

TOWN OF SANDWICH



Town Charter

**As Adopted by Town Meeting January 2008 and
approved by the Legislature October 2009**

**Taylor D. White
Town Clerk**

S 782, Chapter 106 of the Acts of 2009

**THE COMMONWEALTH OF MASSACHUSETTS
In the Year Two Thousand and Nine**

AN ACT PROVIDING FOR A CHARTER FOR THE TOWN OF SANDWICH

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 137 of the Acts of 2002 is hereby repealed.

Section 2. The following shall be the Charter of the Town of Sandwich:-

**ARTICLE I
INCORPORATION, FORM OF GOVERNMENT**

Section 1.1 INCORPORATION

The inhabitants of the Town of Sandwich, residing within its corporate boundaries as heretofore established, are hereby constituted and shall continue to be a body politic and corporate in perpetuity under the name of "The Town of Sandwich."

Section 1.2 FORM OF GOVERNMENT

The municipal form of government provided by this Charter shall consist of a Town Meeting open to all voters; a Board of Selectmen, elected by the people and accountable to the people; and a Town Manager, appointed by and accountable to the Board of Selectmen for proper administration of the affairs of the town.

Section 2.1 POWERS

**ARTICLE II
POWERS OF THE TOWN**

- a) The town shall have all the powers granted to towns by the Constitution and General Laws together with all of the implied powers necessary to execute such granted powers.
- b) The powers of the town under the Charter shall be construed and interpreted liberally in favor of the town, and the specific mention of any particular power is not intended to limit in any way the general powers.
- c) The town may enter into agreements with any other agency of municipal government, agency of the Commonwealth, other states, or the United States government to perform jointly, by contract, or otherwise, any of its powers or functions and may participate in the financing thereof.

**ARTICLE III
LEGISLATIVE BRANCH**

Section 3.1 OPEN TOWN MEETING

The legislative powers of the town shall be exercised by a Town Meeting open to all voters of the Town of Sandwich.

Section 3.2 PRESIDING OFFICER

All sessions of the Town Meeting shall be presided over by a Moderator, elected as provided in Section 4.4 of the Charter. The Moderator shall regulate the proceedings, decide questions of order, and make public declarations of all votes. The Moderator shall have all of the powers and duties given to Moderators under the Constitution and the General Laws, and such additional powers and duties as may be authorized by the Charter, by By-law or by other Town Meeting vote.

Section 3.3 ANNUAL TOWN MEEETING

The Annual Town Meeting shall be held on such date or dates as may be fixed by the Board of Selectmen as provided in paragraph (e) of Section 4.2.5 of the Town Charter.

Section 3.4 SPECIAL TOWN MEETINGS

Special Town Meetings shall be held at the call of the Board of Selectmen at such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the General Laws.

Section 3.5 QUORUM

The quorum for both the Annual Town Meeting and any Special Town Meeting shall be set by By-law.

Section 3.6 CLERK OF THE MEETING

The Town Clerk shall serve as the clerk to the Town Meeting. In the event that the Town Clerk is absent, the Assistant Town Clerk shall serve.

Section 3.7 WARRANT ARTICLES

- a) Except for procedural matters all subjects to be acted on by Town Meeting shall be placed on warrants issued by the Board of Selectmen.
- b) The Board of Selectmen shall receive all petitions addressed to it which require the submission of particular subject matter to the Town Meeting in accordance with the General Laws. Ten (10) signatures shall be required on a petition to have an article inserted in the warrant for an Annual Town Meeting, and one hundred (100) signatures shall be required on a petition to have an article inserted in a warrant for a Special Town Meeting.

- c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show comparative figures including actual figures for the preceding year, appropriations for the current year, requests for the next fiscal year and amounts recommended by the Finance Committee.

Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

In addition to any notice required by the General Laws, the Board of Selectmen shall cause the Annual Town Meeting warrant to be posted on the town bulletin board and otherwise distributed as provided by paragraph (e) of Section 4.2.5 of the Charter. Additional copies shall be kept available for distribution by the Town Clerk. In addition, the Board of Selectmen shall cause the Town Meeting warrant to be posted on the Town’s website for the convenience of the residents of the Town; provided, however, that failure to post the warrant on the website or to post it one or more weeks prior to the date of the Town Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting.

