

RAYNHAM CODE

Section One **By-Laws Governing all Departments and General Procedures**

1/1 **Administration**

1/1.1 **Town Administrator**

Established by Town Meeting vote; appointed by the selectmen. (May 27, 1975 ATM)
Changed from Executive Secretary to Town Administrator by vote of Board of Selectmen pursuant to MGL C.

1/1.2 **Building Code Board of Appeals**

(see Massachusetts Building Code, Section 126.8.)
The qualifications for this Board differ from those of the zoning and subdivision control Appeals Boards. (May 1975 ATM)

Commissions, Committees, Councils

Elected Commissions, Committees and Councils

Cemetery Commission
Bristol/Plymouth Regional Vocational Technical School Committee
Bridgewater/Raynham Regional School District Committee
Sewer Commission
Park and Recreation Commission
Raynham Center Water District Commission
North Raynham Water District Commission

Commissions, Committees and Councils (Appointed by the Selectmen)

Arts Lottery Council
Board of Appeals MGL 40A:12, MGL 41:81Z
Cable TV Advisory Board MGL 166A
Conservation Commission MGL 40:8C
Council on Aging MGL 40:8B
Finance Committee MGL 39:16
Historical Commission MGL 40:8D
Industrial and Development Commission MGL 40:8A
Economic Development and Industrial Corporation
Governmental Operations Committee
Town Government Study Committee
Permanent School Planning and Building Committee

1/2.1 **Cemetery Commission**

A Cemetery Commission of three shall be elected, one for one year, one for two years, and one for three years, and thereafter one for three years, to serve without pay. They shall organize within seven days from election and choose a Chairman and a Secretary. ~~No member of the Commission shall hold any other Elective or Appointed Office. No~~

member of the Commission shall be appointed to perform any duties **for the Cemetery Department** receiving pay. The Commission shall draw up a set of rules and regulations governing the management of Cemeteries, that will conform with Chapter 114, Sections 22-26 of the general laws and file a copy with the Town Clerk. The Commission may amend or add to rules and regulations at any time by a majority vote and shall notify the Town Clerk of their act.
(June 26, 2006, Article 10, Special Town Meeting)

1/2.2

Finance Committee

Section 1. There shall be a Finance Committee consisting of seven residents of the Town. The Selectmen shall appoint members to three year terms on a staggered basis. Members of the Finance Committee shall not serve in any elected Town position. Service on appointed Town Committees and/or Boards shall be limited to those cases in which the member is serving specifically as a representative of the Finance Committee (example: Capital Planning Committee). Any member of the Finance Committee who shall be elected to Town Office or a Town Committee and/or Board, and any member of the Finance Committee who shall be appointed to any Town Committee and/or Board except as exempted herein, shall forthwith upon qualification in such office, and any such member who shall remove from the Town shall upon such removal, cease to be a member of the Finance Committee. Members absent from one-third or more of regularly scheduled meetings in any fiscal year may be removed by a majority vote of the Board of Selectmen. At its first meeting of the fiscal year, the Finance Committee shall elect from its membership a Chairman and a Vice Chairman. The members of the Finance Committee shall serve without salary. Nothing in this by-law shall be construed to change the existing terms of office of Finance Committee members.

Section 2. The Finance Committee may employ subject to an appropriation therefore, an Executive Secretary.

Section 3. whenever any vacancy shall occur in said Committee by resignation, removal from Town, death, failing to qualify, or otherwise, said, vacancy shall be filled by a joint convention of the Selectmen and the remaining members of the Finance Committee as required by General Laws, Chapter 41, Section 11.

Section 4. The Finance Committee shall consider all matters of business, included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon in print its recommendations as to each article. The Finance Committee shall distribute its report to each of the Town meeting members at least seven days in advance of a Town meeting. The recommendation shall be those of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority as such. The report shall state the total amount of the appropriations recommended by them on the entire warrant and the approximate tax rate based on such recommendations. The report for the Annual Town Meeting may contain a statement of the doings of the committee during the year, with recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town. It may issue recommendations or referenda and other matters on any ballot other, than the choices of individuals for office.

