PREAMBLE

We, the people of the Town of North Andover, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the constitution of the Commonwealth, do hereby adopt the following home rule charter for this town.

CHAPTER 1

TOWN INCORPORATION, FORM OF GOVERNMENT, AND POWERS

Section 1 Incorporation

1-1-1 The present town of North Andover, within its territorial limits as now or as may hereafter be established by law, is hereby continued as a body corporate and politic with perpetual succession under the name: Town of North Andover.

Section 2 Form of Government

1-2-1 This charter provides for an Open Town Meeting - Board of Selectmen - Town Manager form of town government, and it shall be known by the title: North Andover Home Rule Charter.

1-2-2 The town of North Andover is committed to the full participation of all citizens and to a policy of equal employment opportunity. The town will not discriminate against employees, applicants for employment, nor citizens engaged in any town sponsored activity on any legally recognized basis, including but not limited to race, age, color, religion, sex, marital status, sexual preference, national origin, disability or veteran status.

Section 3 Scope and Construction of Town Powers

1-3-1 The town shall possess, exercise, and enjoy all powers possible under the constitution and statutes of the Commonwealth as completely and fully as though they were expressly enumerated herein.

1-3-2 The powers of the town under this charter shall be construed liberally in favor of the town, and no specific provision shall be deemed to limit in any way the general grant of powers that towns may exercise under the home rule amendments to the constitution of the Commonwealth, and the statutes thereof.

Section 4 Intergovernmental Relations

1-4-1 Consistent with any applicable constitutional or statutory provisions, the town may exercise any of its powers, or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more other towns, civil divisions, subdivisions, or agencies of any state or the United States government.

Section 5 Specific Provisions to Prevail

1-5-1 To the extent that any specific provision of this charter shall conflict with any provision in general terms, the specific provision shall prevail.

Section 6 Severability of Charter

1-6-1 If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

CHAPTER 2

TOWN MEETING

Section 1 Organization and Powers

2-1-1 The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

2-1-2 The town meeting shall consider and act upon with or without amendments, all bylaws, proposed operating and capital improvement budgets, bond issues, and other financial proposals of the town.

2-1-3 The town meeting shall possess and may exercise all powers possible under general law.

Section 2 Warrants

2-2-1 The Board of Selectmen shall prepare the warrant for all town meetings.

2-2-2 The warrant for each town meeting shall be closed not more than sixty days, but at least forty-five days prior to the date for the meeting, provided that by unanimous vote, the Board of Selectmen may reopen the warrant in cases of emergency.

2-2-3 The warrant for each annual and special town meeting shall be posted in a public place in every precinct in the town at least seven days prior to the annual town meeting and at least fourteen days prior to any special town meeting.

2-2-4 The warrant for each special town meeting town shall be published in a newspaper of general circulation within the town at least seven days prior to the meeting.

Section 3 Procedures

2-3-1 The town meeting shall meet regularly between April twenty-eighth and May twenty-eighth, as specified in the town by-laws to consider and adopt an annual operating and capital budget, and to act on other matters. The meeting shall be continued on other days, until all articles in the warrant have been acted upon.

Section 4 Special Town Meetings

2-4-1 A special town meeting may be called by the Board of Selectmen and shall be called by said board upon the request, in writing, of at least two hundred registered voters of the town.

Section 5 Moderator

2-5-1 A moderator, elected in accordance with the provisions of Chapter 6, shall preside at all sessions of the town meeting.

Section 6 Simplified Rules of Procedure

2-6-1 Rules of parliamentary procedure in simplified form shall be prepared by the moderator and shall annually be included in the Finance Committee report.

2-6-2 The Town Clerk shall make copies of the simplified rules available for distribution to those requesting them, to new voters at the time of registration, and to those in attendance at all sessions of the town meeting.

Section 7 Ad Hoc Committees

2-7-1 All *ad hoc* committees established by the town meeting shall be appointed by the moderator, unless the motion establishing any such committee shall name the members, provide for their election, or provide for a different appointive authority.

Section 8 Articles Having Fiscal Implications

2-8-1 All proposed operating expenditure shall be included in a single, omnibus-type article in the town meeting warrant. In addition, all regular proposed capital improvements expenditures shall also be included in an omnibus-type article, devoted to capital expenditures.

2-8-2 Articles involving an expenditure of town funds shall not be voted on by the town meeting unless the Finance Committee shall have considered them previously and issued a written recommendation thereon. The chairman of the board, or a designated representative, shall be present at the meeting to provide verbal explanations of the board's recommendations.

2-8-3 No article calling for the appropriation of funds shall be considered at a special town meeting unless the proposed expenditure has been recommended by the Board of Selectmen and the Finance Committee, acting separately at separate meetings.