**ARTICLE IV
ELECTED TOWN OFFICES**

Section 4.1 ELECTED TOWN OFFICES, IN GENERAL

The offices to be filled by the voters shall be: a Board of Selectmen, consisting of five (5) members; a School Committee, consisting of seven (7) members; a Moderator; a Town Clerk; a Board of Assessors, consisting of three (3) members; a Board of Health, consisting of three (3) members; a Planning Board, consisting of seven (7) members; Trustees of the Sandwich Library, consisting of nine (9) members; Trustees of the Weston Memorial Fund, consisting of three (3) members; Sandwich Historic District, consisting of five (5) members; Housing Authority, consisting of (5) members, (4) of whom shall be elected, and (1) of whom shall be appointed by the Governor; and such other regional authorities, districts, or committees as may be required by the General Laws or inter-local agreement. All elected or appointed multiple member boards shall be arranged so that as nearly an equal number of terms as possible shall expire each year. Notwithstanding any other provision of the Charter, all elected officials and officers shall have the powers and duties as prescribed by the General Laws.

Section 4.2 BOARD OF SELECTMEN

The Board of Selectmen shall be composed of five (5) members. Each member shall be elected from the town at-large to a three (3) year term.

Section 4.2.1 QUALIFICATIONS

In addition to any other qualifications prescribed by law, each Selectman shall be a qualified voter of the town, and shall reside within the town while in office.

Section 4.2.2 COMPENSATION

Selectmen shall receive such compensation as may be specified in the annual budget, provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the Board of Selectmen.

Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN

- a) A chairman shall be elected by the Board of Selectmen at the first meeting following each regular Town Election. The chairman shall preside at all meetings of the Board. The chairman shall perform such other duties consistent with this Charter, or as may be imposed on him by the Board.
- b) A vice chairman shall be elected by the Board of Selectmen at the first meeting following each regular Town Election. The vice chairman shall act as chairman during the disability or absence of the chairman and in this capacity shall have the rights and duties conferred upon the chairman.

Section 4.2.4 VACANCIES

Vacancies in the office of Selectman shall be filled by special election if the vacancy occurs eight (8) months or more prior to the next annual election. If a vacancy occurs, the Board of Selectmen shall, within ten (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-five (65) days nor more than ninety (90) days after issuing the call. A vacancy which occurs less than eight (8) months prior to the next annual election shall be filled at the next annual election.

Section 4.2.5 GENERAL POWERS AND DUTIES

- a) Except as otherwise provided by the General Laws or this Charter, all executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.
- b) At least a majority of the Board of Selectmen shall sign all official documents, and approve the financial warrants.
- c) The Board of Selectmen shall serve as the Board of Directors and policy making body of the Town. They shall appoint a Town Manager to carry out the day-to-day operations of the Town within the policies set by the Board of Selectmen. The Board of Selectmen shall appoint members of committees.
- d) No member of the Board of Selectmen may serve in any other elected and/or appointed Town office or committee during his or her term as Selectman, excluding ex-officio positions, except that Selectmen may serve on committees when authorized by State law or Town By-Law. Service as a representative from the Town to another body other than the Town shall not be prohibited by this provision.
- e) The Board of Selectmen shall set guidelines for the preparation of the annual budget and present the budget to the Town Meeting. The Board of Selectmen shall set the date and Warrant Articles for the Town Meeting and any Special Town Meeting. The Board of Selectmen shall make available sufficient copies of the warrant for the Town Meeting for all registered voters. The Board of Selectmen shall either provide direct mailings to households, or publish notice of the availability of said warrants at town facilities and other common locations throughout the town at least two (2) weeks prior to the Town Meeting; provided, however, that failure to post the warrant on the website or to post it

one or more weeks prior to the date of the Town Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting.

