

Article II

Functions and Authority of Permanent Officers, Boards and Committees of the Town

Article II: Functions and Authority of Permanent Officers, Boards and Committees of the Town

Section 1. Board of Selectmen

- 1.1** There shall be in the town of Framingham a Board of Selectmen which shall consist of five members elected for terms of three years, so arranged that as nearly an equal number as possible shall expire each year.
- 1.1.1** The executive powers of the town shall be vested in the Board of Selectmen, and said board shall have all of the powers and duties given to boards of selectmen under the Constitution and laws of the Commonwealth unless otherwise provided by Chapter 27 of the Acts of 1996 and such additional powers and duties as may be authorized by Chapter 27 of the Acts of 1996, by bylaw or by other town meeting vote.
- 1.1.2** Said Board of Selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of its official acts to be maintained.
- 1.1.3** Said Board of Selectmen shall be the chief policymaking board of the town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all town agencies serving under said board.
- 1.1.4** Except as otherwise provided by general law, the Board of Selectmen shall be the licensing authority of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.
- 1.1.5** To aid the Board of Selectmen in conducting its official business and duties, said board shall appoint a town manager and town counsel.
- 1.1.6** Said Board of Selectmen shall establish all boards, committees and commissions and appoint their members, except as otherwise provided by Chapter 27 of the Acts of 1996, by bylaw, or other vote of the Town Meeting; and shall appoint members of such other regional authorities, districts or committees in accordance with any applicable laws or interlocal agreements.
- 1.1.7** Concurrence of the Board of Selectmen is required for appointment of the Human Resources Director, Police Chief and Fire Chief. Approval of the Board of Selectmen is required for appointment of the Chief Financial Officer.
- 1.1.8** The Board of Selectmen shall, upon completion of the elected or appointed term of each member of the board of health and the parks and recreation commission, appoint a successor.
- 1.1.9** The foregoing provisions are severable. Should any of these provisions be held to be unconstitutional or invalid, the remaining provisions shall not be affected thereby. Should any of the provisions be in conflict with the provisions of Chapter 27 of the Acts of 1996, said Chapter 27 of the Acts of 1996 shall prevail.
- 1.2** The Board of Selectmen may appear either personally, or by the Town Counsel, or by special counsel before any court, or any State or County board, or commission to protect the interests of the Town, but are not authorized by these Bylaws to commit the Town to any course of action.
- 1.3** All conveyances of land or interests in land shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or by vote of the Town, and shall be sealed with the Town Seal.

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- 1.4** The Board of Selectmen shall defend all suits brought against the Town, and may settle any claim or suit to which the Town is a party, which does not require the payment of more than twenty five thousand dollars; and, further, may settle any claim or suit resulting from the taking of land for any municipal purpose which does not require the payment of more than twenty five thousand dollars. Any settlement requiring a payment greater than those set forth in this section, except as authorized by law shall be made only when authorized by the voters at a Town Meeting. The Board of Selectmen shall bring any suits to collect sums due the Town.
- 1.5** The Board of Selectmen in their annual report shall state what actions have been brought in favor of and against the Town; what cases have been settled, and the present standing of all suits at law.
- 1.6** The Board of Selectmen are hereby authorized to make rules and regulations concerning the operation of hackneys and other carriages.
- 1.7** All persons receiving a license or certificate of registration for the keeping, storage, manufacture or sale of gasoline and related products shall pay such fees as may be determined from time to time by the Board of Selectmen.
- 1.8** Whenever any land acquired by the Town for tax delinquency is to be sold by the Treasurer-Collector, the Board of Selectmen or their custodian, it shall be sold at public auction, after not less than fourteen (14) days notice in one or more newspapers published in the Town. Such notice of an auction sale must contain a description of the property sufficient to identify it, and must state the date, time, place, terms and conditions of sale. Any real property acquired by the Town for tax delinquency held for more than five years and having an assessed value of more than \$15,000 shall not be sold without a review by the Real Property Committee and a two-thirds majority vote of Town Meeting. All such aforementioned sale of tax land shall be itemized and identified in the Annual Town Report.
- 1.9** The Board of Selectmen shall name all streets, but no present name of any street shall be given to any other street.

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Section 2. Town Manager

- 2.1** The Board of Selectmen shall appoint a Town Manager who shall serve for a term not to exceed three years; provided, however, that any such person appointed as Town Manager may be appointed for more than one term. The Town Manager shall meet the minimum qualifications, as determined by the Personnel Board, to perform the duties of the office. A vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen. Pending the appointment of a Town Manager or the filling of a vacancy said Board of Selectmen shall appoint a suitable person to perform the duties of the office with qualifications as determined by the Personnel Board. In the event of temporary absence or disability of said Town Manager, the Board of Selectmen may designate a qualified person to serve as acting Town Manager and to perform the duties of said Town Manager during such temporary absence or disability.
- 2.2** The Town Manager shall be the chief administrative officer of the town, shall act as the agent for the Board of Selectmen and shall be responsible to the Board of Selectmen for the proper operation of town affairs as provided in Chapter 27 of the Acts of 1996.
- 2.3** The Town Manager under the policy direction of the Board of Selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by said Town Manager, and their respective departments, and of all functions for which said Town Manager shall have responsibility, authority or control, by Chapter 27 of the Acts of 1996, by bylaw, by Town Meeting vote or by vote of said Board of Selectmen. Said Town Manager shall have the power to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or responsibility which the office of said Town Manager is authorized to exercise under Chapter 27 of the Acts of 1996. All actions that are performed under such delegation shall be deemed to be the actions of said Town Manager.
- 2.4** The Town Manager may reorganize, consolidate or abolish any town department, agency or function under the jurisdiction of said Town Manager with the concurrence of Town Meeting.
- 2.5** In accordance with the personnel bylaw, except as otherwise provided by Chapter 27 of the Acts of 1996, the Town Manager shall appoint, based upon merit and fitness alone, the Chief Financial Officer, Police Chief, Fire Chief, Director of Public Works, Director of Parks and Recreation, Director of Health, Human Resources Director and any officers, subordinates and employees under the direct supervision of said Town Manager as well as officers, subordinates and employees for whom no other method of selection is provided in Chapter 27 of the Acts of 1996, except employees of the Town Clerk, Housing Authority, Planning Board, Permanent Building Committee, Edgell Grove Cemetery, School Department and Library Department. Said Town Manager may appoint such ad hoc committees as necessary. Appointment of the Chief Financial Officer shall be with approval of the Board of Selectmen. Appointment of the Human Resources Director, Police Chief and Fire Chief shall be with the concurrence of the Board of Selectmen.
- 2.6** The personnel management powers, duties and responsibilities of the Town Manager shall include, but not be limited to, the following:
- (a) administering and adopting personnel policies, practices and rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements, except for the school and library departments, entered into by the town.
 - (b) fixing compensation for all town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan and collective bargaining agreement.
 - (c) negotiating all contracts with town employees concerning wages and other terms and conditions of employment, except the school department; provided, however, that such contracts shall be subject

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to the approval of the Board of Selectmen and adoption of a compensation pay plan by Town Meeting. The Town Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of such duties.

