officials and the Executive Secretary, shall forfeit his pay grade or time in service as a result of the enactment of this Charter. Each such person shall be retained in a capacity as similar to his former capacity as is practical. No such person shall be removed from his position without due cause. Each elected official serving in a paid position in the Town on said March 1st, shall be retained in a capacity as similar to his former capacity as is practical until the expiration of his elected term, or for a period of two (2) years from such date whichever is later, at not less than his current rate of pay. The Executive Secretary shall be retained at not less than his current rate of pay until the date which is thirty (30) days after the initial Town Manager begins work, after which the position of Executive Secretary shall be eliminated.~~

9-4 — Transfer of Records and Property

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

9-5 — Time of Effect

~~The Charter shall become fully effective on July 1st of the year receiving its approval by the voters, except as otherwise provided in this section:~~

- (a) ~~Until such time as the Town Meeting acts, by bylaw or by other Town Meeting vote, to establish a different method of notification of its sessions shall be in accordance with present Town bylaw.~~
- (b) ~~As of July 1st, in the year in which this Charter is adopted, the Board of Public Works and the Planning Board shall be abolished, and the Selectmen shall appoint the members of the Community Planning and Development Commission. Two members shall be appointed for three (3) year terms, two (2) shall be appointed for two (2) year terms, and one (1) shall be appointed for a one (1) year term.~~

- ~~(c) The Board of Selectmen shall, immediately following the election at which the Charter is adopted, initiate procedures to recruit a Town Manager. To assist in the recruitment process, the Selectmen shall appoint a Citizen's Screening Committee of not less than three (3) nor more than five (5) members to recommend to the Selectmen by majority vote of all members of the committee not more than five (5) candidates for appointment as Town Manager. There shall be a widespread, diligent search for candidates to be considered.~~

~~The appointment to fill this position shall be made effective not later than November 1st in the year in which this Charter is adopted. The initial Town Manager shall receive upon his appointment a starting salary of not less than \$40,000 per year.~~

- ~~(d) All elected officials serving in positions which have heretofore been elected and who shall henceforth be appointed under the provisions of this Charter shall serve for the balance of their terms but their successors shall be appointed.~~

- ~~(e) The powers and duties of the Industrial Development Commission shall be transferred to the Community Planning and Development Commission on July 1st of the year in which this Charter is adopted. The sole exception shall be the Industrial Development Commission's activities in producing, distributing and reviewing the request for proposal as authorized by the November 1985 Town Meeting which activities may continue until September 30, 1986, at which time the Industrial Development Commission shall be abolished.~~

- ~~(f) The Municipal Light Board of Commissioners shall continue to consist of three (3) members until the first Town Election after adoption of this Charter.~~

~~At such election, three new members shall be elected: one member shall be elected to the three year term scheduled to expire at such election, one member shall be elected to a new three year term, and one member shall be elected to a new two year term. The two persons receiving the highest number of votes in such election shall serve for three (3) years, and the person receiving the third highest number of votes shall serve for two (2) years.~~