Section 9 Articles Having Environmental Implications

2-9-1 Articles involving planning, zoning, subdivision control, land acquisition, conservation, extension of sewer or water lines, the acceptance of streets and ways, and all other similar matters relating to the environment shall not be voted on by the town unless the planning board shall have considered them previously and issued recommendations thereon. The chairman of the planning board, or a designated representative, shall be present at the meeting to provide verbal explanations of the board's recommendations.

CHAPTER 3

BOARD OF SELECTMEN

Section 1 The Board of Selectmen

3-1-1 A Board of Selectmen of five members shall be elected at-large for three-year overlapping terms.

3-1-2 Vacancies in the office of selectmen shall be filled by special election in accordance with the provisions of general law.

Section 2 Policy Leadership Responsibilities

3-2-1 Except as otherwise provided by this charter, all executive powers of the town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all the powers and duties given to boards of selectmen under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law, or by any other town meeting vote.

3-2-2 The Board of Selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.

3-2-3 The Board of Selectmen shall serve as the chief goal-setting and policy-making agency of the town and, as such, shall not normally administer the day-to-day affairs of the town, but shall instead regularly direct the Town Manager to help it in carrying out its administrative duties, and make recommendations to the town meeting relating to actions required to be taken by that body.

Section 3 General Powers, Duties, and Responsibilities

3-3-1 The Board of Selectmen shall have the power to enact rules and regulations establishing town policies, not otherwise governed by general law, this charter, or by-law, provided, however, that whenever an appropriation shall be necessary to implement such action, the vote of the board shall be effective only if such appropriation has been authorized by the town meeting.

Section 4 Powers of Investigation

3-4-1 The Board of Selectmen may conduct investigations and may authorize the Town Manager or other agent to investigate the affairs of the town and the conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose the board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing such investigation shall be printed in the next town report.

Section 5 Specific Powers, Duties, and Responsibilities

3-5-1 The Board of Selectmen shall act as the licensing authority of the Town and shall have the power and responsibility required to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose such restrictions as it considers to be in the public interest, and further to enforce, or cause to be enforced, the laws, rules, and regulations relating to all businesses for which it issues licenses.

3-5-2 The Board of Selectmen shall be recognized as head of the town government for all ceremonial purposes.

Section 6 Powers of Appointment

3-6-1 The board shall have the power to appoint: (a) a Town Manager as provided in Chapter 4: (b) town counsel; (c) a town accountant for a term of three years in accordance with Sect. 55 of M.G.L. Chap. 41; (d) a police chief; (e) a fire chief; (f) three members of a board of registrars of voters for overlapping three-year terms; (g) election officers; (h) three constables; and (I) five members and three associate members of a zoning board of appeals for overlapping three-year terms.

3-6-2 The board shall also have the power to appoint town boards enumerated in Chapter 7, designated as Board of Selectmen appointees.

3-6-3 The boards enumerated in Chapter 7 shall be responsible to the Board of Selectmen through the Town Manager, and shall work cooperatively with the Town Manager, and be responsive to requests emanating from his office.

Section 7 Other Town Boards

3-7-1 The Board of Selectmen shall also have the power to appoint such other boards as may be in existence on the effective date of this charter and for whom no other method of appointment is provided in this charter. The board shall also appoint such other boards as may be hereafter established by general law, charter, by-law, or vote of the town meeting.

3-7-2 The provisions of 3-7-1 shall be inapplicable to the board of library trustees.

Section 8 Prohibitions

3-8-1 Except for the purpose of investigation authorized by this charter, the Board of Selectmen or its members shall not give orders to any town employee who is subject to the direction and supervision of the Town Manager either publicly or privately.

CHAPTER 4
THE TOWN MANAGER

Section 1 Appointment

4-1-1 The Board of Selectmen, by an affirmative vote of at least four members, shall appoint a Town Manager for an indefinite term to serve at its pleasure.

4-1-2 The Board of Selectmen shall appoint a search committee of at least three people, not to include any member of the Board of Selectmen, for the purpose of recommending candidates for the position of Town Manager.

4-2-1 The Town Manager shall be appointed on the basis of education, executive and administrative qualifications and experience.

Section 3 Duties

4-3-1 The Town Manager shall be the chief administrative officer of the town and shall be responsible for administering and coordinating all employees, activities and departments placed by general law, this charter or by-law under the control of the Board of Selectmen and of the Town Manager.

4-3-2 He shall devote his full working time to the duties of his office; he shall not become a candidate for, or hold, any elective office during his term of appointment; and he shall not engage in any business activity during his term, except with the written consent of Board of Selectmen. He shall:

(a) Attend all meetings of the Board of Selectmen, except when excused, and he shall have the right to speak but not to vote.