2.7 The Town Manager shall be responsible for all the financial management functions of the town unless otherwise provided by Chapter 27 of the Acts of 1996 or by bylaw. Such functions shall include, but not be limited to, the following:

- (a) preparing annually, a financial forecast of revenue, expenditures and the general financial condition of the town.
- (b) preparing and submitting, after consultation with all town departments, an annual operating budget and capital improvement program for town departments.
- (c) insuring that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the Board of Selectmen as may be required.
- (d) approving warrants for the payment of town funds prepared by the Town Accountant.
- (e) purchasing all supplies, materials and equipment, except books and other educational material for the schools and books and other media materials for libraries. The Town Manager shall approve the award of all contracts for all town departments with the exception of the School Department, subject to the approval of the Board of Selectmen.
- (f) keeping the Board of Selectmen and Finance Committee fully informed as to the financial condition of the town and making recommendations to the Board of Selectmen and to such other elected and appointed officials as the Town Manager deems necessary.

2.8 The administrative powers, duties and responsibilities of the Town Manager shall include, but not be limited to, the following:

- (a) attending all regular and special meetings of the Board of Selectmen, unless otherwise excused upon request;
- (b) attending all sessions of the Town Meeting and answering all questions addressed to the Town Manager which are related to the warrant articles and to matters within the scope of responsibility of the Town Manager;
- (c) administering directly or through persons supervised by the town manager in accordance with Chapter 27 of the Acts of 1996, the provisions of general or special laws, bylaws and other votes of the Town Meeting;
- (d) investigating or inquiring into the affairs of any town department or office under the supervision of the Town Manager;
- (e) coordinating activities of all town departments, officers, boards or commissions of the town through joint meetings, as appropriate;
- (f) keeping the Board of Selectmen fully informed as to the needs of the town requiring action by said board or by other agents of the town, as the Town Manager deems necessary;
- (g) ensuring the efficient use, maintenance and repair of all town facilities under the jurisdiction of the Board of Selectmen;

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- (h) maintaining a full and complete inventory of all town-owned real and personal property;
- (i) performing such other duties as may be necessary or as may be required by Chapter 27 of the Acts of 1996, bylaw, Town Meeting vote or vote of the Board of Selectmen.

2.9 The foregoing provisions are severable. Should any of these provisions be held to be unconstitutional or invalid, the remaining provisions shall not be affected thereby. Should any of the provisions be in conflict with the provisions of Chapter 27 of the Acts of 1996, said Chapter 27 of the Acts of 1996 shall prevail.

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Section 3. Town Clerk

- 3.1** The Town Clerk shall permanently bind and keep one or more copies of the Town reports. The Town Clerk shall notify, or cause to be notified, all persons chosen or elected by the Town or appointed on committees, of their election, choice or appointment. The Town Clerk shall furnish all officers, boards and committees with a copy of all votes affecting them. The Town Clerk shall not allow original papers or documents of the Town to be taken from the Town Clerk's office, except as they remain in the Town Clerk's custody, or by authority of law.
- 3.2** The Town Clerk shall make available forms, with appropriate headings, upon which petitions, reports and other papers in the ordinary course of Town proceedings may be prepared.
- 3.3** The Town Clerk shall furnish the various Town officers, boards, and committees a copy of such actions of the Town Meeting, as affects them respectively, immediately after the Town Meeting.
- 3.4** The Town Clerk shall publish updated Town Bylaws before each Annual Town Meeting making any additions, changes or deletions since the previous update.
- 3.5** The Town Clerk shall have the authority to establish the format of Town bylaws and require that the format of proposed additions or amendments be altered to make the format of the additions or amendments consistent with the Town bylaw format. Such formatting as required should be accomplished prior to presentation to Town Meeting. Further, the Town Clerk shall be responsible for reviewing the format of all existing and proposed Town bylaws (exclusive of zoning bylaws) or amendments thereto and shall make appropriate formatting changes. Such change may include changes to spacing, capitalization, font size, the use of underlining or italics. The Town Clerk is also authorized to renumber sections or subsections or the bylaws where such renumbering may include reordering of bylaw sections or subsections and may include changing from numeric numbering to alphabetic numbering or the reverse.

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Section 4. Town Treasurer-Collector

- 4.1** Notwithstanding the provisions of any general or special law to the contrary, the Treasurer-Collector shall be appointed for a term of three years by the Chief Financial Officer with the approval of the Town Manager, and the person so appointed shall have all the powers and duties now or from time to time vested by the General Laws in the office of Treasurer-Collector.
- 4.2** The Treasurer-Collector as collector of taxes shall collect, under the title of Town Collector, all accounts due the Town.
- 4.3** The Treasurer shall make a record, in a book kept for the purpose, of each appropriation, with the list of the warrants drawn against such appropriation, and shall also make a record kept for the purpose, of all bonds, notes, or other evidence of indebtedness of the Town.
- 4.4** The Treasurer shall be the custodian of all deeds, contracts, 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.
- 4.5** The Treasurer shall see that all deeds of the Town are properly recorded and shall keep separate records in which shall be entered the number and a brief description of the property conveyed.
- 4.6** It shall be the duty of the Treasurer to make, in the annual printed report of the Town, a report which shall specifically state the objects, if any, for which the debt of the Town may have been increased during the preceding year. The report shall give a classified statement of the indebtedness of the Town and the objects for which it was incurred. Said report shall also include:
- 4.6.1** A list of all notes issued during the year and the purposes for which the money was borrowed, giving the dates, amount, term, rate of interest, time of maturity, the premium, if any, received thereon and the names of the parties from whom the funds were borrowed.
- 4.6.2** A list of all notes paid during the year, and a list of all outstanding notes, with the dates on which they will mature.
- 4.6.3** A full exhibit of all moneys, properties and securities, which may be placed in his charge by virtue of any statute or bylaw or by virtue of any gift, devise, bequest or deposit.
- 4.6.4** A statement of the amount of money received by the Town from sources other than taxation during the preceding year, also the expenditures and debt of the Town for each of the preceding five years.
- 4.6.5** A list of all insurance held by the Town.
- 4.7** The Treasurer shall be Treasurer of the Sinking Fund.
- 4.8** Notwithstanding the provisions of Section 1.1.1 of Article II of these Town Bylaws pertaining to the Board of Selectmen, the Treasurer of the Town is authorized to execute and deliver from time to time discharges on bonds and/or mortgages taken under the provisions of Massachusetts General Laws.
- 4.9** The duties and responsibilities of the Commissioners of Trust Funds shall be performed by the Town Treasurer.

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Section 5. Town Counsel

- 5.1** The Board of Selectmen shall choose a competent attorney and/or law firm to act as Town Counsel.
- 5.2** The Board of Selectmen shall have authority to prosecute, defend and compromise, subject to the provisions of these Bylaws, through the Town Counsel, all litigation to which the Town is a party, and to employ special counsel, whenever in their judgment there is a necessity therefor.
- 5.3** The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances, and other legal instruments, and do every professional act which may be required by vote of the Town Meeting or any board or committee of the Town. Also, when required by any boards or committees of the town, the Town Counsel shall furnish a written opinion on any legal question that may be submitted to him or her in regard to any matter which concerns the said board or committee. The Town Counsel shall at all times furnish legal advice to any officer of the Town upon any subject concerning the duties incumbent upon such officer by virtue of that office, upon request of such officer submitted through the Board of Selectmen.
- 5.4** The Town Counsel shall prosecute all suits ordered to be brought by the Town, and shall appear before any court in the Commonwealth in defense of all actions or suits brought against the Town or its officers in their official capacity. The Town Counsel shall try any and all cases to which the Town shall be a party, before any tribunal in this Commonwealth, or before any board of referees or commissioners.
- 5.5** The Town Counsel shall not make final settlement of any litigation to which the Town is a party, unless duly authorized to do so by the Board of Selectmen, according to the provisions of these Bylaws, or by the Town Meeting.
- 5.6** Immediately upon being notified by the Chief of Police or Director of Public Works, or upon the receipt of notice from any other source, of injury to person or property, under circumstances which may give rise to a claim for damages against the Town, the Town Counsel shall make a careful and complete investigation of all the facts relative thereto, and report to the Board of Selectmen.
- 5.7** The Town Counsel shall, if requested by the Board of Selectmen or Chief of Police, prosecute in the local district court any case for violation of the Statutes of the Commonwealth or Bylaws of the Town.
- 5.8** The Town Counsel shall annually make a written report to the Board of Selectmen to be printed in the Annual Town Report concerning the professional services rendered by him or her during the preceding year. Said report shall contain a statement of each case which has been settled, tried, or otherwise disposed of on behalf of the Town during the year; and, also a statement of each case which is still pending, and the status of the same, together with such other information and recommendations as may be deemed advisable.
- 5.9** The Town Counsel shall notify in writing all officers, boards or committees of the town of any changes in the laws of the Commonwealth affecting such officers, boards, or committees.