~~9-6~~ Composition of Certain Boards

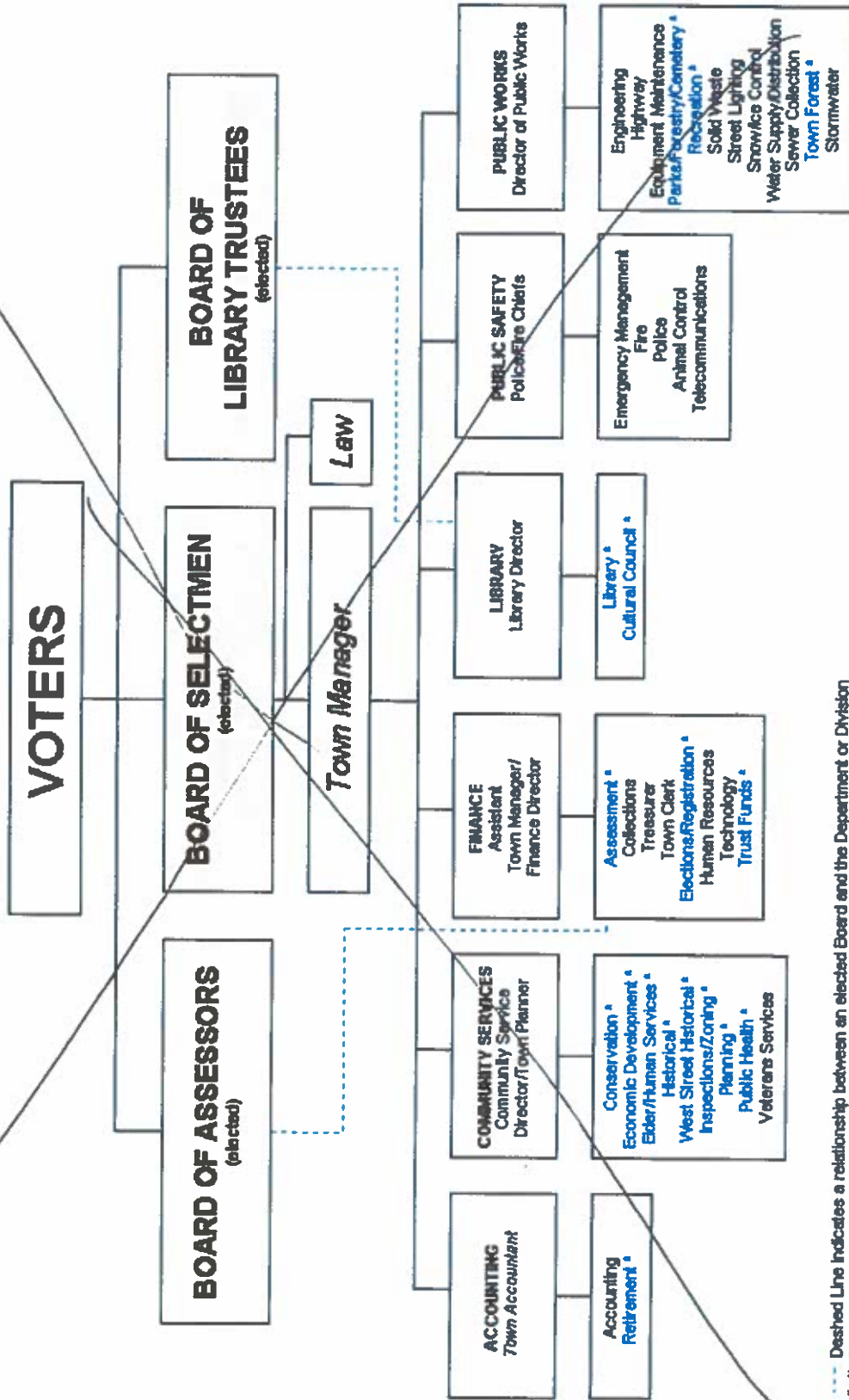
~~Not later than July 1st in the year in which this Charter is approved by the voters, the Selectmen shall petition the State Legislature for the passage of special legislation to permit the following boards to consist of the number of members provided in Articles 3 and 4 of this Charter: School Committee—six (6) members, Board of Library Trustees—six (6) members, Cemetery Trustees—six (6) members and Council on Aging—ten (10) members. If such legislation is not enacted by the third July 1st following the adoption of this Charter, such boards shall consist of the following number of members: School Committee—seven (7) members, Board of Library Trustees—nine (9) members, Cemetery Trustees—five (5) members and Council on Aging—nine (9) members.~~

[Special Legislation adopted as Chapter 879 of the Acts of 1986 on January 7, 1987]

Reading Charter Commission January 23, 1986



Town of Reading, MA
Executive Branch
Table of Organization
 (Adopted 11/17/11)



--- Dashed Line indicates a relationship between an elected Board and the Department or Division
 * Designates positions appointed by the Board of Selectmen
 * Designates an elected or appointed Commission, Board or Committees that works within that Division

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EXHIBIT B

Acts (2015)

Chapter 16

AN ACT RELATIVE TO THE TOWN OF READING HOME RULE CHARTER

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same as follows:*

SECTION 1. Article 2 of the town of Reading home rule charter, as amended by article 7 of the January 5, 2015 special town meeting, is hereby amended by striking out section 2.1 and inserting in place thereof the following section:-

2.1 Composition

The legislative body of the town shall be a representative town meeting consisting of 192 members from 8 precincts who shall be elected by the voters in each precinct. Each precinct shall be equally represented in town meetings by members elected so that the term of office of 1/3 of the members shall expire each year.

SECTION 2. Said article 2 of said charter, as so amended, is hereby further amended by striking out section 2.2 and inserting in place thereof the following section:-

2.2 Revision of Precincts

When required by law or every 10 years, the board of selectmen shall review and, if necessary, re-divide the territory of the town into 8 plainly designated precincts. The precincts shall be divided into as

nearly an equal number of inhabitants as possible. The territory of each precinct shall be contiguous and as compact as possible. The territory of each precinct shall be defined, where reasonably possible, by the centerline of known streets or other well-defined limits. Within 10 days of completing its review, the board of selectmen shall file a report with the town clerk and the board of registrars of voters, showing any revisions to the precincts that are being made pursuant to this section. If revisions are being made, the report shall include a map showing the boundaries of each precinct and a list of its inhabitants' names and addresses.

