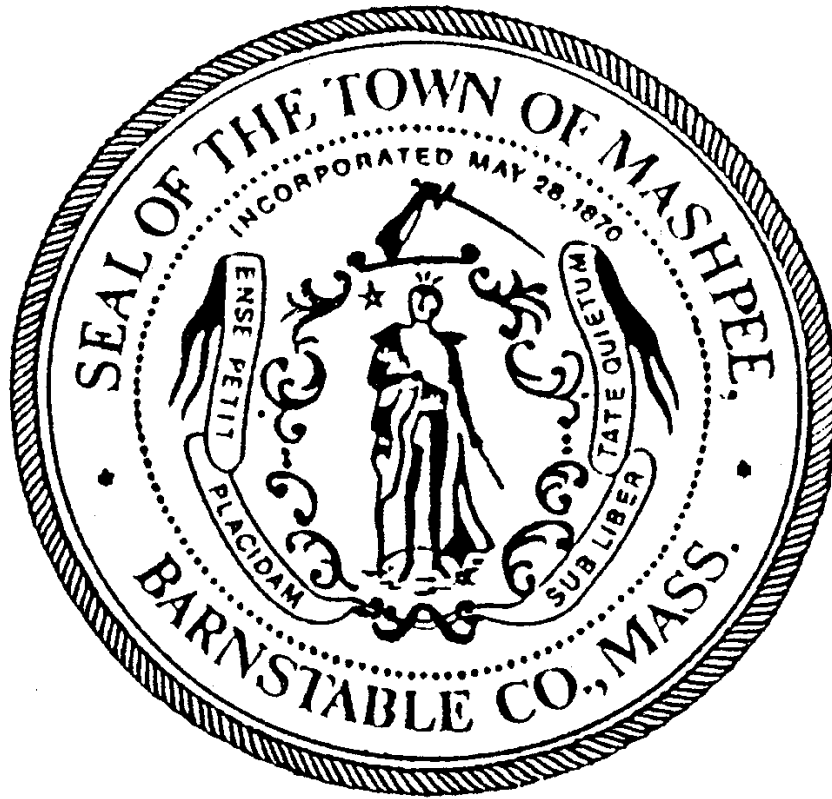


# Town of Mashpee



## Report of the Bylaw Review Committee 2005

Pursuant to the provisions of the Mashpee Home Rule Charter, Article 8, Section 8-5(a), the Board of Selectmen was mandated to appoint a seven person Committee to review the Town Bylaws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring the Bylaws into conformity with the provisions of the Charter and to fully implement the provisions of the Charter. The Committee has submitted a Report to the Annual Town Meeting based upon its extensive review of the Mashpee Bylaws, which recommends adoption of the amendments and revisions to the Bylaws referenced herein. The Bylaw Review Committee conducted several meetings, under the supervision of Town Counsel, as required by the Charter as a result of which it determined that the amendment, rearrangement and other revisions requested by this Article are necessary and appropriate to bring the existing General Bylaws into conformity with the provisions of the Mashpee Home Rule Charter and to fully implement the terms and conditions of the Charter. The goal of the Bylaw Review Committee was to update the Town's Bylaws to the extent required for conformity with the Town Charter as well as to reorganize various sections of the General Bylaws such that they flow in an organized and rational sequence for ease in implementation and cohesiveness. The Bylaw Review Committee also endeavored to eliminate obsolete and/or un-utilized Bylaw provisions.

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## **CHAPTER 1 - GENERAL PROVISIONS**

### **ARTICLE I -- Adoption of Code**

**History: Adopted 11-13-1989 STM, Article 28, approved by Attorney General on 2-16-1990.**

- §1-1. Adoption of Code:** The Town shall accept the renumbering of the various bylaws of the Town from their original numbering to the numbering or codification, arrangement, sequence and captions as set forth in the Code of the Town of Mashpee, dated 2005, on file at the office of the Town Clerk, to be effective \_\_\_\_\_, said codification having been done under the direction of the Board of Selectmen, Town Counsel and Town Clerk, and said Code being a compilation of the present bylaws of the Town and having no substantive changes or deletions in the text thereof, and the Town shall renumber any additions to the bylaw prior to \_\_\_\_\_.

### **ARTICLE II -- Amendments to Bylaws**

**History: Adopted as Ch. 1, Art. 1.3, of the 1980 Code.**

- §1-2. General Requirement.** These Bylaws may be amended at any Annual Town Meeting or Special Town Meeting, provided that an article or articles for that purpose be included in the Town Warrant.

