



Christopher J. Petrini  
Town Counsel

TOWN OF FRAMINGHAM  
MASSACHUSETTS  
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**MEMORANDUM**

To: Valerie Mulvey  
Charter Commission Chair

From: Christopher J. Petrini *C.J.P.*  
Town Counsel

cc: John A. Stefanini, Esq., Charter Commissioner  
Marilyn Contreas, Collins Center, UMB  
Christopher L. Brown, Esq.  
Petrini & Associates, P.C.

Date: October 18, 2016

Re: **Transition Provisions of Proposed Charter**

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I am writing to follow up on my previous memorandum of April 19, 2016 to the Charter Commission regarding various local options and special acts accepted by or applicable to Framingham. My office has reviewed information provided in your capacity as Town Clerk on various local option statutes and special acts accepted by Framingham, a list of special acts related to Framingham from the Town's founding in 1700 through 2006 which was maintained by compiled by Joel Winett during the time he served as Town Moderator, and applicable special acts from 1987 to the present which we located through our own separate research. For reference, some of these source reference materials were provided in our earlier memorandum.

Many of the special acts accepted by or applicable to Framingham that we reviewed concern outdated or irrelevant issues unrelated to the governmental structure of the Town or the authority of Town officials. Attached as **Exhibit A** is a list of special acts that are relevant to Framingham government, along with my recommendation (subject of course to the ultimate discretion of the Charter Commission), whether to repeal or retain such special acts in the transition provision section of the proposed charter.

I have attached as **Exhibit B** a list of local options statutes that were accepted by the Town and in my opinion appear to still be effective. While my understanding is that the Charter Commission may not repeal local options through the charter itself, the Commission may wish to consider whether the charter should instruct the Mayor/Council in a "signal" provision to

evaluate certain local options to determine if Framingham should rescind its prior acceptance of one or more of these local option statutes.

A particularly important issue for many communities in Massachusetts, especially in recent years, is the continued applicability of the Civil Service Law, G.L. c. 31, §1 *et seq.*, to various positions within cities and towns. While beyond the scope of this memorandum, there has been much public discourse regarding potential inefficiencies of the civil service system. Accordingly, the trend in many communities has been to move away from having the Civil Service Law apply to its employees. As the Commission will see in reviewing the list of special acts, a number of positions over the years in Framingham have been exempted from the Civil Service Law. This has remained an overall objective in the Town's bargaining during my 15 years as Town Counsel. For example, certain positions in the Police Department have been "civilianized" over the years, removing them from the police unions and, by virtue of removing sworn police officers from them, eliminating the applicability of the Civil Service Law. In a recent collective bargaining agreement between the Town and the Framingham Police Officers Union ("FPOU"), the FPOU agreed to allow the Town to remove and replace the current civil service system for all of the FPOU's members without further bargaining. Attached as **Exhibit C** is Article 45 from the FY2013-FY2015 collective bargaining agreement that contains the substance of this language. The FPOU members currently remain subject to the Civil Service Law until a similar agreement can be negotiated with the Framingham Police Superior Officers Union ("FPSOU"). While the Town has sought in collective bargaining to secure a similar agreement with the FPSOU, as well as the Deputy Fire Chiefs and the Firefighters bargaining units, which would effectively end the applicability of the Civil Service Law to the Town entirely, thus far we have been unable to obtain agreement from these other units to do so.

In my opinion, after consultation with Chief Ferguson and Chief Hicks, the best way to preserve the status quo regarding the applicability of the Civil Service Law to Framingham's employees, without inadvertently vesting civil service rights in positions which do not presently enjoy them, or ceding the FPOU's agreement to allow withdrawal from civil service for its members, is through a combination of (1) recognizing and retaining the various special acts through which Framingham previously exempted various positions from civil service; (2) clearly delineating in the charter what official will be the "appointing authority" for purposes of the Civil Service Law for the positions in the police and fire departments; and (3) instructing that a special act be submitted to the Legislature which will provide that, notwithstanding any general or special law to the contrary, the Civil Service Law applies only to the remaining enumerated positions in the Town (sworn police officers up to the rank of Lieutenant and uniformed firefighters up to the rank of Deputy Fire Chief) to which the Civil Service Law continues to apply, and expressly acknowledging Article 45 of the FPOU CBA which allows the Town to replace the civil service system for their members without further bargaining. I will submit proposed language for such an act for the Charter Commission to include in its final draft of the proposed charter.