(b) Assemble, prepare, and present to the Board of Selectmen all annual operating and capital budgets of the town and be responsible for the development and annual revision of the capital improvements program.

(c) Be responsible for seeing that the budget is administered and expended as adopted by the town meeting and in accordance with general law, this charter, and by-law.

(d) Keep the Board of Selectmen informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit quarterly reports to the board.

(e) Keep the board informed regarding the availability of state and federal funds and how such funds might relate to unmet short-range and long-range needs.

(f) Solicit and prepare applications for grants.

(g) Be responsible for the day-to-day administration of the town's personnel system.

(h) Be responsible for the purchasing of all town services and departments, except those of the school department.

(I) Make recommendations to the Board of Selectmen regarding vacancies in town offices and boards to be filled by the Board of Selectmen.

(j) Be responsible for the administrative functions of recreation, historical preservation, services for the elderly, and veteran's services.

(k) Develop, keep, and annually update a full and complete inventory of all property of the town, except school property, both real and personal.

(l) Distribute, or cause to be distributed, copies of the warrant and Finance Committee report for all town meetings to the residences of all registered voters.

(m) Negotiate collective bargaining contracts on behalf of the Board of Selectmen, unless the board shall have designated another negotiator.

(n) Perform such other duties as may be required by this charter, by-law, or vote of the Board of Selectmen.

Section 4 Responsibilities for Appointments

4-4-1 Subject to the approval of the Board of Selectmen, the Town Manager shall have the power to appoint and, on the basis of merit and fitness alone, and except as may otherwise be provided by general law, this charter, or personnel by-laws, may suspend or remove: (a) a Town Clerk, (b) division and department heads, (c) a planning board (d) an industrial development financing authority, (e) an industrial commission, and (f) a board of health and/ or a health agent.

4-4-2 The Town Manager shall also appoint, on the basis of merit and fitness alone, and except as may otherwise be provided by the General Laws, this charter, personnel by-law, or collective bargaining agreements, may suspend or remove all full-time, part-time or seasonal employees, except those of the library trustees, the police and fire departments and the School Committee. All such appointments and removals shall be subject to disapproval by an affirmative vote of the Board of Selectmen taken within fourteen days, provided the vote is first taken at a Board of Selectmen's meeting at which five members are present and voting; otherwise, if less than five members are present and voting, such disapproval shall only require three votes.

Section 5 Responsibilities in Personnel Administration

4-5-1 The Town Manager shall administer and enforce collective bargaining contracts, personnel rules, regulations, and by-laws adopted by the town.

4-5-2 After consultation with the Board of Selectmen, the Town Manager shall from time to time propose, and the town meeting may adopt, with or without amendment, personnel by-laws and rules relating to all town positions, except those covered by collective bargaining contracts and those of the school department. Such by-laws shall provide for:

(a) Methods of determining the merit and fitness of candidates for appointment and promotion.

(b) Policies and procedures regulating reduction in force and removal of employees.

(c) Hours of work, attendance regulations, and provisions for sick, vacation, military and other leave.

(d) Policies and procedures governing persons holding provisional appointments.

(e) Policies and procedures governing relationships with employee organizations.

(f) Policies regarding in service training programs.

(g) Grievance procedures for the hearing of grievances.

(h) Such other practices and procedures as may be necessary for the administration of the personnel system.

Chapter 4 Subsection 4-5-2 amended by Chapter 70 of the Acts of 1997 amended by striking out clauses (a) and (b). Subsequent sections renumbered. Approved August 13, 1997.

Section 6 Responsibilities for Administrative Reorganization

4-6-1 The Town Manager may, with the approval of the Board of Selectmen, establish, reorganize, consolidate or abolish any department or position placed by this charter under his direction and supervision, except as otherwise provided by general law or this charter.

4-6-2 The creation of any new full-time, compensated position shall require the approval of the affirmative vote of four members of the Board of Selectmen, and shall not become effective until the position has been funded by a vote of the Town Meeting.

Section 7 Responsibilities for Disbursements

4-7-1 Warrants for the payment of town funds, prepared and signed by the town accountant in accordance with general law procedures, shall be submitted to the Town Manager, and his approval thereof shall be sufficient authorization for payment by the director of the division of finance or his designee; provided, however, that at least three selectmen shall approve all warrants in the manager's absence or in the event of a vacancy in his office.

Section 8 Evaluation

4-8-1 The Board of Selectmen shall annually evaluate the performance of the Town Manager. The board shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.

4-8-2 A copy of the evaluation shall be provided to the manager.