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Section 6. Town Engineer

- 6.1** The Town Manager shall appoint a competent registered professional engineer to be Town Engineer.
- 6.2** The Town Engineer shall be responsible to the Town Manager for the efficient execution of all engineering services for the Town.
- 6.3** The Town Engineer shall collect, arrange and index all existing plans in which the Town is interested, obtaining originals wherever possible, and blueprints where originals cannot be obtained, and shall deposit the same and all future plans in a location within the Town open to access by the public.

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Section 7. Purchasing Department

- 7.1** The Purchasing Agent shall give a surety company bond for the faithful performance of his duties in such forms as the Town Counsel shall approve in a sum not less than \$100,000. The bond shall be executed, approved and delivered before he enters upon the duties of his office and within ten (10) days after his appointment, the Town to pay the premium for said Bond. Should the Purchasing Agent fail to give the required bond, his appointment shall be void and a new appointment shall be made forthwith.
- 7.2** The Purchasing Agent shall have the following powers and duties:
- 7.2.1** The Purchasing Agent shall be responsible for the procurement of all supplies, materials, equipment, contractual services needed by all of the departments, institutions, boards, commissions and other agencies which derive their support wholly or in part from Town funds which are hereinafter referred to as the "Using" Agencies. "Contractual Services" means and includes all public utility services, fuel, towel and cleaning service, leases for all grounds, buildings, office or other space required by "Using" Agencies; the procurement, repair, maintenance or operation by other than Town employees of equipment, machinery and other personal property. The rental with or without attendant personnel of equipment, machinery and other personal property. The term shall include contractual services in the construction or repair of public buildings, highways and other public works but shall not include professional, expert consultant or other contractual services which are in their nature unique or not subject to competition. Contractual services shall not be construed to mean the hiring of departmental personnel, medical, legal, technical or other professional services. Contractual services shall be construed to mean surety bonds, all forms of insurance, printing (except materials and printing to be used in elections). The Board of Selectmen may in case of emergency exempt purchases for any Using Agency from the provisions of this Section.
- 7.2.2** The Purchasing Agent shall be responsible for the inspection of all supplies, materials, equipment and contractual services delivered to the Town in order to determine conformance with the specifications set forth in the orders or contract and for such purpose may authorize any department or office to act for him.
- 7.2.3** The Purchasing Agent shall have authority to order or make inventories of the supplies, materials, equipment and furnishings of any and all departments and any department possessing excess or surplus personal property of any kind shall not sell, exchange, transfer or dispose thereof without first certifying such personal property as surplus to the Purchasing Agent; and thereupon the Purchasing Agent shall circularize all departments and agencies as to their needs for such surplus property and if such need is determined, the Purchasing Agent may order transfer of such property from one department or agency to another.
- 7.2.4** The Purchasing Agent shall have the power to sell by public auction or competitive bid, if possible, exchange or trade any supplies which have become obsolete, overage, unsuitable for use or surplus.
- 7.2.5** In all cases where the supplies to be purchased are peculiar to the field of education, the school committee's determination as to the specifications of supplies to be purchased shall be conclusive upon the Purchasing Department.
- 7.2.6** The Purchasing Agent shall prepare and secure with the cooperation of the various department heads standard and written specifications for supplies used by the Using Agencies. It shall be the duty of the Purchasing Agent to classify supplies used in the various departments, to adopt as standards the minimum number of qualities, sizes and varieties of supplies consistent with the successful operation of the Town government and to prepare and adopt written specifications of all

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such standard supplies. Except in the case of non-competitive types and kinds of supplies, all specifications shall be definite and certain and shall permit competition. After its adoption, each standard specification shall, unless revised or rescinded, apply alike in terms and effects to any future purchase order or contract for the supply described in such specifications. The agent shall consult with the heads of Using Agencies to determine their precise requirements and shall endeavor to prescribe those standards which best meet the needs of the majority of those agencies. The agent shall have the authority to make use of laboratory, engineering facilities of the Town and the technical staffs of all Town departments. Once established the agent shall enforce the written specifications adopted pursuant to this section.

- 7.2.7** The Purchasing Agent shall require that each Using Agency shall make an inventory, during the month of November in each year, of the personal property under its charge and a copy of such inventory shall be forwarded to the Purchasing Agent prior to December 1 of each year. Between the first day of November and the first day of December of each year there shall be forwarded to the Purchasing Agent an estimate of the equipment, materials, supplies and contractual services that will be needed by each Using Agency for the ensuing year. The requirements for preparing estimates shall not prevent any Using Agency from filing with the Purchasing Agent at any time a justifiable requisition for any supplies, materials, equipment or contractual services, the need for which was not foreseen when the detailed estimate was filed.
- 7.2.8** The Purchasing Agent shall control and supervise any and all existing storerooms and warehouses and any which may be hereafter established.
- 7.2.9** Requisitions for the purchase of supplies or contractual services for any Using Agency shall be received by the Purchasing Department prior to the issuance of a purchase order or contract for such supplies or contractual services and shall be signed by the department head or his authorized agent. The Purchasing Agent shall examine each requisition and shall have the authority, only after consultations with the head of the Using Agency, to revise it as to quantity, quality, or estimated cost but revisions as to quality shall be in accordance with the standards and specifications provided pursuant to subsection 7.5.6.
- 7.2.10** Except in cases of emergency, in which he shall within seventy-two hours, or sooner, if possible, notify the Town Accountant of said purchase, the Purchasing Agent shall not issue any order for delivery on any contract, or any open market order unless and until the Town Accountant certified that there is to the credit of each Using Agency concerned a sufficient appropriation balance in excess of all unpaid obligations, to defray the cost of such supplies, materials, equipment or contractual services.
- 7.2.11** The head of each department shall file with the Purchasing Department the name or names of members of his department who shall be authorized to approve requisitions.
- 7.2.12** All purchases, acquisitions and dispositions of goods, services, and real property by the town of Framingham shall be made in accordance with the provisions of the Uniform Procurement Act as set out in M.G.L. 30B as it may be amended from time to time.
- 7.2.13** Any purchase order or contract made on behalf of the Town under this section or otherwise in which the Purchasing Agent or any employees of his department, the heads of Using Agencies, or any other officer or employee of the Town having a part in the placing of such order or contract is financially interested, directly, or indirectly shall be void.
- 7.3** The Purchasing Agent shall submit annually within thirty days of the close of the year a report on the activities of his department, and may suggest from time to time changes in the provisions of this article which he deems necessary.