- f) The Board of Selectmen shall be a licensing board for the Town and shall have the power to issue licenses as authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, and to impose restrictions on any such license as it deems to be in the public interest, and to enforce all laws, rules, regulations, and restrictions relating to all such businesses for which it issues licenses.
- g) The Board shall require bonds for all municipal officers and employees who receive or pay out any moneys of the town. The amount of such bonds shall be determined by the Board and the cost thereof shall be borne by the Town.
- h) The Board of Selectmen shall be authorized to institute, prosecute, compromise or defend any claim, action, suit or other proceeding in the name of the Town and to settle any claim, action, suit or other proceeding brought by or on behalf or against the Town. In the event that a settlement requires the issuance of a permit or license or the transfer of property, and such matter is not within the Board of Selectmen's jurisdiction, the Town board or officer with legal jurisdiction over the matter shall retain sole authority to act on behalf of the Town.
- i) The Board of Selectmen shall annually review a Long Range Plan to project the future needs of the Town and report on this at Town Meeting.
- j) The Board of Selectmen shall serve as custodians of all Town property except as otherwise provided by the General Laws or by vote of the Town.
- k) The Board of Selectmen shall exercise any other responsibilities as set forth in the General Laws.

Section 4.2.6 MEETINGS OF THE BOARD

- a) The Board of Selectmen shall hold at least two regular meetings each month. The board shall fix, by resolution, the days, times and location of its regular meetings.
- c) The Board of Selectmen may hold such special meetings as it deems necessary and appropriate, which may be called for by three members of the Board. In no event shall a regular or special meeting be held in any facility or at any locations which are not readily accessible to the public or handicap accessible.

Section 4.2.7 RULES OF PROCEDURE

- a) The Board of Selectmen shall by resolution, determine its own rules and order of business; provided however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.
- b) Voting except on procedural motions, shall be by roll call if requested by a Selectman, and the ayes and nays shall be recorded in the minutes.
- c) Three Selectmen shall constitute a quorum for the purposes of transaction of business.

- d) No action of the Board of Selectmen shall be valid or binding unless adopted by the affirmative vote of three or more members of the Board.

Section 4.2.8 PROHIBITIONS

- a) Except where authorized by law, no Selectman shall hold any other town office or town employment during his term as Selectman, nor any former Selectman shall hold any compensated appointed town office or town employment until one year after the expiration of his term as Selectman.
- b) The Selectmen shall not in any manner dictate the appointment or removal of any town administrative officers or employees whom the Town Manager or any of his subordinates are empowered to appoint. The Board of Selectmen may express its views and fully and freely discuss with the Town Manager anything pertaining to appointments and removal of such officers and employees.
- c) Except for the purpose of inquiries and investigations, the Board of Selectmen and its members shall deal with town officers and employees who are subject to the direction and supervision of the Town Manager, solely through the Town Manager, and neither the Board of Selectmen nor any of its members shall give orders to any such officer or employee, either publicly or privately.

Section 4.3 SCHOOL COMMITTEE

The School Committee shall be composed of seven (7) members. Each member shall be elected from the town at-large to a three (3) year term. The three (3) year terms of office for school committee shall be staggered.

Section 4.3.1 GENERAL POWERS AND DUTIES

The School Committee shall have all the powers and duties given to school committees by the General Laws. The School Committee shall have the power to select, oversee, and to terminate the Superintendent of Schools, establish educational goals and policies for the schools consistent with requirements of the General Laws and standards established by the Commonwealth.

Section 4.3.2 BUDGET HEARING

The School Committee shall hold a public hearing on its proposed annual budget pursuant to, Section 38N of Chapter 71 of General Laws by March 1.

Section 4.3.3 VACANCIES

Vacancies in the School Committee shall be filled by special election if the vacancy occurs eight (8) months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than eight (8) months prior to the next annual election shall be filled at the next annual election.

Section 4.4 MODERATOR

A Moderator shall be elected by the voters for a term of three years. In the event of absence of the Moderator, the Town Meeting may elect a temporary Moderator, for the purpose of presiding over the Town Meeting.

Section 4.4.1 POWERS AND DUTIES

- a) The Moderator shall have the powers and duties provided by the General Laws, by this Charter, by By-law or by any other Town Meeting vote.
- b) The Moderator shall appoint members of the Finance Committee which shall consist of nine (9) members. If the Moderator fails to fill a vacancy on the Finance Committee within forty-five (45) days of having been notified in writing by the Town Clerk of said vacancy, a majority of the remaining members of the Finance Committee may nominate a person for each such vacancy. Should the Moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the Finance Committee.
- c) The Moderator shall appoint members to other committees as directed by Town Meeting.