Section 9 Removal

4-9-1 The Board of Selectmen, by the affirmative vote of at least three members, may initiate the removal of the Town Manager by adopting a resolution to that effect, stating the reasons therefor, provided that no such resolution shall be adopted within sixty days following any town election that has resulted in a change in the incumbents on the board. The vote initiating removal shall be taken at a regular scheduled public meeting and in open session.

4-9-2 The adoption of said resolution shall serve to suspend the Town Manager for a period of not more than forty-five days, during which the salary shall continue to be paid. A copy of such resolution shall be delivered forthwith to the Town Manager in person, or sent by registered mail to his place of residence.

4-9-3 Within five days following the receipt of such resolution, the Town Manager may file a written request for a public hearing. If such a hearing is requested, the board shall schedule it within two weeks and it shall be held in public place. At least seven days prior to the public hearing, the board shall advertise the hearing in a newspaper of local circulation and shall cause identical notices citing the purpose, location, time, and date to be posted in the town hall and in three other places of public access within the town.

4-9-4 The moderator shall preside at such hearing.

4-9-5 At any such hearing, the reasons for the removal shall first be read aloud. The Town Manager shall then have the right to respond, either personally or through counsel. The Board of Selectmen and the Town Manager shall have the right to call witnesses and to subpoena any and all town records.

4-9-6 Final removal of any Town Manager shall be effected by the affirmative vote of at least three members of the Board of Selectmen at a public meeting of the board held within seven days of such public hearing, if requested. If no hearing has been requested, final removal may be effected by an affirmative vote of at least three members, at a meeting of the board held not earlier than fourteen days after the vote initiating the removal. The salary of the Town Manager shall continue to be paid for a period of sixty days after the vote effecting removal from office.

4-9-7 The Town Manager shall provide the Board of Selectmen with at least ninety days notice of an intended resignation, provided, however, that the board may, at its discretion, shorten or waive such requirement.

Section 10 Filling Vacancy

4-10-1 When a vacancy arises in the office of the Town Manager, the Board of Selectmen shall advertise the vacancy as soon as possible. The board shall fill the vacancy as soon as possible but in any case, within six months.

Section 11 Acting Town Manager

4-11-1 The Board of Selectmen shall designate, within 10 days, a town employee or other person to exercise the rights and perform the duties of Town Manager during any vacancy caused by the temporary absence or suspension, or removal, resignation, or death of the Town Manager. The appointment shall be for a period not to exceed ninety days, and it may be renewed, in the case of suspension, removal, resignation, or death only once for an additional period not to exceed ninety days. The appointee shall be ineligible for appointment as Town Manager.

CHAPTER 5

TOWN ADMINISTRATIVE ORGANIZATION

Section 1 General

5-1-1 The administrative functions of the town government shall be performed within the organizational framework of several divisions and departments.

5-1-2 The divisions should include:

(a) division of finance and administration;

(b) division of planning and community development; and (c) division of public works, and include other divisions, as the Town Manager may establish with the approval of the Board of Selectmen.

5-1-3 The departments shall include the office of Town Clerk, a police department, a fire department and such other departments as the Town Manager shall establish, with the approval of the Board of Selectmen.

5-1-4 Responsibility for the functions administered within the divisions shall be vested in the Town Manager, who may organize these responsibilities, as necessary with the approval of the Board of Selectmen by an affirmative vote.

5-1-5 The Town Manager, with the approval of the Board of Selectmen, should designate those divisions to be supervised by a director and those, if any, to be supervised by the Town Manager. If the manager is designated to act as director of one or more divisions, he should in the first occurrence only serve in such additional capacity without additional compensation.

5-1-6 With the approval of the Town Manager a division director, other than the manager, may designate himself as head of one or more departments within his respective division, but if so designated he shall serve in such additional capacity without additional compensation.

Section 2 Division of Finance

5-2-1 The administrative functions of assessment, tax and fee collections, receipts and disbursements, purchasing, and others of a fiscal nature shall be carried out within a division of finance.

Section 3 Division of Planning and Community Development

5-3-1 The administrative functions of planning, zoning enforcement, subdivision control, the issuance of building permits, all town inspections required by law, conservation, land acquisition and management, approval of street plans, health, building code enforcement, urban revitalization, and community development and such other services as may be assigned by this charter or by-law shall be carried out within a division of planning and community development.

Section 4 Division of Public Works

5-4-1 The administrative functions of cemeteries, the collection and disposal of solid waste, engineering, forestry, trees, highways, parks, public grounds, sewers, water, and such other public works functions as may be assigned by this charter or by by-law shall be carried out within a division of public works.

Section 6 Police Department

5-6-1 A police department shall be established under a chief of police, who shall be appointed by the Board of Selectmen.