I look forward to discussing this memorandum and any questions or concerns you may have at your **October 24th meeting at 7:00 p.m.** Thank you.

# Exhibit A

Framingham Special Acts – Proposed Disposition Table for Charter Commission – October 2016

Special Act	Description	Town Counsel recommendation
Chapter 126 of the Acts of 2016	Board of Health members	Repeal
Chapter 63 of the Acts of 2016	Attendance of Town Meeting by Town officials	Repeal
Chapter 19 of the Acts of 2013	Municipal charge liens	Retain
Chapter 9 of the Acts of 2010	Notice of town meetings	Repeal
Chapter 57 of the Acts of 2008	Town Meeting member vacancies	Repeal
Chapter 97 of the Acts of 2006	Recall elections	Repeal
Chapter 75 of the Acts of 2005	Amendment to Town Manager Act regarding independence of Planning Board	Repeal
Chapter 372 of the Acts of 2004	Town Meeting member vacancies	Repeal
Chapter 350 of the Acts of 2004	Amendment to Town Manager Act re Board of Selectmen authority to appoint boards, committees and commission	Repeal
Chapter 169 of the Acts of 2003	Preliminary elections/signature requirements	Repeal
Chapter 338 of the Acts of 2002	Town Meeting member attendance	Repeal
Chapter 34 of the Acts of 2002	Voting precinct boundaries / Town Meeting members	Repeal
Chapter 341 of the Acts of 1998	Preliminary elections	Repeal
Chapter 338 of the Acts of 1998	Town Meeting member service on other Town boards, commissions, committees	Repeal

Framingham Special Acts – Proposed Disposition Table for Charter Commission – October 2016

Special Act	Description	Town Counsel recommendation
Chapter 333 of the Acts of 1998	Town Manager supervision of DPW, Heath and Parks & Rec	Repeal
Chapter 147 of the Acts of 1997	Exempting Deputy Police Chief position from civil service	Retain
Chapter 418 of the Acts of 1996	Finance department	Repeal
Chapter 27 of the Acts of 1996	Town Manager Act	Repeal
Chapter 124 of the Acts of 1995	Economic Development Industrial Corporation	Recognize and retain in part (need to update appointing authority – in the act the BOS appoints the 7 members)
Chapter 54 of the Acts of 1992	Town Meeting members	Repeal
Chapter 277 of the Acts of 1991	Allowing Town Meeting members to serve as registrar/assistant registrar of voters	Repeal
Chapter 632 of the Acts of 1989	Executive Administrator qualifications	Repeal
Chapter 590 of the Acts of 1987	Exempting Police Chief position from Civil Service	Retain
Chapter 10 of the Acts of 1987	Authorizing appointment of non-resident assessors	Retain (if not expressly addressed in charter)
Chapter 126 of the Acts of 1986	Exempting Sealer and Deputy Sealer of Weights & Measures from Civil Service	Retain

Framingham Special Acts – Proposed Disposition Table for Charter Commission – October 2016

<b>Special Act</b>	<b>Description</b>	<b>Town Counsel recommendation</b>
Chapter 339 of the Acts of 1983	Exempting Town Accountant from Civil Service	Retain/repeal (Town Accountant equivalent position in city organizational chart?)
Chapter 338 of the Acts of 1983	Withdrawal from nomination for election	Repeal
Chapter 48 of the Acts of 1983	Exempting plumbing and gas inspectors from Civil Service	Retain
Chapter 284 of the Acts of 1982	Appointment of treasurer/collector by BOS	Repeal
Chapter 253 of the Acts of 1981	Exempting Director of Veterans Service from Civil Service	Retain
Chapter 697 of the Acts of 1979	Nomination papers for preliminary Town election	Repeal
Chapter 34 of the Acts of 1979	Preliminary Town elections	Repeal
Chapter 207 of the Acts of 1976	Membership of Town Meeting	Repeal
Chapter 448 of the Acts of 1976	Number of voting precincts	Repeal
Chapter 166 of the Acts of 1975	Exempting Health Agent from Civil Service	Retain
Chapter 816 of the Acts of 1975	Establishing Executive Administrator position	Repeal
Chapter 710 of the Acts of 1974	Appointment of Treasurer-Collector	Repeal
Chapter 642 of the Acts of 1973	Exempting Town Engineer from Civil Service	Retain
Chapter 804 of the Acts of 1969	Tie vote in Town Meeting member elections	Repeal
Chapter 805 of the Acts of 1969	Membership of Town Meeting	Repeal