Section 5. The Finance Committee shall have authority at any time to investigate the books, accounts and management of any department of the Town, and employ such expert and other assistance as it may deem advisable for that purpose and the books and

accounts of all departments and officers of the Town shall be open to the inspection of the Committee and any person employed by it for that purpose. The Committee may appoint sub-committees of its members and delegate to them such of its powers as it deems expedient.

Section 6. The various Town Boards, Officers, and Committees charged with the expenditure of Town money shall, not later than the fifteenth of February of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates, of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the fiscal year. Such estimates and statements shall be filed with the Town Accountant who shall at once transmit the same to the Finance Committee.

Section 7. The Finance Committee shall duly consider the estimates and statements filed by the Town Boards, Officers, and Committees, and may confer with said Boards, Officers and Committees and hold hearings, if they deem it advisable. The Finance Committee shall there upon recommend such sums and in such division of items as it considers necessary and convenient. (May 1975 ATM, September 1975 STM)

1/2.3

Council on Aging

April, 1972

(See MGL C. 40 S. 8B)

The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying, out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under Chapter 6, Section 73 of the General Laws.

The Board of Selectmen shall appoint the Council on Aging consisting of seven (7) members. The Board of Selectmen shall also appoint three associate members, each to serve a three year term. An associate member shall not be a voting member except to the extent to create a quorum in the absence of a sufficient number of members.(STM Nov.1, 2012) Upon acceptance of this by-law the Board shall appoint three (3) members for three (3) years, two (2) members for two (2) years and two (2) members for one (1) year term. Members can be reappointed for concurrent terms. The members of the Council shall serve without pay.

Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

The Council on Aging at its first Annual Meeting and thereafter, annually in April of each year, shall elect from its membership a President, Vice President, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

The Council may appoint such clerk and other employees as it may require. (April 1972 STM)

1/3

Officers and Employees

Elected Officials:

Board of Selectmen MGL 41:1
Town Clerk MGL 41:1
~~Town Treasurer MGL 41:1~~
Board of Assessors MGL 41:1
Planning Board MGL 41:81A
Moderator MGL 39:14
~~Tax Collector MGL 41:1~~
Board of Health MGL 41:1

Appointed Officials:

Town Accountant MGL 41:55
Town Counsel MGL 40:5(16A)
State Aid and Burial Agent MGL 114:10
Civil Defense Director Special law 31:13
Chief of Police MGL 41:97, 97A
Chief of Fire Department MGL 48:42
Constables MGL 41:91A
Animal Officer MGL 140:151
Sealer of Weights and Measures MGL 41:85
Electrical Inspector
Cattle and Barns Inspector
Moth Superintendent
Veterans Service Officer
Gas Appliances Inspector
Plumbing Inspector
Building Commissioner
Registrars of Voters
Highway Superintendent (MGL C.41 s.21 & 66)
Tree Warden
Town Treasurer MGL 41:1
Tax Collector MGL 41:1

Officials Appointed by the Town Meeting:

Fence Viewer MGL 49:1
Field Driver MGL 49:22
Measurer of Wood and Lumber Surveyor MGL 94:296

1/3.1

Town Accountant (also called "Auditor" and "Accounting Officer")

The Town Accountant shall make an Annual audit of the Treasurer's books and an annual audit of the Tax Collector's books. He shall make a report to the town of the condition of the Treasurer's books and the amount of cash on hand at the close of the fiscal year.

The Town shall have an Annual State Audit. (see MGL C. 41, S. 55 and MGL C. 41, S. 48)

1/3.2

Selectmen

Section 1. The Selectmen shall have full authority as agents of the Town, acting upon the advice of the Town Counsel, to settle any claims or suits against the Town which in their judgment cannot be successfully defended, when the sum to be paid does not exceed one hundred dollars. Any settlement requiring the payment of a sum greater than one hundred dollars, except as authorized by law, shall be made only when authorized by the voters at a town meeting.