### **ARTICLE III -- General Penalties**

**History: Adopted 5-2-1983 ATM, Article 48, approved by Attorney General on 10-12-1983.**

- §1-3. Noncriminal Disposition:** The provisions of MGL C. 40, §21D, providing for the noncriminal disposition of bylaw violation, shall be applicable to all violations of Town Bylaws wherein a specific penalty is provided for said violation.
- §1-4. Violations and Penalties:** Whoever violates any of the provisions of this Code, unless otherwise provided for therein, shall be punished by a fine of not less than twenty dollars (\$20.) nor more than fifty dollars (\$50.). Each day a violation occurs shall be considered a separate offense.

### **ARTICLE IV -- Gender**

**History: Adopted by the Town of Mashpee: Art. I, as Ch. 1, Art. 1.3, the 1980 Code; Art. II, 5-2-1983 Annual Town Meeting, Art. 48, approved 10-12-1983; Art. III 11-13-1989 Special Town Meeting, Art. 28, approved 2-16-1990; Art. IV, 5-4-1992 Special Town Meeting, Art. 18, approved 8-26-1992. Amendments noted where applicable.**

- §1-5. Use of Gender:** All references in the Code to gender shall be construed to include both male and female gender where the context and application so require.

## CHAPTER 2 -- TOWN MEETINGS

**HISTORY: Adopted by the Town of Mashpee: Art. I, as Ch. 1, Art. 1.1, of the 1980 Code; Art. II, as Ch. 1, Art. 1.2, of the 1980 Code; Art. III, as Ch. 2, Art. 2.13, Sec. 2.13.1, of the 1980 Code. Amendments noted where applicable.**

### ARTICLE I -- Miscellaneous Provisions

**History: Adopted as Ch. 1, Article 1.1 of the 1980 Code.**

#### §2-1. Annual Town Meeting and Election.

**History: Amended 11-13-1989 STM, Article 30, approved by Attorney General on 2-16-1990.**

- A. The Town will hold two (2) regularly scheduled Annual Town Meetings. The Spring Annual Town Meeting will be held the first Monday in May and will address the Annual Town operating budget. The Fall Annual Town Meeting will be held the third Monday in October and will address any and all other business to come before the Town Meeting. These meetings will be held at 7:30 p.m. at a place that shall be determined by the Selectmen.

**History: Amended 10-7-2002 ATM, Article 9, approved by Attorney General on 11-27-2002**

**History: Amended 12-9-2002 STM, Article 9, approved by Attorney General on 2-19-2003.**

- B. *The Board of Selectmen shall receive all petitions addressed to it which request the submission of particular subject matter to the Town Meeting and which conform to the requirements of Section ten of Chapter thirty-nine of the General Laws. All requests for the inclusion of subject matter shall be in writing, but shall not otherwise be required to conform to any particular style or form, except that each request for a particular subject shall be submitted as a separate petition. [See Mashpee Home Rule Charter (hereinafter, the "Charter"), Section 2-7(a)]*

- C. Articles for the Spring Annual Town Meeting must be submitted by the second Monday in February each year. Articles for the Fall Town Meeting must be submitted by the second Monday in July each year.

**History: Amended 10-7-1996 ATM, Article 33, approved by Attorney General on 12-9-1996.**

D. The Selectmen may insert in said Warrant, any article or articles received by them as of said Monday in February and said Monday in July. All articles will include a brief statement explaining the proposal prepared by the party submitting the article. Forthwith following the filing of a proposed Warrant article and in no event later than the publication of the Warrant for the Town Meeting including such Warrant article, or such other deadline as may be established by the Board of Selectmen, the proponents shall file with the Board of Selectmen all available plans, specifications, cost estimates and other supporting data necessary for fair consideration of the proposal by the Town Meeting. Forthwith following receipt of any proposed Warrant article the Board of Selectmen shall cause a copy of the proposal to be mailed to the residence of the Chairperson of the Finance Committee, a copy to be posted on the Town bulletin board and shall cause such other distribution to be made of each such proposal as may be required by law or by by-law. [See Charter, Section 2-7(a) & (b)].

**History: Amended 10-7-1996 ATM, Article 33, approved by Attorney General on 12-9-1996.**

E. All articles submitted for inclusion in the Warrant of any Town Meeting shall be printed or typewritten, in duplicate, and shall bear the same name of the sponsors.