The board of selectmen shall also post the map and list in the town hall and in at least 1 public place in each precinct. Any such precinct revision shall be effective on the date it is filed with the town clerk. The town clerk shall forthwith notify the secretary of state of the revision in writing.

SECTION 3. Said article 2 of said charter, as so amended, is hereby further amended by striking out section 2.3 and inserting in place thereof the following section:-

2.3 Town Meeting Membership

At the first town-wide election after any precincts are revised, the voters of each precinct shall elect 24 town meeting members to represent the precinct. Terms of office shall be determined by the number of votes received. The 8 candidates receiving the highest number of votes shall serve for a term of 3 years, the 8 receiving the next highest number of votes shall serve for a term of 2 years, and 8 candidates receiving the next highest number of votes shall serve for a term of 1 year from the day of election. Upon the certification of such election, the term of office of all previously elected town meeting

members shall cease.

At each annual election thereafter, the voters in each precinct shall elect 8 town meeting members to represent the precinct for a term of 3 years and shall also elect town meeting members to fill any vacant unexpired terms. After each election of town meeting members, the town clerk shall notify each town meeting member of that member's election in writing. In the event of a tie vote, resulting in a failure to elect the full number of town meeting members in any precinct, the vacancy created thereby shall be filled until the next annual town election by a vote of the remaining town meeting members of the precinct; provided, however, that the balance of any unexpired term shall be filled at the next annual town election. In the event of such a vacancy, the town clerk shall give written notice of the tie vote and the vacancy created thereby, to the remaining town meeting members of that precinct and shall publish such notice in the local news medium. Such notice shall provide at least 7 day's advance notification of the time and place for a precinct meeting for the purpose of filling the vacancy.

SECTION 4. Said article 2 of said charter, as so amended, is hereby further amended by striking out section 2.5 and inserting in place thereof the following section:-

2.5 Nomination Procedures

Nomination of candidates for town meeting member shall be made by nomination papers bearing no political designation and signed by not fewer than 10 voters from the candidate's precinct. Nomination papers shall be obtained in person and signed by the candidate in the presence of the town clerk or a designee. Completed nomination papers shall be filed with the town clerk at least 35 days before the

election.

SECTION 5. Said article 2 of said charter, as so amended, is hereby further amended by striking out section 2.6 and inserting in place thereof the following section:-

2.6 Vacancies

A town meeting member may resign by filing a written notice with the town clerk. A town meeting member who terminates residency in the town shall cease to be a town meeting member. A town meeting member who moves a residence from the precinct from which that member was elected to another precinct shall serve only until the next annual town election. If any person elected as a town meeting member fails to attend 1/2 or more of the total town meeting sessions within 1 year preceding the most recent annual town election, that member's seat may be declared vacant by a majority vote of the town meeting. The board of selectmen shall place an Article on the annual town meeting warrant to remove any such town meeting member from office. At least 7 days prior to the annual town meeting, the town clerk shall notify any such town meeting member that the member may be removed from office; provided, however, that such notice shall be deemed adequate if mailed postage prepaid to the town meeting member's last known address. Any vacancy in a town meeting position may be filled until the next annual town election by a vote of the remaining town meeting members of the precinct; provided, however, that the balance of any unexpired term shall be filled at the next annual town election. In the event of a vacancy, the town clerk shall give written notice thereof to the remaining town meeting members of the precinct and shall publish such notice in a local news medium. Such notice shall provide at least 7 day's advance

notification of the time and place for a precinct meeting for the purpose of temporarily filling the vacancy.

SECTION 6. Article 3 of said charter, as so amended, is hereby further amended by striking out section 3.2 and inserting in place thereof the following section:-

3.2 Board of Selectmen

There shall be a board of selectmen consisting of 5 members elected for 3-year terms so arranged that as nearly an equal number of terms as possible shall expire each year. The executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall have all of the powers and duties granted to boards of selectmen by the constitution and General Laws of Massachusetts and such additional powers and duties as may be provided by the charter, by town by-law or by town meeting vote. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. The board of selectmen shall appoint a town manager, a town counsel, a town accountant, not more than 5 constables and any other appointed board or committee member for whom no other method of selection is provided by the charter or by town by-law. The board of selectmen or its designee shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest and to enforce the laws relating to all businesses for which it issues licenses.

SECTION 7. Article 5 of said charter, as so amended, is hereby further amended by striking out section 5.1 and inserting in place thereof the following section:-

5.1 Appointment, Qualifications and Term

The board of selectmen shall appoint a town manager, who shall be appointed solely on the basis of executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had at least 5 years of full-time paid experience as a city or town manager or assistant city or town manager or the equivalent level public or private sector experience.