Section 7 Fire Department

5-7-1 A fire department shall be established under a fire chief, who shall be appointed by the Board of Selectmen.

CHAPTER 6

ELECTED TOWN BOARDS AND OFFICERS

Section 1 General Provisions

6-1-1 Beginning with the first town election held after the adoption of this charter, the officers and boards to be elected by vote of the town shall be: a moderator, a regional technical high School Committee representative, a Board of Selectmen as provided in Chapter 3, a housing authority, and a School Committee.

6-1-2 Boards and commissions established or continued under this chapter shall perform their functions and duties in accordance with the constitution, general law, this charter, and by-laws.

6-1-3 During the term for which he is elected, and for one year following expiration of his term, no officer or member of any board or commission established under this chapter shall be eligible to accept any appointed, paid town position placed under the jurisdiction of the respective office or board vacated.

Section 2 Vacancies

6-2-1 Except as otherwise provided, vacancies in elected town boards established under this charter shall be filled by the Board of Selectmen together with the remaining members of the respective board, in accordance with the provisions of general law.

Section 3 Moderator

6-3-1 A moderator shall be elected for a three-year term. The moderator shall: (a) preside at all town meetings; (b) appoint the members of the Finance Committee; (c) appoint all ad hoc committees of the town meeting in accordance with clause 2-7-1 and (d) preside at any hearing called to discuss the suspension or removal of the Town Manager.

Section 4 Regional School Representative

6-4-1 A Greater Lawrence Regional Technical High School District Committee representative shall be elected for a three-year term.

Section 5 School Committee

6-5-1 A School Committee of five members shall be elected at large for three-year overlapping terms.

Section 6 Housing Authority

6-6-1 There shall be a housing authority of five members, one of whom shall be appointed under authority of the commonwealth and four of whom shall be elected. All members shall serve five year overlapping terms.

CHAPTER 7

APPOINTED TOWN BOARDS

Section 1 Zoning Board of Appeals

7-1-1 A zoning board of appeals of five members and three associate members shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 2 Conservation Commission

7-2-1 A conservation commission of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 3 Council on Aging

7-3-1 A council on aging of eleven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 4 Historical Commission

7-4-1 A historical commission of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 5 Recreation Council

7-5-1 A recreation council of nine members shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 6 Arts Council

7-6-1 An arts council of an indefinite, but odd, number shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 7 Planning Board

7-7-1 A planning board of five members shall be appointed by the Town Manager for three-year overlapping terms.

Section 8 Board of Health

7-8-1 A board of health of three members shall be appointed by the Town Manager for three-year overlapping terms, unless the manager shall replace the board with a health agent, with the approval of the Board of Selectmen, in accordance with general law.

Section 9 Library Trustees

7-9-1 A board of library trustees shall be established as provided by the bequest establishing the library.

7-9-2 The board shall appoint the librarian and staff of the library.

Section 10 Youth Services Commission

7-10-1 A youth services commission for an indefinite, but odd, number shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 11 Disability Commission

7-11-1 A commission on disability issues of an indefinite, but odd, number shall be appointed by the Board of Selectmen for three-year overlapping terms.

Section 12 Change in Composition of Appointed Town Boards

7-12-1 The Town Meeting may, by by-law, enlarge or decrease the number of persons to serve as members of boards established under this chapter, provided, however, that all such boards shall always consist of an odd number of members.

Section 13 Town Boards, Commissions, and Committees

7-13-1 Multi-member boards established by this charter shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth, and shall have and exercise such additional powers and duties as may be authorized by this charter, by-law, or vote of the town meeting.

7-13-2 All boards, commissions, and committees of the town shall:
(a) organize annually: (b) elect a chairman and other necessary officers:(c) establish a quorum requirement for their meetings in accordance with general law: (d) adopt rules of

procedure and voting: and (e) maintain minutes and all other records of proceedings, copies of which shall be public record and filed monthly with the Town Clerk.

7-13-3 All such boards shall meet with the Board of Selectmen at least once in each year.

7-13-4 All such boards shall conduct their meetings in accordance with the open meeting provisions of the open meeting law, Sect. 23A-C of M.G.L. Chap. 39, as may be amended from time to time.

7-13-5 Members of boards established under this chapter may receive such compensation as may be authorized by the town meeting, but during the term for which a member is appointed and for one year following expiration of such term, no member of any appointed board under this charter shall be eligible to accept any additional paid position under any such board.

7-13-6 Any person duly appointed to any office or board shall take up the duties of his office immediately, provided that he first shall have been sworn to the faithful performance of his duties by the Town Clerk.

7-13-7 The unexcused absence of a member from four or more consecutive meetings of any appointed multi-member body shall serve to vacate the office. When such a vacancy has been created, the chairman shall advise the appointive authority forthwith, who shall fill the vacancy within thirty days.