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- 7.4** All records of the Purchasing Department shall be public, records open freely to public inspection and shall be kept on file in the office of the Purchasing Agent for a period of at least six years.
- 7.5** This Bylaw supersedes and nullifies the provisions of any Bylaw re: Purchases by departments, boards, commissions and shall apply to all purchases and contracts only insofar as it does not conflict with any prevailing State or Federal Statutes applicable to the Town of Framingham.

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Section 8. Board of Library Trustees

- 8.1** The Library Trustees shall have the care and custody of the Main Library and such branch libraries as may be established. They may expend such amounts as Town Meeting may appropriate, and they shall adopt such rules and regulations as are consistent with law. The Trustees shall keep on file the annual report of the Town of Framingham and shall cause the Town reports to be substantially bound and lettered. They shall also have copies of all reports submitted to the Town Clerk and transmitted to the Library Director properly preserved and made available for review.
- 8.2** The Library Trustees shall make an annual report to the Town, which shall give a full financial statement of all receipts and expenditures, the number of books added, the number circulated at each library, and any other information they may desire to bring before the Town.

Section 9. Moderator

- 9.1** The Moderator shall preside over all sessions of Town Meeting.
- 9.2** The Moderator shall be guided by the book Town Meeting Time printed by the Massachusetts Moderators Association as it may be revised, or by vote of Town Meeting upon recommendations by the Standing Committee on Rules, insofar as such procedures are consistent with Massachusetts General Laws, Special Acts, and the bylaws of the Town.
- 9.3** The Moderator shall appoint all Town Meeting committees unless stated otherwise in the bylaws, or the Town Meeting otherwise directs.
- 9.4** The Moderator may direct that only voters be admitted to the Town Meeting Room or to a definite portion thereof.

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Section 10. Finance Committee

- 10.1** There shall be a Finance Committee consisting of nine registered voters of the Town, other than appointed or elected Town officers or members of Town boards, committees, or commissions. Any member who shall be elected or appointed to another Town office or committee, board or commission shall, upon qualification in such position, cease to be a member of the Finance Committee, unless such member is otherwise directed by statute or bylaw or such member is acting as a liaison from the Finance Committee to a special committee appointed for up to one year by the Board of Selectmen, the Town Manager, the Town Moderator, or a vote of Town Meeting. The Members shall serve without salary. Any member who shall cease to reside in the Town shall thereupon cease to be a member. The Committee shall choose its own officers.
- 10.2** In the event of any vacancy in its membership, the Finance Committee shall notify the Moderator in writing, and the Moderator shall thereupon fill such vacancy for the balance of said term.
- 10.3** The Finance Committee shall duly consider all matters included within the articles of the Warrant for every Town Meeting, and shall subsequently report its recommendations on all financial matters therein and on such other matters as it deems appropriate. Its annual report shall be distributed to each of the Town Meeting Members at least seven days in advance of the Annual Town Meeting. The Committee's reports shall state the total amount of any appropriation recommended by the Committee. The report for the Annual Town Meeting shall also contain a statement of the actions of the Committee during the year and such recommendations or suggestions as it may deem advisable on any matters pertaining to the financial welfare of the Town. The Finance Committee may reserve its recommendation on any article or motions thereunder in any Warrant until the session of the Town Meeting at which the article is to be acted upon if it explains to Town Meeting in its report the reason for such reservation.
- 10.4** The Finance Committee shall consider any or all municipal questions which it deems appropriate for the purpose of making reports or recommendations to the Town or to any Town officer, board, committee, or commission. It shall have authority at any time to investigate the books, accounts, and management of any department of the Town and to require officers and employees of the Town to appear before it and to provide information reasonably related to any matter within the responsibility of the Finance Committee. Within the limits of any appropriations made for the purpose, the Finance Committee may employ such expert and other assistance as it may deem advisable for the foregoing purpose. The books and accounts of all departments and officers of the Town shall be open to the inspection of the Committee and of any persons employed by it for that purpose. The Committee may appoint subcommittees of its members and delegate to them such of its powers as it deems expedient.
- 10.5** The Finance Committee shall receive from the CFO, in a timely manner and in the pre-approved format, as set forth in Section 19.7 of the Town Bylaws, all recommendations on financial matters to be brought for action before the Annual Town Meeting or any Special Town Meeting. Said committee shall duly consider and make its own recommendations thereon as is set forth in section 10.3 preceding.
- 10.6** The Finance Committee shall confer with Town officers, boards, committees, and commissions and may hold hearings if the Finance Committee deems it advisable.
- 10.7** The Finance Committee may make motions to Town Meeting for or against appropriations.

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Section 11. Capital Budget Committee

- 11.1** There shall be a Capital Budget Committee of seven (7) voters, one of whom shall be a member of the Finance Committee, chosen by it, and six of whom shall be Town Meeting Members appointed by the Moderator. Said Committee shall meet for organization and shall after the Annual Town Meeting, elect its own officers.
- 11.2** The term of the member from the Finance Committee shall be for a period of one year following selection.
- 11.3** Any vacancy occurring in the member chosen by the Finance Committee shall be filled by said committee respectively from among the members of said committee. Any vacancies occurring among the six members appointed by the Moderator shall be filled by the Moderator.
- 11.4** The Capital Budget Committee shall consider all matters relating to proposed expenditures of money by the Town for capital projects, and may make recommendations to the Town Meeting or to any Town board, officer or committee related to such matters.
- 11.5** The Capital Budget Committee shall receive from the CFO, in a timely manner and in the required detail, as set forth in Section 19.7 of the Town Bylaws, all recommendations on capital matters to be brought for action before the Annual Town Meeting or any Special Town Meeting. Said committee shall duly consider and make its own recommendations thereon as is set forth in sections 11.4 and 11.6.
- 11.6** The Capital Budget Committee shall duly consider the same and may confer with said Town boards, officers and committees, and hold hearings, if they deem it advisable. The Committee shall make a report annually of the matters so considered by it with recommendations or suggestions relative thereto, and their said report shall be published and distributed, as a part of the annual report of the Finance Committee, at least three days before the Annual Town Meeting.
- 11.7** For the purposes of this Bylaw, a "capital project" shall be:
- 11.7.1** An expenditure, financed in whole or in part by Town funds, for the construction, reconstruction, replacement, major repair, extension or other improvement of a public building, highway, sidewalk, storm drain, sewerage installation, bridge, playground, park or like public works, or for a facility, structure, or utility appurtenant to any of them; or
- 11.7.2** An expenditure, similarly financed, for the purchase of land, an item of equipment, buildings or structures.