Framingham Special Acts – Proposed Disposition Table for Charter Commission – October 2016

Special Act	Description	Town Counsel recommendation
Chapter 425 of the Acts of 1966	Town Manager form of government	Repeal
Chapter 34 of the Acts of 1962	Tree Warden position abolished, duties transferred to Commissioners of Public Works	Repeal
Chapter 162 of the Acts of 1962	Party nominations of Town officers	Repeal
Chapter 56 of the Acts of 1953	Town Meeting member vacancies	Repeal
Chapter 609 of the Acts of 1953	Re-election of Town Meeting members	Repeal
Chapter 76 of the Acts of 1952	Town Meeting precincts/members	Repeal
Chapter 143 of the Acts of 1949	Establishment of Representative Town Government by limited Town Meetings	Repeal
Chapter 321 of the Acts of 1935	Town Accountant subject to civil service law	Repeal (also later superseded by Chapter 339 of the Acts of 1983)
Chapter 232 of the Acts of 1933	Abolishing commissioners of public works and vesting powers in the Board of Selectmen	Repeal
Chapter 50 of the Acts of 1925	Act to incorporate the City of Framingham (not accepted by voters)	Repeal
Chapter 235 of the Acts of 1924	Annexing of part of Town of Sherborn to Town of Framingham	Retain
Chapter 358 of the Acts of 1915	Ratify action at 3/1/15 annual election accepting Chapter 701 of the Acts of 1914 creating a board of commissioners of public works	Repeal
Chapter 701 of the Acts of 1914	Establish commissioners of public works	Repeal

Framingham Special Acts – Proposed Disposition Table for Charter Commission – October 2016

Special Act	Description	Town Counsel recommendation
Chapter 238 of the Acts of 1910	Authorization for “committee of general inquiry” established by 3/10/1909 STM to summon witnesses and examine them under oath	Repeal
Chapter 273 of the Acts of 1890	Annexing part of the Town of Sherborn	Retain
Chapter 216 of the Acts of 1871	Annexing part of the Town of Natick	Retain
Chapter 26 of the Acts of 1833	Annexing part of the Town of Holliston	Retain
Chapter 21 of the Acts of 1790	Annexation of part of Framingham by Town of Marlborough	Retain
Chapter 60 of the Acts of 1785	Annexation of part of Framingham by Town of Southborough	Retain
Chapter 133 of the Resolves of 1781	Annexation of part of Framingham by Town of Southborough	Retain
Chapter 33 of the Acts of 1719*	Order on Savil Simpson’s Petition, Annexing His Land to Framingham	Retain
Chapter 44 of the Acts of 1702*	Order for Settling the Bounds Between the Town of Sudbury and the Farms Annexed to Framingham	Retain
Chapter 38 of the Acts of 1700*	Order for Annexing to the Town of Framingham the Farms of David Rice, Thomas Drury, and Others, adjacent to the Town of Sudbury	Retain
Chapter 51 of the Resolves of 1700*	Resolve and Order for an Explanation of a Former Order Relating to Framingham and Annexing Thereto All the Lands in Sherburne Which, in 1679, Belonged to Thomas Danforth and Were Excepted into Confirmation of the Township of Sherburne by the Grand Ct.	Retain

Framingham Special Acts – Proposed Disposition Table for Charter Commission – October 2016

Special Act	Description	Town Counsel recommendation
Chapter 32 of the Acts of 1700	Order for Erecting the Plantation called Framingham into a Township by the Same Name	Retain

\*Acts/resolves from the early 1700s not accessible in the online state database but which appear to be related to the boundary lines of the Town. In absence of any further information, I recommend recognizing and retaining them.