Section 2. The Selectmen may appear in the interest of the Town, either personally or by the Town Counsel, before any court, committee of the legislature, or any state or county board or commission; they shall have full authority as agents of the Town, acting upon the advice of the Town Counsel, to institute and prosecute any and all necessary suits and proceedings in favor of the Town, and to appear and defend any and all suits and legal proceedings against or involving the Town's interests.

Section 3. All conveyances of land or interests in land which may hereafter be authorized by a vote of the Town, or otherwise, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law of a vote of the Town, and shall be sealed with the Town Seal.

Section 4. The Chairman of the Board of Selectmen shall upon the election of a new clerk of the Board, file with the Town Clerk annually all minutes of the Board, taken by the retiring clerk.

Section 5. The Selectmen may sell any personal property or material lawfully in the custody of and belonging to any Town department, not required for its use and not exceeding one hundred dollars in value. No property of the town of value in excess of one hundred dollars shall be sold except at public auction, after not less than seven days notice in one or more newspapers published in the County of Bristol.

1/3.3

Town Counsel

Section 1. The Selectmen shall annually, in the month of June 30, appoint a Town Counsel and Associate Town Counsel, who shall be attorneys and counselors at law and residents of the County of Bristol, and who shall hold office for the term of one year from the first day of July and until their successors are appointed and qualified. They shall receive such compensation as the Selectmen may determine, subject to the appropriation of the town therefore. (Amended STM, May 19, 2014)

Section 2. The Town Counsel shall act as the legal advisor and counselor of the town. It shall be his duty to examine or cause to be examined all titles to property in which the town may acquire an interest, to draft all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required by any by-laws, vote or action of the town, or any board or officer, to which the town or its agents may be a party, and which by law, usage or agreement the town is to be at the expense of drawing. This section shall not apply to deeds and conveyances by the Treasurer or Tax Collector in cases of Tax Title Foreclosure.

Section 3. All articles in warrants for town meetings which contemplate the appropriation of money or the negotiation of town bonds or notes may be submitted to the Town Counsel for his examination and approval.

Section 4. It shall be the duty of the Town Counsel to advise and represent any official or office holder of the town.

1/3.4

Town Clerk

Section 1. The Town Clerk shall, immediately after every town meeting, notify, or cause to be notified, any person elected, chosen or appointed to any town office, or to serve upon any board of committee of the town, of his election, choice or appointment; and shall also furnish the various town officers, committees, boards, or departments with a copy of all votes affecting their respective offices or departments. (May 1975 ATM)

Section 2. The Town Clerk shall keep and cause to be permanently bound one or more files of the town reports.

Section 3. He shall not allow original papers or documents of the town to be taken from his office, except as they remain in his custody, or by authority of the law.

Section 4. He shall have stated hours for the transaction of business, and give public notice thereof.

Section 5. All fees received by the Town Clerk by virtue of his or her office shall be paid into the town treasury. (Amended May 15, 1995)

1/3.5

Treasurer

Section 1. The Treasurer shall be the custodian of all deeds, bonds and insurance policies belonging to the town, except that the bond of the Treasurer shall be in the custody of the chairman of the Board of Selectmen. (Amended May, 1975)

Section 2. The Treasurer shall make an annual report which shall contain a statement of the amount of money received and paid out by him during the year; a full exhibit of all moneys, properties and securities which may be placed in his charge by virtue of any statute or by-law, or by virtue of any gift, devise, bequest or deposit; a list of all notes issued during the year, showing the purpose for which the money was borrowed, and giving the date, term, rate of interest, time of maturity, and the premium, if any, received thereon; a list of all notes paid during the year, and a list of all outstanding notes with dates of which they will mature.

Section 3. He shall have stated hours for the transaction of business and shall give public notice thereof.