Article II: Functions and Authority of Permanent Officers, Boards and Committees of the Town

Section 12. Human Relations Commission

- 12.1** There shall be a Human Relations Commission of thirteen (13) members who are residents of the Town of Framingham. The membership of the Commission shall be broadly representative of the community in such areas as housing, employment, and education, and representative of the several religious faiths and racial groups.
- 12.2** The purpose of the Commission shall be to deal with the causes of intergroup disunity which underlie the urban crisis, including, but not limited to, the elimination of conditions of bias discrimination and prejudice against minority groups, and to establish affirmative action programs to insure equal enforcement of law, and equal protection of law, for all groups regardless of race, color, religious creed, sex, age, handicap, national origin or ancestry.
- 12.3** The duties and functions are as follows.
- 12.3.1** The Commission shall advise and consult with the Board of Selectmen on all matters involving prejudice or discrimination due to race, religious creed, color, sex, age, handicap, national origin or ancestry.
- 12.3.2** The Commission shall render an annual report to the Board of Selectmen and the Town Meeting.
- 12.3.3** The Commission invite and encourage the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, veterans organizations, and other groups in the Town of Framingham in carrying on its work. The Commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community.
- 12.3.4** The Commission shall request and obtain such cooperation, assistance and data from Town departments as may be reasonably necessary to carry out its work.
- 12.3.5** The Commission shall receive and investigate complaints of tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, religious creed, sex, age, handicap, national origin or ancestry and may conduct public hearings with regard thereto; obtain factual data and conduct public hearings to ascertain the status and treatment of the diverse minority groups in the Town, and shall make recommendations as to the best means of progressively improving human relations in the Town, and publish its findings of fact and recommendations in accordance with this Bylaw.
- 12.3.6** A complaint charging that any person has engaged or is engaging in any discriminatory practice may be made by the Commission itself or by an aggrieved individual. The term "person" as used in the Bylaw shall include one or more individuals, partnerships, associations, corporations, legal representatives, trustees, and the Town and any of its departments, divisions, boards, officials, agents and employees. A complaint must be filed with the Commission within forty-five (45) days after the alleged discrimination.
- 12.3.7** The Commission shall make a prompt and full investigation of each complaint of all such unlawful practices as defined in the Massachusetts General Laws, Chapter 151B, Section 4.
- 12.3.8** If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, the Commission may hold a public hearing to determine whether or not a discriminatory practice has been committed. The Commission shall serve upon the person charged hereinafter referred to as the respondent, by registered mail, a statement of the charges made in the

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complaint and a notice of the time and place of the hearing. The hearing shall be held not less than ten (10) days after the serving of the statement of charges. The respondent shall have the right to file an answer to the charges, to appear at the hearing in person or to be represented by an attorney or any other person, and to examine and cross-examine witnesses and to present evidence in his own behalf.

- 12.3.9** If upon all the evidence presented, the Commission finds that the person charged with the complaint has not engaged or is not engaging in any discriminatory practice, it shall state its findings of fact and dismiss the complaint. If upon all the evidence presented, the Commission finds the respondent has engaged or is engaging in a discriminatory practice, it shall attempt to eliminate the discrimination by means of conciliation and persuasion. The Commission shall not make public the details of any conciliation proceedings unless required by law so to do, but it may publish the terms of conciliation when a complaint has been satisfactorily adjusted without identification of the parties. If the Commission is unable to eliminate the discrimination by means of conciliation and persuasion, it shall state its findings of fact and shall issue recommendations as the facts warrant.

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Section 13. Council on Aging

- 13.1** The Council on Aging shall consist of not less than seven (7) nor more than eleven (11) members, and shall function pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 8B, for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Commission on Aging of the Commonwealth, established under Chapter 6, Section 73 of the General Laws.
- 13.2** All members shall serve without compensation. The Board of Selectmen shall appoint five (5) members and the Chair of the Council on Aging shall appoint not more than six (6) members. The Chair shall appoint the remaining members of the Council from interested and representative groups in the Community. Members of the Council shall be residents of the Town during their term of office, except, however, the Chair may appoint no more than two members who are non-residents and who are employed by Framingham businesses, organizations, or foundations. No non-resident member of the Council may serve as Chair. The Council shall be responsible to the Board of Selectmen, and within the limits of available funds, it may appoint such Clerks and other employees as it may require to carry out its authorized programs.
- 13.3** The terms of office of all of the members of the Council shall commence on the first day of July following their appointment and shall be for two (2) years, or until their successors shall have been duly appointed and qualified. Any vacancy in the membership of the Council shall be filled by the appointing authority as set forth in section 13.2 for the remainder of the unexpired term. The Council shall, annually, in the month of July elect such officers, in addition to its Chair, and such Chairs of committees as it deems appropriate.
- 13.4** The Council may designate as ex-officio, non voting members, in addition to the members herein before provided, the head of any department, board, commission or committee of the Town, or a person designated by such head, to act in his stead, and any other person from interested and representative groups in the community.

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Section 14. Animal Control Officer

14.1 Disturbing the peace by barking

No person shall own or keep in the Town any dog which, by barking, biting, howling or in any other manner disturbs the quiet of any person for a prolonged period such that a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment.

14.2 Complaint of nuisance or dangerous dog

If any person shall make a complaint in writing to the Chief of Police of the Town that any dog owned or harbored within its jurisdiction is a nuisance or dangerous dog by reason of vicious disposition or excessive barking or other disturbance, the Hearing Authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complaint at a public hearing in the municipality to determine whether the dog is a nuisance or a dangerous dog in accordance with MGL, ch. 140, sec. 157. For purposes of this section, the "Hearing Authority" shall have the same definition as set forth under G.L. c. 140, 136A.

14.3 Restraint of dogs

No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the Town of Framingham or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises. No dog shall be permitted in any street or public place within the Town of Framingham unless it is effectively restrained by a chain or leash not exceeding ten (10) feet in length.

14.4 Duties of Animal Control Officer

It shall be the duty of the Animal Control Officer to apprehend any dog found running at large in any street or public place within the Town of Framingham or in violation of any of the provisions of this Bylaw, and to impound such dog in the place provided therefor. The Animal Control Officer, upon receiving any such dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, the Animal Control Officer shall enter the name and address of the owner and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Town for impounding and maintenance of such dog as provided by law.

14.5 Muzzling or confinement of dogs

The Animal Control officer may, pending the outcome of a review by the Hearing Authority under G.L. c. 140, Section 157, order a dog to be muzzled or confined to its owner's premises, whichever in his or her judgment may be required, for any of the following reasons:

14.5.1 If found at large or unmuzzled, as the case may be, while an order of the Chief of Police the confinement or muzzling of such dog is in effect.

14.5.2 For having attacked or bitten any person.

14.5.3 For having killed or maimed or otherwise damaged any other domesticated animal.

14.5.4 For behaving in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

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- 14.6** A person aggrieved by any order of the Hearing Authority may seek judicial review in the manner provided in Massachusetts General Laws Chapter 140, Section 157.
- 14.7** Any owner or keeper of a dog who shall fail to comply with the provisions of this Section shall be punished as follows:
- | | |
|------------------------------------|----------|
| First Offense..... | Warning |
| Second Offense | \$50.00 |
| Third and Subsequent Offenses..... | \$60.00 |
| Subsequent Offenses | \$100.00 |
- 14.8** Anyone who is an owner or keeper of an unlicensed dog and who has neglected in previous years to get a license will be subject to a fine of ten dollars (\$10) for each year the person is in arrears. Fines are payable to the Town Clerk's Office.
- 14.9** Dog Licenses are available at Town Clerk's Office starting January 2nd, of each year. Fees for such licenses to be set by the Board of Selectmen. All fees are turned over to the Treasurer monthly. Licenses not purchased between January 2nd through February 28th are subject to a fifty dollar (\$50) penalty.
- 14.10** Every person maintaining a kennel shall obtain a kennel license which can be purchased through the Town Clerk's Office. Fees for such licenses to be set by the Board of Selectmen. Kennel Licenses must be approved by the Board of Health, as well as by the Animal Control Officer under G.L. c. 140, §137A. Every person owning more than three dogs must purchase a kennel license.