The terms of the town manager's employment shall be the subject of a written contract, for a term not to exceed 3 years, setting forth the town manager's tenure, compensation, vacation, sick leave, benefits and such other matters as are customarily included in an employment contract. The town manager's employment contract shall be in accordance with and subject to the charter and shall prevail over any conflicting provision of any personnel by-law, rule or regulation. The town manager's compensation shall not exceed the amount annually appropriated for that purpose.

The town manager shall devote full-time to the office and, except as expressly authorized by the board of selectmen, shall not engage in any other business or occupation. Except as expressly provided in the charter, the town manager shall not hold any other public elective or appointive office in the town; provided, however, that, with the approval of the board of selectmen, the town manager may serve as the town's representative to regional boards, commissions or similar entities, but shall not receive any additional salary from the town for such services. Upon the termination of the town manager's appointment, whether voluntary or otherwise, the town manager may receive termination pay as determined by the board of selectmen, not

to exceed 12 months' salary in total. To be eligible for this benefit upon voluntary termination, the town manager shall provide the board of selectmen a minimum of 60 days written notice of the intent to leave. This benefit shall not be available if the town manager is terminated for cause.

SECTION 8. Said article 5 of said charter, as so amended, is hereby further amended by striking out section 5.4 and inserting in place thereof the following section:-

5.4 Acting Town Manager

5.4.1 Temporary Absence - By letter filed with the town clerk and the board of selectmen, the town manager shall designate a qualified individual to serve as acting town manager during any anticipated temporary absence, not to exceed 30 days.

5.4.2 Long-Term Absence - In the event of the absence, incapacity or illness of the town manager in excess of 30 days, the board of selectmen shall appoint a qualified individual to serve as acting town manager until the town manager returns.

5.4.3 Vacancy - When the office of town manager is vacant or the town manager is under suspension, as provided in section 5.5, the board of selectmen shall appoint a qualified individual to serve as acting town manager under terms of employment to be determined by the board of selectmen. In the event of vacancy, the board of selectmen shall initiate recruitment for a new town manager without delay and shall appoint a new town manager within 180 days.

5.4.4 Powers – Except as authorized by a 4/5 vote of the board of selectmen, the powers of an acting town manager shall be limited to routine matters requiring immediate action and to making emergency temporary appointments to any town office or employment within the

scope of the town manager's responsibilities.

SECTION 9. Article 8 of said charter, as so amended, is hereby further amended by striking out section 8.11 and inserting in place thereof the following section:-

8.9 Elections

8.9.1 Annual Town Elections - The choice of elected town officers and town meeting members, as well as referendum questions, shall be acted upon and determined on the date fixed by town by-law by voters on official ballots without party or other designation.

8.9.2 Procedures - All elections held pursuant to the charter shall be conducted in accordance with the election laws of the commonwealth.

8.9.3 Town-wide election shall be held at the same time for each precinct at a place designated by the board of selectmen.

SECTION 10. Said article 8 of said charter, as so amended, is hereby further amended by striking out section 8.13 and inserting in place thereof the following section:-

8.11 Recall Procedures

8.11.1 Application - A holder of an elective office, other than a town meeting member, with more than 6 months remaining in the term for which the official was elected, may be recalled therefrom by the voters in the manner provided in this section. No recall petition shall be filed against a town officer within 3 months after the town officer takes office.

8.11.2 Recall Petition - Two-hundred and fifty or more voters, including at least 25 voters from each of the precincts into which the town is divided, may file with the town clerk an affidavit containing the name of the town officer whose recall is sought and a sworn statement of the grounds upon which the affidavit is based. The town

clerk shall, within 24 hours of receipt, submit the affidavit to the board of registrars of voters who shall forthwith certify thereon the number of signatures that are names of voters. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk.

If the affidavit contains sufficient signatures, the town clerk shall deliver to the first 10 voters listed upon the affidavit, blank petition forms, in such number as requested, demanding such recall, with the town clerk's signature and official seal attached thereto. The blank petition forms shall be dated and addressed to the board of selectmen; shall contain the names of all persons to whom the forms are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the office held by such person. The recall petitions shall be returned and filed with the town clerk within 21 days following the date of the filing of the affidavit, signed by at least 10 per cent of the voters and containing the voters' names and addresses; provided, however, that not more than 25 per cent of the total number of signatures may be from voters registered in any 1 precinct.

8.11.3 Recall Election - If the petition is certified by the board of registrars of voters to be sufficient, the board of registrars of voters shall submit the petition with its certificate to the board of selectmen. Upon its receipt of the certificate, the board of selectmen shall give written notice of the petition and certificate to the town officer whose recall is sought, by mail, postage prepaid, to the town officer's address as shown on the most recent voting list and shall cause notice of the petition and certificate to be publicly available. If such town officer does not resign from office within 5 days after the date of such notice, the board of selectmen shall order an election to be held not less than

64 days or not more than 90 days from the date the board of selectmen orders the election; provided, however, that if any other town election is to occur not less than 70 days or not more than 90 days after the date of the certificate, the board of selectmen shall hold the recall election on the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted to determine a successor in office.