7-14-1 The Board of Selectmen by an affirmative vote may create additional appointed town boards and assign powers under the Constitution and laws of the Commonwealth, and shall have and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of the town meeting.

CHAPTER 8

ELECTIONS

Section 1 Town Elections

8-1-1 The regular election for all town offices shall be by official ballot held on the first Tuesday in March of each year.

8-1-2 All general law provisions with regard to town elections shall apply, except as may herein be provided by this charter.

Section 2 Town Elections to be Nonpartisan

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

Section 3 Eligibility of Town Voters

8-3-1 Any registered voter of the town shall be eligible for election to any elective office or board of the town, provided however that no person shall be a candidate for or hold, concurrently, more than one paid elective office of the town.

Section 4 Time of Taking Office

8-4-1 Any person duly elected to any office or board shall take up the duties of his office immediately following certification.

Section 5 Recall of Elective Officers

8-5-1 Any holder of an elective office may be recalled by the voters as herein provided.

8-5-2 One percent of the registered voters of the town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to the voter the first named on such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms 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 and addressed to the Board of Selectmen, and shall contain the name of the person to whom they are issued, the number of petitions so issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall be demand the election of a successor to such office.

8-5-3 A copy of the petition shall be entered in the town meeting records. The recall petition shall bear the signatures and residential addresses of at least twenty-five percent of registered voters. The recall petition shall be returned to the Town Clerk within 20 working days after the filing of the affidavit.

8-5-4 The Town Clerk shall within twenty-four hours of receipt submit the petition to the registrars of voters in the town, and the registrars shall within seven working days certify thereon the number of signatures which are named of registered voters.

8-5-5 If the petition shall be found and certified by the Town Clerk to be sufficient he shall submit the same with his certificate to the Board of Selectmen. The Board of Selectmen shall, within three working days, give written notice by registered mail of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than forty-five nor more than sixty days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, the Board of Y shall postpone the holding of the recall election to the date of such other election.

8-5-6 Any officer sought to be removed may be a candidate to succeed himself. The nominations of candidates , the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of general law relating to elections, and the election to replace the officer sought to be removed shall be held on the same day as the recall election.

8-5-7 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, he shall continue in office for the remainder of his unexplored term, but shall not again be subject to recall during his term of office. If recalled, 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.

8-5-8 The form of the question to be voted upon shall be substantially as follows: "shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed twenty percent of the registered voters of the town.

8-5-9 No person having been removed from office by recall or having resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years following said removal or resignation.

CHAPTER 9

FINANCIAL PROVISIONS AND PROCEDURES

Section 1 Finance Committee

9-1-1 A Finance Committee of nine members shall be appointed by the moderator for three-year overlapping terms. Three members shall be appointed annually.

9-1-2 Any person duly appointed to the Finance Committee shall take up the duties of the office upon the final adjournment of the annual town meeting, provided that he first shall have been sworn to the faithful performance of his duties by the Town Clerk.

9-1-3 Vacancies in the Finance Committee shall be filled by the moderator within thirty days after he has been notified, in writing, of the vacancy on the board. Any person appointed to fill out an unexpired term shall take up the duties immediately, provided that he first shall have been sworn to the faithful performance of his duties by the Town Clerk.

9-1-4 No member of the Finance Committee shall hold any other elected or appointed town office.

Section 2 Submission of Budget and Budget Message

9-2-1 On or before the first day of October of each year, the Town Manager shall request and receive from the director of finance and the assessor (solicitor) the estimated revenues for the ensuing fiscal year.

9-2-2 Upon receipt of any additional specific fiscal data provided by the Commonwealth, such estimates shall be revised, updated, and submitted forthwith to the Town Manager.

9-2-3 On or before the first day of November of each year, the Board of Selectmen, after consulting with the Town Manager, shall issue a policy statement relating to the budget for the ensuing fiscal year. The statement shall establish the outer limits of possible budget growth for the town.

9-2-4 All department heads, boards, committees, and commissions, shall submit their budget requests to the Town Manager at least one hundred and twenty days before the date of the annual town meeting or at an earlier time, as directed by the Town Manager. The Town Manager shall forward such budget requests to the Finance Committee forthwith.

9-2-5 At least ninety days prior to the scheduled date of the annual town meeting, the Town Manager shall submit to the Board of Selectmen and the Finance Committee a comprehensive budget for all town functions for the ensuing fiscal year and an accompanying budget message.