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Section 15. Board of Assessors

- 15.1** The Board of Assessors shall include in its annual report to the Town a listing of all abatements of real estate taxes granted in the year covered by its Annual Report, except those granted under the provisions of Massachusetts General Laws Chapter 59, Section 5, as amended (Ter. Ed.). Such listing shall include Parcel ID, Address and Unit, Owner or owners of record, Assessed Value, Original Tax, Reasons for Abatement, Value Abated, Tax Abated, Use Code and the Number of abatements granted on the property in the past five years. Listing shall be in order of street address. Said listing shall be printed in the Town Report, each year, as a part of the annual report of the Board of Assessors.
- 15.2** The Assessors may order all buildings on public streets to be numbered and so shall order, when requested by a majority of the people owning real estate on any such street. The owner of every such building on a public street shall comply with such order within ten days thereafter. The owner of an unnumbered building may request the Assessors to designate the number for such building and the Assessors shall comply with such request within ten days. The Assessors may recommend such numbering of buildings on a private way.

Section 16. Real Property Committee

- 16.1** There shall be a Real Property Committee consisting of sixteen (16) registered voters, ten (10) of whom shall be Town Meeting Members appointed by the Moderator. The remaining six (6) members shall consist of one individual from each of the following boards, committees, or commissions: the Board of Selectmen, the School Committee, the Board of Public Works, the Planning Board, the Finance Committee, the Park Commission, and the Conservation Commission.
- 16.2** The Moderator shall annually appoint members to serve for terms of three (3) years commencing the first of July following their appointment. The Moderator shall appoint another Town Meeting Member for the remainder of the term of any Member who ceases to be a Town Meeting Member. The present members appointed by the Moderator shall continue to fill their unexpired terms. The term of the remaining seven members shall be for a period of up to one (1) year ending the first of July following appointment by their respective board, committee or commission.
- 16.3** The Real Property Committee shall choose its own officers from the ten (10) Town Meeting Members. A quorum of said committee shall be six (6) of the ten (10) Town Meeting Members.
- 16.4** The Real Property Committee shall consider all matters relating to the acquisition, transfer, or disposition of real property, or any interest therein, by the Town. The Committee shall make recommendations to the Town Meeting or any Town board, officer, commission or committee relative to such matters.
- 16.5** Any proposal for the disposition, acquisition, or transfer of real property or any interest therein, by sale or rental to any person, by the Town shall be presented to the Real Property Committee for its review and recommendation to Town Meeting. For the purposes of this Bylaw, a person shall be any natural person, business, or partnership, corporation, union committee, club, organization, group of individuals or any governmental body, whether municipal, state or federal. Such proposals shall be presented in detail to the Real Property Committee at least thirty (30) days prior to any action thereon at any special or annual Town Meeting.
- 16.6** The Real Property Committee shall duly consider all such proposals, and shall confer with, or solicit comments from, Town boards, officers, committees, and commissions; and may hold hearings if it deems advisable. The Committee may request resources as necessary from the Finance Committee, to perform appropriate evaluations, appraisals, assessments, surveys or other related actions deemed necessary. The

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Committee shall make a report of the matters so considered by it with recommendations relative thereto, and its report shall be distributed to Town Meeting members for any annual or special Town Meeting at which such proposal is to be acted upon.

- 16.7** Where the Board of Selectmen receives notice from a Town Board, officer, committee, or commission having charge of real property that a determination has been made pursuant to M.G.L. c. 40, sec. 15A, the Board of Selectmen shall notify the Real Property Committee of such determination, to enable said Committee to consider and make a recommendation to Town Meeting relative to the transfer of said real property to the same or another board, officer, committee or commission for another specific municipal purpose.

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Section 17. Technology Services Department

17.1 Technology Services Department ("TS Department")

This Bylaw is adopted to:

- 17.1.1** Establish a high priority for applying computer technology as a management tool for the entire Town, including, without exception, all Departments, Officers, Boards and Committees (hereinafter collectively referred to as the "Town").
- 17.1.2** Establish a Technology Services Department ("TS Department") to support and serve the management information needs of the Town.
- 17.1.3** Establish a Technology Services Users Group ("TS Users Group") as a forum for user consultation in decisions related to the application of computer technology throughout the Town.
- 17.1.4** Establish a consistent policy for the Town's management information system in order to achieve more cost-effective and consistent management of its computer resources.
- 17.1.5** Assure that decisions about the use of computer technology by the Town are made on the basis of appropriate technical criteria by persons with appropriate technical qualifications.
- 17.1.6** Promote the Town's use of computer technology, especially in the areas of accounting, payroll, personnel, budgeting, billing and collection, office automation, data processing, purchasing, and assessing.
- 17.1.7** Develop town-wide local area networks that will provide and support electronic mail and electronic bulletin boards.
- 17.1.8** Protect particular department requirements for availability, confidentiality, and integrity of data within the structure of the Town's management information system.
- 17.1.9** Protect the privacy interests of those persons to whom information in the possession of the Town relates to the extent required or permitted by law.

17.2 Mission of the TS Department

The mission of the TS Department is to develop and maintain a cost-effective, efficient management information system for the Town and to develop and provide the necessary support services to assure its success.

17.3 Structure of the TS Department

- 17.3.1** The Technology Services Director ("TS Director") shall be a full-time employee of the Town and shall serve for a term of three (3) years and may be reappointed for successive terms. The term of the initial appointment shall expire on June 30, 1996. The TS Director should have knowledge of the principles and practices of management and information planning, strong written and oral communication skills, ability to work collaboratively with a wide range of people. The TS Director also should have knowledge of information systems, data processing, networking, and telecommunications, be conversant with personal computers and issues related to their management, use, and integration with mainframe computers, and be experienced in managing budgets and procurement of hardware, software and technical services.

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17.3.2 The TS Director is responsible for:

- (a) Planning for the Town's management information system and data processing capability;
- (b) Preparing an annual budget for the TS Department to be presented to the TS Users Group for review and comments and included in the annual budget-making process of the Town;
- (c) Preparing and annually updating a five-year plan concerning the needs, costs, and funding required for annual operations and capital expenditures required for the application of computer technology to the management needs of the Town;
- (d) Establishing the criteria for information to be included in a shared data base to be accessible as required by the Town; establishing and maintaining the shared data base; and, adopting regulations, procedures, and safeguards relating to data entry, access to the shared data base, and to the protection of privacy;
- (e) Procuring, through the Purchasing Department, computer hardware and software for the TS Department within the limits of the amounts appropriated by Town Meeting and subject to applicable procurement laws and regulations;
- (f) Consulting, directly and through the TS Users Group, with all other departments, officers, boards, and committees concerning developments in computer technology which may be useful to them and their requirements for computer hardware and software;
- (g) Establishing and maintaining an inventory of all of the Town's computer hardware and software;
- (h) Maintaining the hardware and software within the TS Department, including installation of upgrades, and assisting users of the Town's Technology Services in such maintenance and installation;
- (i) Assessing the ongoing need for training and providing for the training for the technical staff of the Department and users of the Town's Technology Services.

17.3.3 The TS Director shall be appointed by the Town Manager

17.3.4 The qualifications for the position of TS Director shall be established by the Personnel Department in consultation with the Appointing Authority and the TS Users Group.

17.3.5 The Duties of the TS Director Shall be to:

- (a) Direct the activities of the TS Department;
- (b) Encourage participation by all departments in the Town's management information and data processing systems activities;
- (c) Consult regularly with the TS Users Group so that the TS Department will perform its mission of servicing the management information needs of the Town;

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- (d) Exercise budgetary control over all data processing equipment, software, personnel, and computer support contracts within the TS Department;
- (e) Hire and supervise all personnel employed in the TS Department;
- (f) Review all proposals for Town Meeting action affecting the Town's technology services;
- (g) Develop practices and policies for improving the Town's technology services;
- (h) Develop practices, policies and procedures relating to the Town's shared data base.