Section 4.5 TOWN CLERK

A Town Clerk shall be elected by the voters at the annual town election, for a term of three years.

Section 4.7 BOARDS, COMMITTEES AND OFFICERS

- a) Each Board or Committee will be organized and charged with the powers and duties specified in the General Laws and Special Acts of the Commonwealth, Town By-law or elsewhere in this Charter. The Board of Selectmen may also, from time to time, establish boards or committees to address specific needs or issues. Each board or committee shall, at its annual organization meeting, elect a presiding officer and shall cause the Board of Selectmen and the Town Clerk to be notified of its selection. Such boards and committees shall make a written annual report of its activities to the Board of Selectmen.
- b) Members of permanent committees shall be elected for a staggered term of three years unless otherwise provided for by the General Laws or this Charter. Appointees to temporary and special committees shall be appointed by the Board of Selectmen for the duration of the charge of the board or committee. Boards, committees or officers specifically provided for by the General Laws or this Charter may be continued or terminated only by the Board of Selectmen.

**ARTICLE V
ADMINISTRATIVE SERVICES**

Section 5.1 TOWN MANAGER

Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

The Board of Selectmen shall by majority vote of the entire Board appoint a Town Manager. The method of selection shall be left to the discretion of the Board of Selectmen so long as the method of selection insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The Town Manager shall be chosen solely upon the basis of the individuals executive and administrative training, education, experience and ability and need not, when appointed, be a resident of the Town of Sandwich; provided however, that the Town Manager shall establish such residence within six (6) months following the effective date of appointment, and provided further that the Board of Selectmen may, by a unanimous vote of all members of the Board of Selectmen then in office, extend to a time certain the time for establishing residence or waive this requirement in its entirety. The Town Manager shall be bonded at town expense.

Section 5.1.2 COMPENSATION

The Town Manager shall receive compensation as may be fixed by the Board of Selectmen according to his expertise, education and training. Any contract between the Board of Selectmen and the Town Manager shall be made pursuant to Section 108N of Chapter 41 of the General Laws.

Section 5.1.3 TERM AND REMOVAL

The Town Manager may be appointed for a definite term but may be removed at the discretion of the Board of Selectmen, by vote of the majority of the entire Board. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final. It is the intention of this Charter to invest all authority and fix all responsibilities of such suspension or removal in the Board of Selectmen.

Section 5.1.4 POWERS AND DUTIES

The Town Manager shall be responsible to the Board of Selectmen for the proper administration of all the affairs of the town consistent with the General Laws and this Charter, and shall:

- a) appoint, discipline, suspend, or remove Town employees, including Civil Service positions, except that the approval of the Board of Selectmen shall be required for appointment of Department Heads and the Assistant Town Manager;
- b) supervise and direct all appointed Department Heads;
- c) administer and enforce all provisions of General Laws or Special Acts of the Commonwealth, or Town By-laws, and all regulations established by the Board of Selectmen;
- d) coordinate activities of all town departments;
- e) attend all sessions of the Town Meeting and answer all questions addressed to the Town Manager which are related to the warrant articles and to matters under the general supervision of the Town Manager;
- f) keep the Board of Selectmen fully informed as to the needs of the town, and recommend to the Selectmen for adoption such measures requiring action by them or by the town as the Town Manager deems necessary or expedient;