8.11.4 Nomination of Candidates - No town officer whose recall is sought may be a candidate to succeed in that office in the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the election shall all be in accordance with the law relating to elections.

8.11.5 Propositions on Ballot - Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of town officer)

Against the recall of (name of town officer)

Adjacent to each proposition, there shall be a place to vote for either of the propositions.

After the proposition shall appear the word "candidates" and the names of candidates nominated pursuant to section 42 of chapter 54 of the General Laws. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected and the incumbent shall be deemed removed upon the qualification of a successor, who shall hold office during the unexpired term; provided, however, that, if the successor fails to qualify within 5 days after receiving notification of the

election, the incumbent shall thereupon be deemed removed and the office shall be deemed vacant. If a majority of votes cast upon the question of recall is in the negative, no candidate shall be declared elected and the town officer whose recall was sought shall continue in office for the remainder of the unexpired term, subject to recall as before.

8.11.6 Repeat of Recall Petition - No recall petition shall be filed against a town officer subjected to a recall election and not recalled thereby, until at least 6 months after the election at which the recall was submitted to the voters.

SECTION 11. The Reading town clerk may make non-substantive changes to the numbering of the sections of the town of Reading home rule charter.

SECTION 12. This act shall take effect as of the date of the certification of the April 7, 2015 election results in the town of Reading

Approved, April 24, 2015

Charter Review Process

MH
MiyaresHarrington

Local options at work



Charter: Section 4.13



At least every ten (10) years, a special Committee ... shall be established for the purpose of reviewing the Charter and making a report, with recommendations, to the Town Meeting concerning any proposed amendments that said Committee may determine to be necessary or desirable.

Charter: Section 4.13

The Committee shall consist of 9 members:

- Moderator;
- 1 member or designee of the Select Board;
- 1 member or designee of the School Committee;
- 1 member or designee of the Board of Library Trustees;
- 1 member or designee, of the Municipal Light Board of Commissioners;
- 1 member of the Bylaw Committee; and
- 3 Town Meeting members to be appointed by the Moderator.



2013 Charter Review Committee

Created: September
16, 2013

Adopted Revised
Charter: April of 2015

Amendment Options



Special Act of the Legislature



Home Rule Revision Process



Home Rule Amendment Process

Special Act



- Uses: Can be used to amend any provision of the Charter
 - Art. 11, 2022 STM – BOH membership
- Process: Town Meeting vote, Legislative approval, potential local acceptance
- Control: Potential for denial or requested amendments

Home Rule Options

Revision

Any provision of the Charter

Amendment

Cannot be used to change the "composition, mode of election or appointment, or terms of office of the legislative body, the board of selectmen or town manager."

Home Rule: Revision



Process:

1. Petition (15% of voters)
2. Ballot Question:
 - Amend Charter; and
 - Elect Charter Commission
3. 5k credited to Commission
4. Public hearing, reports, submittal to the law
5. Within 180 days of election
6. SB plan distributed to resident voter

Likely not contemplated in 2015 when current Charter adopted

Home Rule: Amendment



- Uses: Limited.
- Process:
 - Proposed by 2/3 vote of Town Meeting, Town Manager, SB member, or petition signed by 10 residents
 - Amendment filed with Town Clerk
 - Hearing within 4 months
 - Town Meeting must act no later than first ATM held within six months (2/3 vote)
 - Issue order to propose to voters at ballot
- Post approval review: AG review. If no conflict, moves to ballot vote
- Voter Approval: First election held at least two months after the order proposing such amendment

2013 Charter Amendment



CRC



Administrative Offices
82 Oakland Road
Reading, MA 01867
781 944-5800

READING SCHOOL COMMITTEE

Thomas Wise Chair
Erin Gaffen Vice-Chair

Shawn Brandt
Sarah McLaughlin
Carla Nazzaro
Charles Robinson

Thomas Milaschewski, Ed.D.
Superintendent of Schools

TO: Reading School Committee
FROM: Thomas Wise, Reading School Committee Chair
DATE: August 3, 2023
TOPIC: Policy Subcommittee Update – First Reading of DBDA and Notification of ADF, DBJ, DJE, and KCD

At our meeting on August 10, 2023, we will undertake the first reading of Policy DBDA – Special Education Reserve Fund. This policy was reviewed by the administration team, reviewed and updated by the Policy Subcommittee, and passed via a 3-0 vote at our meeting on June 29, 2023. As you may recall, the entire committee briefly discussed the need for this policy when we asked for the creation of the Special Education Reserve Fund via Town Meeting in April. This is a Reading specific policy as there is no equivalent MASC policy.