F. The Annual Town Election of Town officers will be held the first Saturday in May immediately following the May Annual Town Meeting, at such place as determined by the Selectmen.

**§2-2.** **Special Town Meetings.** Special Town Meetings may be held at the call of the Board of Selectmen at such times as they deem necessary, or desirable, in order to transact the legislative business of the Town in an orderly manner. Special Town Meetings may also be held on the petition of two hundred or more voters, in the manner provided by General Law. Before calling a Special Town Meeting, the Selectmen will insert in a local newspaper a notice specifying the last day upon which articles to be inserted in the Warrant for such Meeting will be presented to the Selectmen or the Town Clerk. [See Charter, Section 2-5].

**§2-3.** **Quorum.** One hundred (100) registered voters shall constitute a quorum of a Special Town Meeting. Quorum for an Annual Meeting shall be zero (0).  
**History: Amended 8-25-1986 STM, approved by Attorney General on 10-17-1986.**

**§2-4.** **Majority Voting Requirement.** No article within any Annual or Special Town Meeting Warrant shall be moved for consideration after 10:00 p.m. without a two-thirds vote of the Town Meeting.  
**History: Amended 5-4-1987 ATM, Article 70, approved by Attorney General on 9-21-1987.**

§2-5.

**Warrant.**

**History: Amended 5-7-1984 ATM, approved by Attorney General on 9-17-1984.**

**History: Amended 5-1-1989 STM, Article 58, approved by Attorney General on 7-5-1989.**

**History: Amended 10-2-1995 ATM, Article 22, approved by Attorney General on 12-1-1995.**

**History: Amended 10-7-1996 ATM, Article 55, approved by Attorney General on 12-9-1996.**

**History: Amended 5-5-1998, ATM, Article 36, approved by Attorney General on 8-12-1998.**

Every Annual and Special Town Meeting and every Annual and Special Election shall be called in pursuance to a Warrant. The Warrant shall be directed to the Constable or to some other person designated by the Board of Selectmen, who shall forthwith give notice at least thirty (30) days before such meeting or election by posting a copy of said Warrant, one (1) at Town Hall and one (1) at each of the Town bulletin boards, and by causing to be published in a newspaper of general circulation with the Town of Mashpee a copy of said Warrant.

**§2-6. Report to the Voters.**

*A. There shall be published for every Town Meeting a copy of the Warrant and a report to the voters which shall contain the explanation and relevant data submitted in accordance with section 2-7, together with the articles; provided, however, that, in the alternative and at the discretion of the Finance Committee and (with respect to zoning articles) the Planning Board, voluminous supporting material necessary for consideration of the particular articles in lieu of inclusion in the report to the voters, may be made reasonably available for inspection at public locations prior to Town Meeting.*

*B. In addition to the written report of the Planning Board setting out its findings and recommendations as to all zoning articles, the Finance Committee shall prepare a written report, setting out its findings, conclusions and recommendations, including the reasons therefore, regarding all of the articles in the Warrant. The report of the Finance Committee shall not be limited to the fiscal impact on Town taxpayers of articles contained in the Warrant, but shall extend to all articles in the Warrant of whatever nature. The report for the spring session of the Annual Town Meeting shall also include, as an appendix, the annual report of the Capital Outlay and Planning Committee, setting forth a five-year capital outlay program for the information and guidance of Town Meeting. In addition, the Board of Selectmen shall have the opportunity to include in the report its conclusions and recommendations, including the reasons therefore, regarding articles in the Warrant that relate to its general superintendence over the administration of Town affairs.*  
*[See Charter, Section 2-11].*

C. The Finance Committee, in accordance with the requirement to make recommendations to the Town shall publish and distribute to every voter registered to vote in Mashpee as of thirty (30) days prior to such meeting a copy of said Warrant containing a report and recommendations with respect to the articles in said Warrant by the third Monday of the month preceding the Town Meeting, provided that any two (2) or more registered voters who reside in the same household shall be entitled to only one copy of such Warrant. The Finance Committee, shall in addition to the foregoing, publish and deliver to the Clerk 500 copies of said Warrant for distribution to the public at large on a first-come, first-serve basis.