- g) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the Board Selectmen as may be required;
- h) be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities;
- i) serve as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment, and approve the award of all contracts. Any contract over \$500,000 will require approval by the Board of Selectmen;
- j) develop and maintain a formal and complete inventory of all town owned real and personal property and equipment;
- k) administer personnel policies, practices, rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town;
- l) fix the compensation of all town employees and officers appointed by the Town Manager; within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- m) be responsible for the negotiation of all contracts with town employees regarding wages, and other terms and conditions of employment, except employees of the School Department. The Town Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties. Collective bargaining agreements shall be subject to the approval of the Board of Selectmen, and to Chapter 150E of the General Laws;
- n) prepare and submit an annual operating budget and capital improvement program as provided in paragraph (b) of Section 7.1 of this Charter and be responsible for its administration after its adoption. The Town Manager may transfer funds between individual line items within a department account at any time during the fiscal year, and further, may transfer during the last two (2) months of any fiscal year or during the fifteen (15) days of the new fiscal year to apply to the previous fiscal year, any amount appropriated for the use of any department other than a municipal light department or the school department to the appropriation for any other department, but the amount transferred from one department to another may not exceed three per cent (3%) of the annual budget of the department from which the transfer is made, with the approval of the Selectmen and Finance Committee;
- o) keep the Board of Selectmen and the Finance Committee fully informed as to the financial condition of the town and make recommendations to the Board of Selectmen;
- p) prepare and submit to the Board of Selectmen at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;
- q) investigate or inquire into the affairs of any town department or office;

- r) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty, or responsibility which the office of Town Manager is authorized to exercise, provided, that all acts performed under such delegation shall be deemed the acts of the Town Manager; and
- s) perform such other duties as necessary or as may be assigned by this Charter, Town By-law, Town Meeting vote, or vote of the Board of Selectmen.

Section 5.1.5 ACTING TOWN MANAGER

The Assistant Town Manager shall perform the duties of the Town Manager in the Town Manager's absence. In the event of long-term disability, resignation, termination, or vacancy of both the Town Manager and the Assistant Town Manager at the same time, the Board of Selectmen shall appoint an Acting Town Manager for the duration of any such disability, or until appointment of a permanent Town Manager or Assistant Town Manager. No member of the Board of Selectmen shall serve as Acting Town Manager.

Section 5.2 TOWN COUNSEL

The Board of Selectmen shall appoint a competent and duly qualified and licensed attorney practicing in the Commonwealth to be the counsel for the town. Town counsel shall receive such compensation for his services as may be fixed by the Board of Selectmen and shall hold office at the pleasure of the Board. The Town Counsel shall be the legal adviser of all of the offices and departments of the town, and shall represent the town in all litigation and legal proceedings; provided however, that the Board of Selectmen may retain special counsel at any time they deem appropriate and necessary. The Town Counsel shall review and concur or dissent upon all documents, contracts, and legal instruments in which the town may have an interest. The Town Counsel shall perform other duties prescribed by this Charter, Town By-law, or as directed by the Board of Selectmen. No employee, committee or board, elected or appointed, other than the Board of Selectmen, shall contact or otherwise interact with the Town or Labor Counsel in a manner inconsistent with the policy relative to access to counsel established by the Town Manager.

**ARTICLE VI
COMPLIANCE WITH LAW - PUBLIC RECORDS, OPEN MEETINGS, AND
CONFLICT OF INTEREST**

All boards, committees, and commissions shall comply with Sections 23A to 23C inclusive of Chapter 39 of the General Laws in the conduct of any town business.

All officers or employees of any agency, office, department, board, commission, bureau, division or authority of the Town shall comply with the provisions of clause twenty six (26) of Section 7 of Chapter 4 and Section 10 of Chapter 66, of the General Laws.

All employees of the Town, as that term is defined in Section 1 of Chapter 269A, shall comply with the requirements of Chapter 268A of the General Laws.

**ARTICLE VII
FINANCIAL PROVISIONS AND ADMINISTRATION**

Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

- a) Annually, before November 1, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year.
- b) On or before February 1, the Town Manager and School Committee shall each submit to the Board of Selectmen and Finance Committee a proposed line item budget and accompanying message.
- c) The Budget shall provide a complete financial plan of all town funds and activities, including details on debt and debt service, anticipated income, and proposed expenditures. The Budget shall include proposals for capital improvements for the next five (5) years. The budget message shall begin with a clear general summary of its content, and explain in both fiscal terms and work program objectives, proposed expenditures for each department, capital expenditures, and the projected tax rate.
- d) The Board of Selectmen shall review the proposed Town Budget and refer it, including the School Department Budget and recommendations, to the Finance Committee, on or before March 1.