Additionally, at the same meeting on June 29, 2023, the Policy Subcommittee voted 3-0 to approve edits to the following policies:

- (1) **ADF – School District Wellness Program.** This policy undertook a major overhaul vs. the old Reading specific policy and is now much closer to the MASC template policy. The overhaul happened because of the review of the Wellness Program Coordinators, led by Director of Health Services Mary Giuliana. The policy subcommittee met with Mrs. Giuliana and Dr. Stys in May to discuss options and they agreed more closely align with the MASC model policy. They then took away updates for our review and approval in the June meeting.
- (2) **DBJ – Budget Transfer Authority.** This policy needed a minor change to align with Policy DBDA. As such, we made that change.
- (3) **DJE – Procurement Requirements.** After a great deal of review with former Director of Finance and Operations Susan Bottan and legal counsel, this policy was finally approved by the Policy Subcommittee. Changes were necessary because of changes in Massachusetts General Law in the fall of 2022. The policy is also far more robust than it was previously.
- (4) **KCD – Public Gifts to Schools.** As the final policy of the financial policies reviewed by MASC in the fall of 2021 and again in the fall of 2022, this policy was reviewed with Director of Finance and Operations Susan Bottan and legal counsel prior to the review and approval by the Policy Subcommittee.

All these policies will be on our agenda for the August 24th meeting for a single meeting review and approval.

Thank you.

SCHOOL DISTRICT WELLNESS PROGRAM

The School Committee recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. Therefore, the ~~school district~~ Reading Public Schools will provide developmentally appropriate and sequential nutrition and physical education as well as opportunities for physical activity. The wellness program will be implemented in a multidisciplinary fashion and will be ~~evidence based~~ evidence-based.

Wellness Committee and Coordinators

The school district will establish a wellness committee that consists of at least one (1): parent/guardian, student, nurse, school food service representative, School Committee member, school administrator, member of the public, and other community members as appropriate. If available, a qualified, credentialed nutrition professional will be a member of the wellness committee.

The ~~S~~chool ~~e~~Committee designates the following ~~individual~~ role(s) as wellness program coordinator(s): _____ (title)

1. Director of Health Services
2. Director of Food Services
3. Director of K-12 Health and Wellness
4. Assistant Principal for Athletics and Activities

~~Only~~ employees of the district who are members of the wellness committee may serve as wellness program coordinators. Wellness coordinators, in consultation with the wellness committee, will ~~be in charge of~~ oversee the implementation and evaluation of this policy.

Nutrition Guidelines

It is the policy of the school district that all foods and beverages made available on campus during the school day are consistent with School Lunch Program nutrition guidelines. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the ~~Secretary~~ U.S. Department of Agriculture ~~pursuant to~~ according to law. The district will create procedures that address all foods available to students throughout the school day, including the Reading Public Schools Extended Day Program, in the following areas:

- guidelines for maximizing nutritional value by decreasing fat and added sugars, increasing nutrition density, and moderating portion size of each individual food or beverage sold within the school environment;
- separate guidelines for foods and beverages in the following categories:
 1. foods and beverages included in a la carte sales in the food service program on school campuses;
 2. foods and beverages sold in vending machines, snack bars, school stores, and concession stands;
 3. ~~foods and beverages sold as part of school-sponsored fundraising activities;~~ and
 4. refreshments served at parties, celebrations, and meetings during the school day; and
 4. specify that its guidelines will be based on nutrition goals, not profit motives.

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Commented [TW1]: Should this be USDA instead of the Secretary of Agriculture?

5- Foods and beverages offered or sold outside the school day at school-sponsored events (athletic events, performances, dances, etc.) will be strongly encouraged to meet the nutrition standards for meals or food sold during the school day.

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Nutrition and Physical Education

The school district will provide nutrition education aligned with standards established by the USDA's National School Lunch Program and the School Breakfast Program in all grades. The school district will provide physical education training aligned with the standards established by the Dept. of Elementary and Secondary Education. The wellness program coordinators, in consultation with the wellness committee, will develop procedures that address nutrition and physical education.

Nutrition Education

The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.

- Students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.
- Nutrition education is offered in the school cafeteria as well as in the classroom, with coordination between the ~~foodservice~~ food service staff and other school personnel, including teachers.
- Students receive consistent nutrition messages from all aspects of the school program.
- Division health education curriculum standards and guidelines address both nutrition and physical education.
- Nutrition is integrated into ~~the~~ health education ~~or~~ and could include core curricula (e.g., math, science, language arts).
- Schools link nutrition education activities with the coordinated school health program.
- Staff who provide nutrition education have appropriate training.
- The level of student participation in the school breakfast and school lunch programs is appropriate and reviewed annually for continual improvement.