17.3.6 The salary of the TS Director shall be established in the Pay and Classification Plan.

17.3.7 The staff of the TS Department shall consist of such positions as may be authorized by Town Meeting. The duties of those positions shall be defined in job descriptions prepared by the TS Director and submitted for approval to the Human Resources Director. The salaries for those positions shall be established in the Pay and Classification Plan.

17.4 The TS Users Group

17.4.1 The TS Users Group shall consist of a representative of each department, officer, and board of the Town.

17.4.2 The TS Users Group shall:

- (a) Make recommendations to the TS Director relating to all matters affecting the TS Department and the services it provides.
- (b) Endeavor to establish a sense of common purpose and interdependence among users served by the TS Department; encourage the Town's management team to find ways to make more effective use of computer technology; provide a forum for discussion of the current state of the art of computer technology in local government; and, identify specific needs of users which should be addressed by the Town and the TS Department.
- (c) Meet regularly, no less than four (4) times each year, and consult with the TS Director on its own initiative and at the request of the TS Director concerning all matters relating to the Town's use of computer technology.
- (d) The TS Users Group shall not be subject to the requirements of Article I, Section 2.2.3 of the Town Bylaws and may meet at such times as it may establish.

17.5 Town Appropriations for Technology Services; Annual Report.

17.5.1 Budget and Appropriations

- (a) The Annual Budget for the TS Department shall include all recommended expenditures for computer hardware, software, and services that are to be made from the appropriation for the TS Department.
- (b) If the appropriation for any board, officer, or department other than the TS Department includes funds for computer hardware, software, or services, those funds shall not be

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authorized to be expended unless the technical specifications pertaining to the proposed expenditure have been approved by the TS Director as compatible with the technical specifications of the Town's Technology Services and consistent with the Town Technology Services Policy as stated in this Bylaw.

17.5.2 Annual Report

The TS Director shall prepare an annual report to the Town Meeting to be included in the Annual Town Report and distributed to each Town Meeting Member at least seven (7) days in advance of the Annual Town Meeting. The TS Director shall provide a draft of the annual report to the TS Users Group in time to permit comment thereon, and the TS Director shall incorporate the substance of the comments in a statement of the work of the TS Department for the year, and the progress being made in carrying out the Town's TS policy and shall comment upon the proposed annual and five-year operating annual capital budgets. The TS Director may also comment upon the use and deployment of hardware, software, and personnel engaged in management information system and data processing activities throughout the Town.

17.6 Transition

Deleted by the 1997 Annual Town Meeting, Article 30.

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Section 18. Parks and Recreational Department

- 18.1** The Town of Framingham shall have a Park and Recreation Department for the purposes of promoting and managing recreational programs, public parks, and recreation facilities for community use and public enjoyment.
- 18.2** All management functions and staff shall be coordinated and directed by the Director of Parks and Recreation who shall be appointed by the Town Manager.

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Section 19. Chief Financial Officer

- 19.1** Chapter 418 of the Acts of 1996 established in the town a Department of Finance which shall be responsible for the overall management and administration of the town's financial operations and services. The Department of Finance shall be under the direction of a Chief Financial Officer, hereinafter referred to as the CFO, who shall be responsible to the Town Manager for the duties specified in Chapter 418 of the Acts of 1996.
- 19.2** The Town Manager, with the approval of the Board of Selectmen, shall appoint the CFO for a term of three years. Compensation shall be established within the classification and pay plan of the town's personnel bylaw for the salary of the CFO. The CFO may be removed by the Town Manager, with the approval of the Board of Selectmen, after written notice to said CFO of the reasons for the proposed removal and a public hearing, at which the reasons for removal shall be set forth and said CFO shall be entitled to be heard.
- 19.3** The CFO shall be a person qualified in accordance with the bylaws of the town and especially suited by education, training and experience to perform the duties of the office. The CFO shall devote full time to the duties of this position and shall not engage in any other business or occupation except as permitted in Chapter 418 of the Acts of 1996. Any person appointed or reappointed to this position shall meet such additional qualifications as may be established by bylaw, or in accordance with the town's personnel bylaw.
- 19.4** The Department of Finance shall assume and be responsible for the functions and statutory duties of the offices of Town Accountant, Town Treasurer / Collector, Chief Procurement Officer, and Town Assessors and their respective departments, each of which shall become a division within the Department of Finance.
- 19.5** The responsibilities and duties of said CFO shall include the following:
- 19.5.1** Except as otherwise expressly prohibited by general or special law or bylaw of the town, the CFO shall supervise, direct and be responsible for the overall management and administration of the department of finance. In addition, the responsibilities of said CFO shall include, but not be limited to, the following:
- (a) to coordinate and manage the town-wide annual operating and capital budget process for all town departments, officers, boards, committees and commissions, in cooperation with those entities;
 - (b) to compile and coordinate for all town departments, officers, boards, committees and commissions their operating and capital budgets, and present a budget recommendation to the Finance Committee, and for capital items, to the Capital Budget Committee;
 - (c) to receive, evaluate and provide to the Finance Committee recommendations with respect to all requests for transfers from the town's reserve fund;
 - (d) to prepare and maintain long-term financial forecasts: including revenue expectations, future implications of operating budget program decisions and capital budget programs related to infrastructure maintenance, improvement and expansion;
 - (e) to manage the financing and refinancing processes of the town, including financing strategies to maximize future flexibility relative to long-term capital expenditure forecasts;
 - (f) to monitor actual line item income and expense information for all town departments and prepare financial and statistical reports relative to approved operating and capital budgets;

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- (g) to advise all town officers, departments, boards, committees and commissions on financial and financing implications of operational proposals; and
- (h) to report to the Annual Town Meeting, in writing, upon the financial condition of the town and the administration of the town's financial affairs;
- (i) to administer the payroll system for the Town.

19.5.2 The CFO, with the approval of the Town Manager, shall appoint the Town Accountant, Town Treasurer/Collector, Chief Procurement Officer, and the Town Assessors. The persons to be appointed to these positions shall meet the qualifications established by general or special law, town bylaw or regulations established thereunder. Persons holding these positions may be removed from office by the CFO, with the approval of the Town Manager, after written notice to such persons of the reasons for the proposed removal and a public hearing at which the reasons for removal shall be set forth and at which such persons shall be entitled to be heard.

19.5.3 The CFO, with the approval of said Town Manager, shall be authorized to organize or reorganize the Department of Finance and to assign, within the department, the personnel reporting to the Town Accountant, Town Treasurer/Collector, Assessors and the Chief Procurement Officer. The CFO, with the approval of the Town Manager, shall have the authority to implement the reorganization of the department on an interim basis pending such approvals as may be required by the personnel bylaw.

19.5.4 The CFO shall have access to all town books, papers and records of any sort for information necessary for the proper performance of the duties defined herein. All town officers, boards, committees and commissions shall respond promptly, thoroughly and accurately to requests for information made by the CFO. Any contract or agreement entered into by town officers, boards, committees or commissions that impacts the current or future financial condition of the town, other than those covered by the town's purchasing bylaw, shall be submitted to said CFO within seven days of signing.