9-2-6 The budget message shall explain the budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead. It shall:(a) outline the proposed financial policies of the town for the ensuing fiscal year; (b) describe the important features of the budget; (c) indicate any major changes for the current year in financial policies, expenditures, and revenues, together with the reason for such changes; (d) summarize the town's debt position; and (e) include such other material as the Town Manager may deem appropriate.

9-2-7 The budget shall provide a complete financial plan for all town funds and activities and shall be in such format as the Finance Committee may suggest, provided the format suggested is compatible with the standards recommended by the state association of Finance Committees. The budget shall indicate proposed expenditures for both current operations and capital projects during the ensuing fiscal year, detailed by divisions, departments, offices, boards, commissions, committees, and specific purposes and projects.

Section 3 Action on Proposed Budget

9-3-1 The Board of Selectmen shall within thirty days adopt the budget, with or without amendments, and submit it to the Finance Committee. The Board of Selectmen shall also transmit the budget request of the School Committee to the Finance Committee.

9-3-3 The Board of Selectmen shall be responsible for presenting the budget to the town meeting.

Section 4 Budget Adoption

9-4-1 The town meeting shall adopt the budget, with or without amendments, prior to the beginning of the fiscal year.

Section 5 Capital Improvements Plan

9-5-1 The Town Manager shall prepare a five-year capital improvements plan which shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (c) cost estimates, methods of financing, and recommended time schedules; and (d) the estimated annual cost of operating and maintaining the facilities or equipment to be contracted or acquired. The above information may be revised and shall be extended each year with regard to capital improvements pending or in the process of construction or acquisition.

9-5-2 The capital improvements plan shall be submitted to Board of Selectmen at least one hundred and fifty days prior to the date of the annual town meeting. The board shall act thereon within thirty days and shall then submit it to the Finance Committee, which shall issue its recommendations as part of the annual Finance Committee report.

Section 6 Notice of Public Hearing on Capital Improvements Plan

9-6-1 The Finance Committee shall conduct at least one public hearing on the proposed budget and Capital Improvements Plan and shall issue printed recommendations and detailed explanations on all financial articles including the Operating Budget and the Capital Improvements Plan in an Annual Finance Committee report, which shall be mailed or distributed to the residences of all registered voters at least ten days prior to the scheduled date of the Annual Town Meeting. In preparing its recommendations, the Committee may require the Town Manager, any town division, department, office, board, commission or committee to furnish it with appropriate financial reports and budgetary information.

9-7-1 At least ninety days before the end of the fiscal year, the Board of Selectmen shall retain a certified public accountant or accounting firm to conduct an audit of all accounts, books, records and financial transactions of every division, department, office, board, commission or committee of the town and to file its report within one hundred and twenty days after the end of the fiscal year.

9-7-2 A copy of every auditor's report shall be filed with the Town Clerk, shall be a public record, and a summary thereof shall be published in the next Annual Town Report.

Section 8 Limit on Spending

9-8-1 In the final month of any fiscal year no division, department, commission, office, or agency may expend, except for amounts previously encumbered, more than one-twelfth of its annual appropriation unless such expenditures have been previously approved by the Finance Committee.

CHAPTER 10

PLANNING AND THE ENVIRONMENT

Section 1 Powers and Duties of the Planning Board

10-1-1 A planning board shall be appointed as provided in clause 7-7-1.

10-1-2 The board shall exercise such powers and duties as prescribed by general law, this charter, and by-law.

10-1-3 The board shall make recommendations to the Town Manager and to the Director of the Division of Planning and Community Development on all matters concerning the physical, economic, and environmental development of the town.

Section 2 Master Plan

10-2-1 The board shall be responsible for the development and periodic updating of a master or comprehensive plan. A summary of said plan shall be submitted to the Town Meeting, which shall adopt the summary, with or without amendments. After the summary has been acted on by the town, the planning board shall utilize the plan in making recommendations to the Town. The board shall report annually to the town on the status of the master plan.

Section 3 Industrial Development Financing Authority

10-3-1 An industrial development financing authority of five members shall be appointed by the Town Manager for five-year overlapping terms.

10-3-2 The authority shall exercise such powers and duties as prescribed by general law, this charter, and by-law.

Section 4 Industrial Commission

10-4-1 An industrial commission of five members shall be appointed by the Town Manager for three-year overlapping terms.

10-4-2 The commission shall exercise such powers and duties as prescribed by general law, this charter, and by-law.

Section 5 Coordination of Activities

10-5-1 It shall be the general responsibility of the Town Manager and/or the Director of the Division of Planning and Community Development, if appointed, to coordinate the activities of the town planner, the planning board, conservation commission, industrial authority, industrial commission, and other boards, commissions, and committee, except the board of appeals, concerned with the physical, economic, and environmental development of the Town.