Commented [TW2]: Staff wanted to add "and will eventually include" here. Let's discuss.

Physical Education Activities

The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.

- Students are given opportunities for physical activity during the school day through physical education (PE) classes, daily recess periods for elementary school and middle school students, and the integration of physical activity into the academic curriculum where appropriate.
- Students are given opportunities for physical activity through a range of before- and/or after-school programs including, but not limited to, intramurals, interscholastic athletics, and physical activity clubs.
- Schools work with the community to create ways for students to walk, bike, ~~rollerblader~~ rollerblade, or skateboard safely to and from school.
- ~~Schools encourage parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.~~
- Schools provide training to enable staff to promote enjoyable, lifelong physical activity among students.

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Commented [TW3]: Staff highlighted this for removal or rewording.

Other School-Based Activities

The wellness program coordinators, in consultation with the wellness committee, are charged with developing procedures addressing other school-based activities to promote wellness.

The following list contains examples of goals your school district may want to consider for inclusion in its policy. Each school district must determine its own goals and include them in its policy.

- An adequate amount of time is allowed for students to eat meals in adequate lunchroom facilities.
- All children who participate in subsidized food programs ~~are able to~~can obtain food in a non-stigmatizing manner.
- Environmentally-friendly practices such as the use of locally grown and seasonal foods, school gardens, and non-disposable tableware have been considered and implemented where appropriate.
- Physical activities and/or nutrition services or programs designed to benefit staff health have been considered and, to the extent practical, implemented.

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Commented [TW4]: Staff highlighted this as something to discuss. Should the goal be 30 minutes?

Commented [TWSR4]: Leave it for now, but explore with the principals prior to full SC meeting.

Evaluation

The wellness committee will assess all education curricula and materials ~~pertaining to~~about wellness for accuracy, completeness, balance, and consistency with the state and district's educational goals and standards. Wellness program coordinators shall be responsible for devising a plan for implementation and evaluation of the district wellness policy and are charged with operational responsibility for ensuring that schools meet the goals of the district wellness policy. Wellness program coordinators will report to the School Committee annually.

LEGAL REFS: The Child Nutrition and WIC Reauthorization Act of 2004, Section 2004, P.L. 108-265
 The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 – 1769h
 The Child Nutrition Act of 1966, 42 U.S.C. §§ 1771 – 1789
 MGL ~~111:223~~
 [105 CMR 215](#)

CROSS REFS: EFC, Free and Reduced-Cost Food Services
 IHAMA, Teaching about Alcohol, Tobacco, and Drugs
 KI, Public Solicitations/Advertising in District Facilities

Adopted by the Reading School Committee on July 31, 2006.
Revised and Approved by the Reading School Committee on May 28, 2013.
Reviewed, Revised, and Approved by the Reading School Committee on _____.

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BIDDING-PROCUREMENT REQUIREMENTS

All purchases of materials and equipment and all contracts for construction or maintenance will conform to the requirements of the law.

Commented [NP1]: Thinking this should be the extent to which we mention construction-related contracts.

To foster greater efficiency, the District will enter into state and local intergovernmental agreements where appropriate for the procurement or use of common or shared services.

Purchases of \$100,000 & over

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IFBs – Invitation for Bids

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For any purchase of a supply or service over \$~~50,000~~100,000, bids will be advertised appropriately as part of a competitive bidding process. Suppliers will be invited to have their names placed on distribution lists to receive invitations to bid. When specifications are prepared, they will be distributed to all merchants and firms who have indicated an interest in bidding.

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All bids will be submitted in sealed envelopes, addressed to the Superintendent, and marked with the name of the bid, bid number, and the time of the bid opening. Bids will be opened in public at the time specified, and all bidders will be invited to be present. ~~The Committee reserves for the District the right to reject any or all bids and to accept the bid that appears to be in the best interest of the school district. The Committee reserves for the District the right to waive any informality in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of the bids.~~

Commented [NP2]: Would this be to SI or Town's Manager?

Any bid received after the time and date specified will not be considered. All bids will remain firm for a period of 30 days after opening.

The Committee reserves for the District the right to reject any or all bids and to accept the bid that appears to be in the best interest of the school district. The Committee reserves for the District the right to waive any informality in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn ~~prior to~~before the scheduled time for the opening of the bids.

The bidder to whom an award is made may be required to enter a written contract with the school district.