19.5.5 All town departments, officers, boards, committees and commissions shall keep the CFO fully informed as to the progress of all labor negotiations. The CFO shall prepare and submit to the Finance Committee and Town Meeting, as part of the process to consider appropriation of moneys to fund any negotiated labor agreement which affects the town, its departments, officers, boards, committees or commissions, an analysis of the financial impact on the town of any such labor agreement throughout the entirety of its proposed term together with a recommendation for action by the Finance Committee or Town Meeting.

19.5.6 The CFO shall have such additional duties and responsibilities as may, from time to time, be delegated by the Town Manager or as authorized by general or special law or town bylaw and may be relieved of any duties and responsibilities if so provided by an amendment to Chapter 418 of the Acts of 1996.

19.6 The various town officers, departments, boards, committees and commissions charged with the expenditure of town funds shall, not later than November fifteenth of each year, or at such other time as directed by the CFO, prepare and submit to said CFO detailed estimates of the amounts deemed by them to be necessary for the administration of their respective duties for the ensuing fiscal year and for capital items to be considered for the ensuing fiscal year and future years, with explanatory statements of the reasons for the amounts requested. The specific format and categories of this information shall be as directed by said CFO, with the approval of the Finance Committee, unless otherwise voted by Town Meeting before commencement of the budget process in any year.

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- 19.7** The CFO shall present to the Finance Committee, not less than sixty days prior to the annual town meeting and within an appropriate time period prior to any special town meeting called to consider budgetary matters or articles requiring the appropriation of funds or otherwise having a financial impact upon the town, recommendations on the detailed estimates of all revenues, the operating and capital expenditures for the administration of all town departments, boards, committees and commissions with respect to the Annual Town Meeting, and changes thereto with respect to any such Special Town Meeting. The CFO shall present to the Capital Budget Committee, not less than ninety days prior to the Annual Town Meeting and within an appropriate time period prior to any Special Town Meeting called to consider capital budget matters, recommendations for annual capital projects covering a period of six years for all town departments, boards, committees and commissions with respect to the Annual Town Meeting, and changes thereto with respect to any such Special Town Meeting. The CFO shall present to the Finance Committee, Capital Budget Committee and the Town Meeting recommendations as to the sources from which such appropriations shall be funded.
- 19.8** The CFO may also be appointed by the Town Manager, with the approval of the Board of Selectmen, to serve concurrently in any one of the following positions: Chief Assessor; Town Treasurer/Collector; Town Accountant, or Chief Procurement Officer, provided, however, that the CFO satisfies all of the job requirements established for any such position.
- 19.9** Each request made by any town officer, department, board, committee or commission for transfer of funds from the town's reserve fund shall, prior to submission to the Finance Committee, be submitted to the CFO who shall prepare an evaluation and recommendation to the Finance Committee regarding each such request.
- 19.10** The CFO shall have the authority to make appropriate motions to the Town Meeting regarding any article that relates to operating or capital appropriations for the town.
- 19.11** Nothing shall serve to prevent any officer, department, board, committee or commission of the town from appearing before the Finance Committee, The Capital Budget Committee, Town Meeting or any of its committees to present or discuss budgetary or appropriate requests.
- 19.12** The Town, by bylaw, may establish additional requirements and standards for the Department of Finance and may modify and amend the organization and structure of said department; provided, however, that all such modifications and amendments are consistent with the provisions and purposes of Chapter 418 of the Acts of 1996 or the provisions of any act relative thereto.
- 19.13** The foregoing provisions are severable. Should any of these provisions be held to be unconstitutional or invalid, the remaining provisions shall not be affected thereby. Should any of the provisions be in conflict with the provisions of Chapter 418 of the Acts of 1996, said Chapter 418 of the Acts of 1996 shall prevail.

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Section 20. (Deleted: October 19, 2010 Special Town Meeting, Article 4)

Section 21. Board of Health

21.1 There shall be a Board of Health appointed by the Board of Selectmen and consisting of five (5) members. The role of said board shall include 1) advising the Board of Selectmen and the Town Manager in the areas of public policy and long-range planning of public health facilities and services, 2) performing statutory functions assigned to a Board of Health, and 3) such other responsibilities as assigned by said board of Selectmen.

21.2 All management functions and staff of the Department of Health shall be coordinated and directed by the Director of Public Health.

Section 22. Parks and Recreation Commission

22.1 There shall be a Parks and Recreation Commission, appointed by the Board of Selectmen, consisting of five (5) members each with a term of 3 years such that the term of no more than two members shall expire in the same year.

22.2 The role of the commission shall include:

- (a) performing statutory functions assigned to Parks and Recreation Commissions,
- (b) promoting the use of and advocating the benefits of parks and recreational services,
- (c) suggesting recreational programs to be implemented by the Park and Recreation Department,
- (d) advising the Board of Selectmen and the Town Manager in the areas of public policy and long-range planning of recreation facilities for community use and public enjoyment, and
- (e) such other responsibilities as may be assigned to them by the Board of Selectmen.

Section 23. Commission on Disability

23.1 A Commission on Disability, hereafter called the Commission is established to cause the full integration and participation of people with disabilities in the town.

23.2 Said Commission shall consist of seven members appointed by the Board of Selectmen.

23.3 A majority of said Commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said Commission shall be either an elected or appointed official of the town.

23.3.1 The terms of the first members of said Commission shall be for one, two or three years, and so arranged that the terms of one-third of the members expires each year, and their successor shall be appointed for terms of three years each.

23.3.2 Any member of said Commission may, after a public hearing, if so requested, be removed, for cause by the appointing authority.

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- 23.3.3 A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.
- 23.3.4 The chairperson and other officers shall be chosen by a majority vote of said Commission members.
- 23.4** The duties and functions of the Commission shall:
 - 23.4.1 Research local problems of people with disabilities;
 - 23.4.2 Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;
 - 23.4.3 Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability (MOD);
 - 23.4.4 Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of the town as they affect people with disabilities;
 - 23.4.5 Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;
 - 23.4.6 Coordinate activities of other local groups organized for similar purposes.
- 23.5** Said Commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the Town's annual report and shall have at least ten meetings annually.
- 23.6** Commission may receive gifts of property, both real and personal, in the name of the town, subject to the approval of the Board of Selectmen, such gifts to be managed and controlled by the said Commission for the purposes of this section.

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Section 24. Agricultural Advisory Committee

24.1 The purpose of the Committee shall be to:

- a) Represent the Town's farming and forestry community both internally and externally.
- b) Encourage, promote, and support the pursuit of farming and forestry in the Town, both as a business and a community resource.
- c) Promote the protection, preservation and economic use of farmland and forestland within the Town.

24.2 Duties and responsibilities of the Committee shall include, but not be limited to:

- a) Serving as representatives, advocates, educators, facilitators and/or mediators on farming and forestry issues both within the Town and externally.
- b) Advising the Board of Selectmen, Planning Board, Conservation Commission, Board of Assessors, Board of Health, and other Town bodies on all matters pertaining to farming or forestry activities or lands in Town.
- c) Engaging in projects and activities, including educational programs and community events, to promote the business, activities and traditions of farming and forestry, as well as farm and forestland protection in Town.
- d) Developing and recommending warrant articles, policies and procedures advocating and promoting agriculture and forestry.
- e) Reporting to Town Meeting on its projects and activities.

24.3 The Committee shall consist of five members appointed by the Board of Selectmen for terms of three years each. At least three of the members shall be actively engaged in farming, forestry, or related activities. Up to four alternates may also be appointed by the Board of Selectmen. Any vacancy shall be filled by the Board of Selectmen for the unexpired term of the vacancy.