CHAPTER 11

TRANSITIONAL PROVISIONS

Section 1 Effective Date

11-1-1 Except as provided for in this chapter, this charter shall be in full effect on the first day of October following its adoption by the voters.

11-1-2 This charter shall be in partial effect upon its adoption by the voters to permit the Board of Selectmen to immediately commence to search for a Town Manager. The provisions of 4-1-3 shall be inapplicable to the first Town Manager search and appointment made under this charter, and the appointment shall be made effective of the first day of September following its adoption.

Section 2 Continuation of Existing Laws

11-2-1 Except as specifically provided in this charter all general laws, special laws, town by-laws, votes, rules and regulations pertaining to the town which are in force when this charter takes effect and which are not inconsistent with the provisions of this charter shall continue in full force and effect until amended or rescinded by due course of law or expire by their own limitation.

Section 3 Continuation of Government

11-3-1 Except as specifically provided in this charter, all committees, commissions, councils, boards, departments, offices and other agencies of the town shall continue in existence and their incumbents shall continue to perform their duties until not reappointed, reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

Section 4 Continuation of Personnel

11-4-1 Any person serving in the employment of the town shall retain such position and shall perform his duties until provisions shall have been made in accordance with this charter for the performance of said duties by another person or agency; provided, however, that no person in the permanent, full-time service or employment of the town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do and shall be eligible for appointment to a position at a higher pay grade

11-4-2 All elected officers in office on the first day following the adoption of this charter shall each be allowed to complete his term of office. At the expiration of said term, said incumbents shall be eligible for appointment to an appointed position in the town's employ.

Section 5 Transfer of Records and Property

11-5-1 All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency, are assigned to such office or agency.

Section 6 Public Works

11-6-1 The provisions of this charter which relate to the establishment of a division of public works shall become effective sixty days after the Town Manager has been appointed. Upon this date, the highway surveyor shall become subject to the direction of the director of the division, for the remainder of his elected term of office. Upon the expiration of his term of office, the office shall be discontinued, and the incumbent shall be eligible for appointment to a similar position in the division of public works.

11-6-2 The terms of office of the incumbent members of the board of public works shall continue to their normal expiration. As the term of each incumbent expires, the position may be filled by the Town Manager with the approval of the Board of Selectmen for a term of one year. The board shall continue to discharge its duties until the board is abolished in accordance with the provisions of clause 4-6-1, and its powers and duties are reassigned to the director of public works.

Section 7 Board of Assessors

11-7-1 The terms of office of the incumbent members of the board of assessors shall continue to their normal expiration. As the term of an incumbent expires, the position may be filled by the Town Manager with the approval of the Board of Selectmen for term of one year. The board shall continue to discharge its duties until its powers and duties are reassigned in accordance with the provisions of clause 4-6-1.

Section 8 Planning Board

11-8-1 The terms of office of the incumbent members of the planning board shall continue to their normal expiration. As the terms of office of planning board members expire, such positions shall be filled by appointment for a term of three years.

Section 9 Boards Discontinued

11-9-1 On the effective date of this charter, the board of fire engineers, the personnel board, and the capital budget committee shall be discontinued.

11-9-2 The board of public works established by Chapter 379 of the Acts of 1906 may be abolished in accordance with the provisions of clause 4-6-1.

Section 10 Charter Amendment

11-10-1 This charter may be replaced, revised, or amended in accordance with the procedures made available by Article eighty-nine of the amendments to the Constitution of the Commonwealth, commonly known as the Home Rule Amendment, and M.G.L. Chapter 43B, commonly known as the Home Rule Procedures Act.

Section 11 Definitions

11-11-1 Unless another meaning is clearly apparent, from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

(a) **Charter.** The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under Article eighty nine of the amendments to the Constitution of the Commonwealth.

(b) **Town.** The word "town" shall mean the Town of North Andover.

(c) **Town Agency.** The words "town agency" shall mean any board, commission, committee, department or office of town government.

(d) **Majority Vote.** The words "majority vote" shall mean a majority of those present and voting provided that a quorum of the body is present.

(e) **Voters.** The word "voters" shall mean registered voters of the Town of North Andover.

(f) **Multi-member Body.** The words "multi-member body" shall mean any board, commission or committee of the town consisting of two or more persons, whether appointed or elected.

(g) **Certification.** The word "certification" shall mean that person has been declared elected and sworn to the faithful performance of duty by the Town Clerk.

(h) **He/his.** The words "he" or "his" or any use of a masculine noun or pronoun in this charter shall include the feminine.

(I) **Elected officer.** The words "elected officer" as used in 11-4-2 shall mean the Town Clerk, the highway surveyor, the collector-treasurer, and any other individual elected office, abolished or made appointive by this charter.