1/3.6

Assessors (This was repealed on May 18, 1978, ATM Article 49)

1/3.7

Tree Warden

The Board of Selectmen shall appoint a Tree Warden for a term of three years beginning July 1, 2000. The Tree Warden shall exercise the duties of Tree Warden and of Insect Pest Control. Such Tree Warden shall be qualified by training and experience in the field

of arborculture. Said Tree Warden shall be licensed, or shall obtain a license within one year of appointment, with the Department of Agriculture in accordance with the provisions of section 10 of Chapter 132B. (May 15, 2000; A.G. approved August 8, 2000)

1/3.8

Town Treasurer/Town Collector

~~The Board of Selectmen shall appoint a Town Treasurer/Town Collector beginning April 27, 2013 until June 30, 2013 and thereafter for a term of three years; provided that, if the current elected Town Treasurer/Town Collector vacates the office before April 27, 2013, a successor shall be appointed until June 30, 2013 and thereafter for a term of three years.~~

The Board of Selectmen shall appoint a Town Treasurer/Town Collector to a term up to three years on or about July 1 of an expiring term. (ATM May 16, 2016)(Approve by A.G. July, 2016)

The Town Treasurer/Town Collector shall perform all of the duties of the Town Treasurer as per Section 1/3.5 of these by-laws and any applicable Massachusetts General Laws; and all of the duties of a Town Collector as approved in Article 42 of the 2003 Annual Town Meeting and any applicable Massachusetts General Laws.

1/4

General Provisions Governing all Departments

1/4.1

Committee Appointments

All officers, boards and committees shall notify the Town Clerk of their organization. No board or committee of town officers having the power or authority to appoint any town officer or agent shall appoint any member of such board or committee to any salaried office or position; but this shall not prohibit any town officer from being chairman or clerk of the board or committee of which he may be a member.

1/4.2

Compensation

All boards or committees receiving salaries may provide for extra compensation for chairman or any other special duties providing same so divided does not exceed the total appropriation. The Town Accountant shall be notified promptly in writing of any such division.

1/4.3

Conflict of Interest

No officer or board of the town shall make any contract on behalf of the town in which such officer or any member of such board is directly or indirectly financially interested, except competitive contracts.

1/4.4

Contracts

No contract, involving an obligation of the town, exceeding the sum of one hundred dollars shall be binding upon the town unless it is in writing and is signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the town.

No board or officer shall make any contract on behalf of the town, the execution of which shall necessarily extend beyond on year from the date thereof, unless specific authority so to do has been given by vote of the town, except the school committee.

1/4.5

Annual Report

Every officer in charge of a department shall annually, on or before the fifteenth day of January, transmit to the Selectmen, in writing a report containing a statement of the acts and doings of his department for the past financial year, to be printed in the annual report as the selectmen may deem expedient.

1/5

Town Meeting

1/5.1

The Annual financial town meeting shall be held on the third Monday in May at 7:00P.M. commencing year 1975. (March 1974 ATM)

1/5.2

Warrant

Every Town Meeting shall be called by a warrant directed to a Constable, or other duly appointed person, by posting attested copies of said warrant in not less than seven public places in the Town, at least seven days before the day fixed for the annual town meeting, and at least fourteen days before the day fixed for a special town meeting. In addition, attested copies of Special Town Meeting warrants shall be posted at all polling places.

Following places for posting Town Warrants:

Slip's Capeway Marine, Municipal Building, Raynham Center Post Office, Raynham Post Office, Gilmore Hall, Merrill School, Senior Center

Every article intended for insertion in the warrant for annual or special Town Meetings must be presented in writing to the Selectmen, in accordance with law, on or before February 10th in the case of the annual meeting, and not less than two weeks before a Special Town Meeting. At the same time a copy of each of said articles shall be filed with the Clerk of the Advisory and Finance Committee. (Amended June 1983 ATM, May 1984 ATM)

1/5.3

Procedures at Town Meeting

1. Only voters shall be admitted to the place of meeting or to a defined portion thereof, and the check list shall be used in enforcement of such order. This does not prohibit the moderator from admitting any person to the town meeting who has business before it so requested by an office holder of the town or by ten or more voters who shall sign such a request. The moderator shall announce to the meeting the name of those thus admitted to become a matter of record of the Town Meeting.