# Exhibit B

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
G.L. c. 39, §20 (accepted 4/2/1921)	Precinct voting	Keep (update by accepting corresponding statute for city structure?)
G.L. c. 82, §37 (accepted 4/6/1922)	Building lines	Keep?
G.L. c. 44, §35 (accepted 1/20/1923)	Accounting system	Keep
G.L. c. 54, §7 (accepted 6/19/1922)	Change in voting precincts of town by BOS on own initiative or at direction of Town Meeting	Keep (update for city structure)?
G.L. c. 136, §§7-8 (accepted 9/17/1925)	Permits for Sunday work / execution of civil process on Sundays	Keep
G.L. c. 82, §25 (accepted 3/22/1926)	Sewer & Water Plan	Potentially obsolete (does not apply to cities, is an equivalent statutory authority needed?)
G.L. c. 32, §85 (accepted 3/26/1931)	Pensions for police and fire	Keep (update to city structure)
G.L. c. 139, §§1-3 (accepted 3/16/1934)	Burnt & dangerous buildings	Keep (address authority to act under city structure)
G.L. c. 143, §§6-10 (accepted 3/26/1934)	Burnt & dangerous buildings	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
G.L. c. 40, §6A (accepted 5/8/1940)	Municipal advertising	Keep
Chapter 638 of the Acts of 1941 (accepted 3/27/1945) (G.L. c. 48, §58A)	70 hour Firemen's Law	Keep
Chapter 156 of the Acts of 1945 (accepted 12/26/1945) (G.L. c. 41, §111B)	Sick leave for laborers	Keep
Chapter 635 of the Acts of 1945 (accepted 6/21/1946) (G.L. c. 44, §65)	Advance payments of vacation pay to employees	Keep
Chapter 657 of the Acts of 1948 (accepted 4/4/1951)	40 hour work week	Keep
G.L. c. 32, §89A (accepted 4/2/1952)	Annuities to dependents of public employees killed or dying from injuries in performance of duties	Keep
Chapter 388 of the Acts of 1950 (accepted 4/2/1952) (G.L. c. 41, §§19B-19E)	Tenure of office for clerks	Keep / policy issue
Chapter 293 of the Acts of 1953 (accepted 3/29/1955) (G.L. c. 41, §111H)	Police officers, overtime	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
G.L. c. 152, §69 (accepted 11/10/1955)	Workers compensation	Keep
G.L. c. 40, §8A (accepted 3/29/1956)	Industrial Development Committee	Statute still in effect but not a current Town committee (superseded by EDIC statute?)
Chapter 674 of the Acts of 1953 (accepted 3/29/1956)	Municipal planning and subdivision control law	Keep? (addressed in charter?)
G.L. c. 40, §§42A-42F (accepted 7/3/1956)	Water rates	Keep
G.L. c. 32B (accepted March 11, 1957)	Contributory group insurance (health insurance)	Keep
G.L. c. 41, §100B (accepted 3/29/1957)	Reimbursement of medical expenses for retired police officers and firefighters retired for accidental disability reasons	Keep
Chapter 733 of the Acts of 1956 (accepted 3/29/1957) (G.L. c. 32, §89B)	Annuities to dependents of police and fire killed in the line of duty	Keep
G.L. c. 32, §77A (accepted 3/24/1958)	Pensions for widows of laborers	Keep
G.L. c. 32, §85J (accepted	Pensions of for widows of police and fire	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
3/24/1958)		
G.L. c. 40, §8C (accepted 4/11/1961)	Establishing Conservation Commission	Keep
G.L. c. 32, §95A (accepted 12/26/1961)	Annuities to widows and children of retired employees	Keep
G.L. c. 90, §18A (accepted 11/21/1962)	Rules regulating use of ways by pedestrians	Keep
G.L. c. 41, §103 (accepted 4/11/1963)	Establishment of purchasing department	Keep (addressed in charter?)
G.L. 54, §16A (accepted 6/18/1969)	Temporary election officers	Keep
G.L. c. 40, §60J (accepted 9/8/1969)	Appropriate funds for stormy weather work clothes	Keep
G.L. c. 71, §§16-16I (accepted 9/8/1969)	Establishment of regional school district	Keep
G.L. c. 41, §99A (accepted 9/8/1969)	Police residency requirement within 15 miles of town border limits	Keep / policy issue
G.L. c. 40, §8D (accepted 9/8/1969)	Establishing Historical Commission	Keep
G.L. c. 48, §58D (accepted	Hours of duty of permanent firefighters	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
9/8/1969)		
G.L. c. 180, §17G (accepted 3/1/1972)	Payroll deductions for union service fees	Keep (no longer a local option)
G.L. c. 40, §22D (accepted 4/27/1973)	Traffic regulations / towing of vehicles parked in violation of law	Keep
G.L. c. 32, §99 (accepted 11/17/1981)	Advanced payments of retirement allowances during processing of application for retirement	Keep
Chapter 665 of the Acts of 1977 (accepted 7/29/1981) G.L. c. 44, §53D)	Self-supporting revolving fund for Parks & Recreation	Keep / policy issue for Mayor/Council
G.L. c. 258, §13 (accepted 4/24/1981)	Indemnification of public employees for tort claims arising from acts or omissions in scope of employment	Keep
G.L. c. 90, §20A1/2 (accepted 6/10/1982)	Parking violations, regulations, etc.	Keep
G.L. c. 60A, §1 (accepted 1/1/1984)	Motor vehicle excise tax exemptions	Keep
Chapter 545 of the Acts of 1982 (accepted 6/7/1983) (G.L. c. 148, §26G)	Automatic sprinklers in buildings/additions greater than 7,500 sq ft	Keep / policy issue