Section 7.2 FINANCE COMMITTEE

- a) There shall be a permanent committee known as the Finance Committee, composed of nine (9) registered voters of the town appointed by the Moderator. They shall serve for three (3) year terms which shall be staggered. Members shall serve without compensation and no member shall be an employee of the Town nor hold an elected or appointed town position during their term of office, excluding ex-officio positions.
- b) The Finance Committee shall conduct a detailed line item review of the Town and School budgets and submit a written budget report to the Annual Town Meeting and a written report to the Annual Town Meeting and any Special Town Meeting with its advisory recommendations on all financial warrant articles, and the projected tax impact consistent with its recommendations.
- c) The Finance Committee can require that the Town Manager, School Committee, any town department, office, board, commission or committee furnish appropriate additional financial information, as needed.
- d) The Finance Committee shall elect a Chairman and such other officers from among its members and form subcommittees as it deems necessary to accomplish its duties.

Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

- a) The Finance Committee shall within sixty (60) days following the submission of the draft budget by the Town Manager, review the proposed budget, and return it to the Board of Selectmen with its recommendations.

- b) The Board of Selectmen shall conduct at least one public hearing on the proposed budget, including the school budget, before the Town Meeting, and shall include the recommendations of the Finance Committee.
- c) The Board of Selectmen shall post in the Town Hall and publish in a daily newspaper of general circulation and on the Town website, a summary of the proposed budget and notice stating:
 - 1) the times and places where copies of the message and budget are available for inspection by the public, and
 - 2) the date, time and place where the Board of Selectmen shall conduct the public hearing on the budget.

Section 7.4 BUDGET ADOPTION

Town Meeting shall adopt the annual operating budget, with or without amendments before the beginning of the fiscal year.

Section 7.5 ANNUAL AUDIT

At the close of each fiscal year, and at such times as it may be deemed necessary, the Board of Selectmen shall cause an independent audit to be made of all accounts of the Town by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the Town or any of its offices. Upon completion of the audit, the results in a summary form shall be placed on file in the Town Clerk's office and on the Town website as a public record and in the Sandwich Public Library for public information.

Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

Any and all emergency appropriations, reductions, and transfers shall be made in accordance with the General Laws and the Town By-laws.

**ARTICLE VIII
RECALL**

Section 8.1 RECALL

A holder of an elected office in the Town of Sandwich may be recalled there from by the qualified voters of the Town as provided in Chapter 408 of the Acts of 1987 for reasons which shall include but are not limited to the following: embezzlement; influence peddling; refusal to comply with clause Twenty-six of section 7 of chapter 4, section 10 of chapter 66, sections 23A to 23C, inclusive, chapter 39 of chapter 268A of the General Laws or any rules and regulations thereto, and the By-laws of the Town of Sandwich which pertains to same; destruction or alteration of public records; nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts of omission or commission which betray the public trust.

Section 8.2 RECALL PETITION

A recall petition shall be initiated by request of ten (10) qualified voters. The recall petition shall be signed by twenty-five percent (25%) of the qualified voters and returned within twenty (20) days in accordance with Chapter 408 of the Acts of 1987.

**ARTICLE IX
CHARTER**

Section 9.1 SEVERABILITY

If any section, or part of a section of this Charter, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter.

Section 9.2 CHARTER REVIEW COMMITTEE

At least every five (5) years, the Selectmen shall appoint a Charter Review Committee to be composed of seven (7) members for a period not longer than six (6) months, who shall submit their recommendations to the Board of Selectmen and shall file proceedings of their deliberations.

Section 9.3 AMENDMENT TO CHARTER

This Charter may be amended or revised by special act of the General Court, upon the recommendation of Town Meeting and/or pursuant to Chapter 43B of the General Laws.

House of Representatives, September 23, 2009

Passed to be enacted, Paul J. Donato, Acting Speaker.

In the Senate, September 23, 2009

Passed to be enacted, Therese Murray, Senate President.

Approved October 2, 2009, Deval Patrick, Governor.

(Note – Corrective change requested from Legislature on October 8, 2009 under Article VIII, Recall, Section 8.1)