2. All articles in the warrant shall be acted upon in the order of their arrangement, unless the meeting by vote otherwise determines.

3. Any report, resolution, motion or appropriation shall be reduced to writing, if the moderator so directs.

4. No person shall address the meeting unless recognized by the moderator, nor speak more than once on the same subject to the exclusion of any other who may desire to speak.

5. Any person who is employed as an attorney by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.

6. In accordance with MGL Ch.39 Sec.15, the Moderator shall preside over town meetings, regulate the proceedings, decide all questions of order and make public declarations of all votes. If a two-thirds vote of a town meeting is required by statute, the Moderator shall at his sole discretion determine whether it is necessary to count and record the vote. If any declaration of vote by the moderator is immediately questioned by seven or more voters rising in place, the Moderator shall verify and record the vote, which shall in such case be taken by a show of hands or standing vote. The vote on any motion, provided at least twenty-five voters so order, shall be taken by a "Yes" or No" paper ballot.

7. No reports of committees shall be in order at any special town meeting unless made under an article in the warrant which indicates the subject to be reported upon.

8. No vote after being once passed at a meeting shall be reconsidered at that meeting or at an adjournment thereof, except by a two-thirds vote.

9. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not preclude the postponement of the consideration of any article to an adjournment of the meeting to a stated time.

10. The duties of the moderator, not specially provided by law or by these by-laws, shall be determined by the rules of practice contained in Cushing's Manual of Parliamentary Practice, so far as the same is applicable to a town meeting.

11. The duties of the Moderator, not specially provided by law or these by-laws, shall be determined by the rules of practice as set forth in Town Meeting Time, as amended, as far as the same is applicable to a town meeting.

1/5.4

Town Meeting Actions

All Town Votes or parts of Town Votes heretofore adopted which are inconsistent with the provisions of By-Laws are hereby repealed and annulled; but the provisions of foregoing By-Laws, so far as they are the same as the provisions of Town Votes heretofore adopted, shall be construed as a Continuation of said Town Votes, and not as new enactments.

The repeal of a Town Vote heretofore adopted shall not affect any act done, ratified or confirmed, or any right accrued or established, not any action, suit or proceeding commenced or had, nor affect any punishment, penalty or forfeiture incurred under such Town Vote.

By-Laws may be amended or repealed at any Town Meeting by Vote of the members present, provided an article for the purpose has been inserted in the warrant for that meeting, substantially stating the amendment proposed or the article or section of article to be repealed.

1/5.5

Adjourned Town Meetings (This section repealed April 16, 1991)

1/5.6

Quorums

A quorum at any town meeting, except such parts as are devoted elections of town officers, shall consist of twenty- five (25) registered voters, ~~but no vote shall be passed involving an expenditure or appropriation of more than five thousand dollars or involving~~

~~amendments or modification to the zoning map or zoning by laws unless there shall be present at least seventy five (50) registered voters, but a less number may organize to adjourn to some future date. (Amended May 1980, Sept. 1982, May 1984 & May 1992, May 18, 2009, Nov. 1, 2012)~~

1/5.7

Election of Town Officers

Such town officers are required by law to be chosen by ballot shall be elected annually on the last Saturday in April, preceding the last Monday in April.(Amended May 1978).
A moderator shall be elected for a term of three (3) years.(Amended May 1993)

1/5.8

Appointment of Committees

All committees may be appointed by the moderator, with the exception of the Finance Committee, unless the town otherwise directs, and shall report as directed by the town. If a committee does not report as directed, or at the next annual town meeting held thereafter, it shall be deemed discharged unless an extension of time be granted by the town. All committees so appointed shall organize at their first meeting.