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
Chapter 339 of the Acts of 1981 (accepted 6/7/1983) (G.L. c. 44, §53E)	Offset appropriations by estimated receipts	Keep
G.L. c. 59, §5, cl. 41B (accepted 1982)	Elderly property tax exemption	Keep
G.L. c. 59, §5, cl. 37A (accepted (1982)	Property tax exemption for blind persons	Keep
G.L. c. 59, § 5, cl. 17C (accepted 1983)	Property tax exemption, surviving spouse/children domicile / elderly person	Keep
G.L. c. 64G, §3A (accepted 6/24/1988)	Local room tax	Keep
G.L. c. 148, §26H (accepted 6/24/1988)	Automatic sprinklers in boarding houses	Keep
G.L. c. 59, §5, cl. 17D (accepted 6/24/1988)	Property tax exemption for widows	Keep
G.L. c. 59, §5, cl. 41C (accepted 6/24/1988)	Property tax exemption for elderly	Keep
G.L. c. 32, §22D (accepted 6/19/1989)	Establishment of retirement system funding schedule	Keep
G.L. c. 40, §8G (accepted	Authorizing mutual police aid agreements	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
6/19/1989)	with other cities and towns	
G.L. c. 71, §71F (accepted 6/7/1990)	Tuition for foster care children and nonresident students	Keep
Chapter 653, §41 of the Acts of 1989 (accepted 6/7/1990) (G.L. c. 59, §57C)	Quarterly tax payments	Keep
G.L. c. 40, §57 (accepted 7/18/1991)	Denial, revocation or suspension of local licenses/permits for failure to pay municipal taxes or charges	Keep
G.L. c. 140, §147 (accepted 7/18/1991)	Dog licenses	Keep
Chapter 254, §3 of the Acts of 1990 (accepted 7/18/1991) (G.L. c. 32, §90G3/4)	Worker over age 70 accruing service	Keep
G.L. c. 148, §26I (accepted 7/18/1991)	Automatic sprinkler systems, buildings with 4 or more dwelling units	Keep / policy issue
Chapter 291 of the Acts of 1990 (accepted 11/13/1991) (G.L. c. 6A, §§ 18A-18F)	Enhanced 911 service capability	Keep
G.L. c. 40, §22F (accepted 12/16/1991)	Establishing fees for permits, licenses or certificates	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
G.L. c. 40, §21D (accepted 3/9/1992)	Non-criminal disposition of violations of municipal bylaws, rules or regulations	Keep
Chapter 653, §40 of the Acts of 1989 (accepted 12/10/1992) (G.L. c. 59, §2A(a))	Buildings constructed between January 2 and June 30 deemed part of real property as of January 1	Keep
G.L. c. 147, §10F (accepted 12/10/1992)	Appointment of parking control officers	Keep
G.L. c. 44, §53F½ (Article 14, 5/20/1993 ATM)	Authorization to establish enterprise funds	Keep
G.L. c. 270, §16 (Article 24, 4/29/1993 ATM)	Authorization for health agents, officers, etc. to enforcement of littering statute	Keep / policy issue
G.L. c. 44, §53F (Article 13, 10/5/1994 STM)	Authorization for deposit of public funds in banking institutions in return for banking services	Keep
G.L. c. 40, §§4A, 8H (Article 11, 11/29/1994 STM)	Joint government operations/intermunicipal agreements (Section 4A) / municipal recycling program (Section 8H)	Keep / policy issue
G.L. c. 40, §13 (Article 29, 4/17/1996 ATM)	Authorization for municipal buildings insurance fund	Keep
Chapter 71 of the Acts of 1996 (Article 12, 12/12/1996 STM)	Creditable retirement service for active service in armed forces	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
G.L. c. 32, §20A (Article 14, 4/16/1997 ATM)	Indemnification of retirement board members	Keep
G.L. c. 41, §97A (Article 15, 4/16/1997 ATM)	"Strong" police chief statute	Potentially obsolete (applies to towns only) (addressed in charter?)
G.L. c. 48, §§ 42-44 (Article 16, 4/16/1997 ATM)	"Strong" fire chief statute	Potentially obsolete (applies to towns only) (addressed in charter?)
Chapter 194, §288 of the Acts of 1998 (Article 8, 4/28/1999 ATM)	Change in eligibility for retirement benefits (joint and last survivor allowance)	Keep
Chapter 456 of the Acts of 1998 (Article 9, 4/28/1999 ATM)	Retirement cost of living adjustments for noncontributory retirees	Keep
G.L. c. 59, §59A (Article 12, 4/27/1999 ATM)	Tax abatement agreements for Brownfields sites	Keep
Chapter 166 of the Acts of 1998 (Article 13, 4/28/1999 ATM)	Tax aid funds for elderly/disabled persons	Keep
G.L. c. 83, §§16A-16F (Article 4, 12/4/1999 STM)	Sewer charges/assessments	Keep
G.L. c. 40, §§42G-42K (Article 30, 5/9/2000 ATM)	Water charges/assessments	Keep
G.L. c. 40, §8J (Article 28, 5/8/2002 ATM)	Establishment of disability commission	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
Chapter 137, §1 of the Acts of 2003 (Article 2, 3/17/2005 STM)	Compensation for public employees on military leave of absence	Keep
G.L. c. 32B, §9I (Article 3, 3/17/2005 STM)	Health insurance premiums for public employees on military leave of absence	Keep
G.L. c. 40, §60 (Article 35, 5/5/2005 ATM)	Urban center housing tax increment financing zone	Keep
Chapter 411 of the Acts of 2000 (Article 4, 10/26/2005 STM)	Retirement options for certain retirees	Keep
G.L. c. 32B, §18 (Article 10, 10/29/2008 STM)	Transfer of retirees to Medicare health plan	Repealed in 2011 by Chapter 68, §53 of the Acts of 2011; now no longer a local option (codified in G.L. c. 32B, §18A)
G.L. c. 41, §100G ¼ (Article 18, 10/30/2008 STM)	Funeral/burial expenses of up to \$15,000 of firefighters and police officers killed in line of duty	Keep
G.L. c. 71, §37M (Article 1, 4/28/2009 ATM)	Consolidation of school and city/town administrative functions	Keep
G.L. c. 64L, §2(a) (Article 19, 10/28/2009 STM)	Local meals tax	Keep
G.L. c 138, §33B (Article 3, 10/19/2010 STM)	Authorization by LLA of alcohol sales on Sundays and certain legal holidays	Keep
G.L. c. 32B, §20 (Article 18,	Establishment of OPEB Liability Trust Fund	Keep