RFPs – Requests for Proposals

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The Town of Reading's Chief Procurement Officer (CPO) has delegated authority to the District's Director of Finance and other certified delegates in the District to take part in the RFP process, as required by Chapter 30B. Reading's CPO also conducts RFPs for and in collaboration with the District.

A bid under an RFP is awarded to the responsive and responsible bidder that submits the most advantageous proposal, taking both price and non-price factors into consideration.

The District will follow all proper RFP procedures as outlined in Chapter 30B, including giving public notice of an RFP within a reasonable time ~~prior to~~before the date for the opening of proposals.

Purchases between \$10,000 - \$100,000

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~~A procurement for a supply or service in the amount greater by not more than \$1050,000 shall require the procurement officer or delegate to attempt to secure three written quotations, one of which will be awarded to the responsible party offering the needed quantity or supply. among three written quotations sought and retained by the procurement officer.~~

Purchases less than \$10,000

~~Procurement Purchases in the amount of \$10,000 or less shall be obtained through the procurement officer's (or delegate's) exercise of sound business practices to secure the best quality at the best price. School officials shall be governed by the purchasing and bidding practices as required by M.G.L. Chapter 30B.~~

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Exceptions

~~Under Chapter 30B, the District may make noncompetitive purchases in any amount for software maintenance; library books; school textbooks; or educational programs, courses, or curricula in any media, including educational software, newspapers, serials, periodicals, and audiovisual materials, if the Chief Procurement Officer or delegate determines in writing, after reasonable investigation, that there is only one practicable source for the items.~~

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~~Additionally, special education contracts for services and supplies are exempt from Chapter 30B.~~

Commented [NP3]: This paragraph is where sole source comes into play, but after speaking with Susan, we both decided that it was best to not overly explain concepts like sole source and just have some information about the most pertinent example of it, which is the purchasing of textbooks.

LEGAL REFS: M-G-L- ~~7:22A; 7:22B; 30B; 149; 30:39M~~

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~~CROSS REF: DJA, Purchasing Authority~~

Adopted by the Reading School Committee on September 28, 2006.

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~~Reviewed, Revised, and Adopted by the Reading School Committee on~~

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PUBLIC GIFTS TO THE SCHOOLS

~~In accordance with state law, The Superintendent will have authority to accept all grants and gifts to the District shall be reviewed and accepted by the School Committee before expenditure or use, and offers of equipment for the schools in the name of the School Committee when the gift is of educational value. In the case of gifts from industry, business, or special interest groups, no extensive advertising or promotion may be involved in any donation to the schools.~~

Commented [NP1]: Do we have an advertising and sponsorship policy? If we did, I'd cross-reference it here.

~~Where possible, the District will engage in discussions with the donor on the intent, need, and/or appropriate use of the gift. Gifts that would involve changes in school physical plants or sites will be subject to School Committee approval.~~

~~Gifts will automatically become the property of the school system/district. Any gift of cash, regardless of donor intent, whether or not intended by the donor for a specific purpose, will be handled as a separate account will be accepted by vote of the School Committee, kept separate from the general fund, and expended at the discretion of the Committee, as provided by law.~~

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~~The Committee directs the Superintendent to assure that an appropriate expression of thanks is given to all donors.~~

LEGAL REFS.: M.G.L. [44:53A, 71:37A](#)

~~CROSS REFS.: [DD, Grants, Proposals, and Special Projects](#)
[GBEBD, Online Fundraising and Solicitation – Crowdfunding](#)
[KHB, Advertising in the Schools](#)~~

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Adopted by the Reading School Committee on March 26, 2007.

~~Reviewed, Revised, and Adopted by the Reading School Committee on _____.~~

BUDGET TRANSFER AUTHORITY

In keeping with the need for periodic reconciliation of the school department's budget, the School Committee will consider requests for transfers of funds between cost centers as they are recommended by the Superintendent.

The Committee wishes to be kept abreast of the need for these adjustments so that it may act promptly and expedite financial record-keeping for the school system.

Once the annual budget is approved, all requests for transfers between cost centers must be submitted to the School Committee for approval as part of the Director of Finance and Operations' quarterly report at the business meetings of the School Committee. If a transfer is required more urgently, the School Committee will consider the request as needed.

All funds in the general account fund not expended by the end of the fiscal year will be transferred to the Special Education Reserve Fund in alignment with Policy DBDA and/or returned to the town.

LEGAL REF.: M.G.L. [71:37](#)
DOR 94-660

CROSS REFS.: DBG, Budget Adoption Procedures
DI, Fiscal Accounting and Reporting
DBDA, Special Education Reserve Fund

Adopted by the Reading School Committee on September 28, 2006.

Reviewed, Revised, and Adopted by the Reading School Committee on March 16, 2023.

Reviewed, Revised, and Adopted by the Reading School Committee on _____.