Currently Effective Local Options Accepted by Town Meeting 1883-2015

General/Session Law	Description	Town Counsel Comments
4/26/2012 ATM)		
G.L. c. 59, §5N (Article 37, 5/22/2013 ATM)	Property tax reduction work program for veterans	Keep
G.L. c. 43D, §1 et seq (Article 38, 5/23/2013 ATM)	Expedited permitting	Keep / policy issue
G.L. c. 39, §23D (Article 41, 5/23/2013 ATM)	Adjudicatory hearings; voter disqualification due to absences	Keep / policy issue
G.L. c. 90I, §1 et seq (Article 29, 5/19/2015 ATM)	Complete streets program	Keep / policy issue

# Exhibit C

**ARTICLE 45**  
**WITHDRAWAL FROM CIVIL SERVICE**

The Town shall be allowed to remove and replace the current civil service system without additional bargaining. Employees hired prior to such removal and replacement shall retain their civil service status and rights unless and until they are promoted, at which time they shall become non-civil service employees. However, in the event that a civil service police officer who is promoted to the rank of non-civil service Sergeant and demoted during his or her probationary period, he or she shall be allowed to resume his or her prior status as a civil service police officer.

Upon removal and replacement of civil service, promotional examination(s) may be administered outside of the civil service system.

No non-probationary employee, regardless of his or her date of hire, will be disciplined, laid off, discharged, or demoted without "just cause." Employees covered by civil service, may appeal adverse action to the Massachusetts Civil Service Commission and those not so covered, may, at the Union's discretion, seek redress through the grievance and arbitration procedure set forth in the Collective Bargaining Agreement.

In the event that a matter is appealed to arbitration by an employee not covered by civil service, the Arbitrator shall decide the matter based on applicable Massachusetts Civil Service Commission and judicial decisions. With advance notice, but without additional bargaining, the Town shall be allowed to implement a policy covering promotions, layoffs, recalls, probationary periods, and other such matters.