## **§2-7. Warrant Articles.**

A. The articles shall be considered in the order in which they appear in the Warrant.  
**History: Amended 2-1-1988 STM, Article 15, approved by Attorney General on 3-16-1988.**

Consent Calendar: The Board of Selectmen, at its discretion, may designate certain Warrant articles that it believes to be non-controversial, to be part of a Consent Calendar. Early in a Town Meeting in which a Consent calendar has been designated, the Moderator shall advise the meeting that he is about to call that calendar. Before calling the calendar, however, the Moderator shall give the Board of Selectmen an opportunity to offer a single motion to amend, as to dollar amount only, any or all of the designated articles. That motion shall not be debatable. The Moderator shall then call the calendar. If a voter objects to any particular Article being included in the Consent Calendar, they should say the word “HOLD” in a loud voice when the number is called. If two (2) or more voters object to inclusion of an article

in the calendar, the article shall then be removed from a the Consent Calendar and restored to its original place in the Warrant to be thereafter moved, debated and voted upon in the normal order. After the completion of the call of the calendar, all remaining articles on the calendar shall be moved and voted as a group, without debate.

**History: Added 10-4-1999 ATM, Article 15, approved by Attorney General on 1-11-00.**

- B. Limitations of appropriations articles are prohibited at Special Town Meetings except as follows:

**History: Amended 8-25-1986 STM, Article 2, approved by Attorney General on 10-17-1986.**

- (1) Any article determined by the Board of Selectmen to be extraordinary and inserted on the Warrant by the Board of Selectmen on a majority roll call vote of the Board at a regular meeting.
- (2) Any article to permit Town Meeting approval of a collective-bargaining agreement in accordance with Chapter 150E of the Massachusetts General Laws.
- (3) Any article to appropriate or transfer money into the Stabilization Fund, Conservation Fund or Pension Reserve Fund.
- (4) Any article that would permit money to be transferred to reduce the property tax rate.
- (5) Any article otherwise required by law.

- C. Any article requesting a sum of money shall state in the article the amount being requested. Articles for transfer to Stabilization Account or for offsetting fiscal year taxes may omit an amount, but must include an estimate of the amount in an explanation printed in the Warrant.

**History: Amended 10-7-1996 ATM, Article 34, approved by Attorney General on 12-9-1996.**

**§2-8. Reservation of Seating.** The main body of the house shall be reserved for registered voters; all others are to be seated in another section.

**§2-9. Hand Votes.** If any voter rises in his/her place and questions any oral “yea” or “nay” vote, without further discussion a hand vote shall be taken.

- §2-10. **Moderator's Declaration:** When a two-thirds vote is required by statute, the Moderator may simply declare that the vote passed by the necessary two-thirds majority in accordance with General Laws Chapter 39, Section 15. Seven voters can question the Moderator's declaration of the vote.  
**History: Amended 5-5-2003 ATM, Article 15, approved by Attorney General on 8-27-2003.**
- §2-11. **Motion in Writing; Zoning Motions.** The Moderator may require lengthy or involved motions to be presented in writing. All motions affecting the Zoning Bylaw must be presented in writing and must be accompanied by a survey plan if zoned area is to be created or altered.
- §2-12. **Reconsideration of Votes.** No vote shall be reconsidered at the same meeting at which it is acted upon unless public notice of the intention to move such reconsideration is given within thirty (30) minutes of the declaration of the vote by the Moderator, and no notice of intent to move reconsideration on any vote shall be received by the Moderator more than two (2) times at the same meeting. The Town Clerk shall note, in writing, the action taken and time of such vote and also the time when the notice of reconsideration is given.  
**History: Amended 8-25-1986 STM, Article 3, approved by Attorney General on 10-17-1986.**
- §2-13. **Simultaneous Meetings.** Elected or appointed Town boards or committees may meet during Town Meetings at the place where the Town Meeting is held, for the sole purpose of making recommendations and advising Town Meeting participants on any matter included in the Warrant for that Town Meeting.  
**History: Amended May 6, 1996 ATM, Article 30, approved 9-26-1996.**
- §2-14. **Governing of Meetings.** All Town Meetings will be governed by *Town Meeting Time*.

## **ARTICLE II -- Annual Town Report**

**History: Adopted as Ch. 1, Art. 1.2, of the 1980 Code.**

- §2-15. **Date of Submission.** All Town Reports from each department and elected or appointed officials shall be printed or typewritten and submitted to the Selectmen or Town Clerk on or before the second Monday of February in each year.
- §2-16. **Contents.** The Annual Town Report shall contain:
- A. The reports of all Town boards, officers and committees having the control of expenditure of the Town's money, including a list of all indebtedness against each department, which does not appear in its financial statement.
  - B. A report of all Town Meetings held during the year, including the articles of the Warrant and the action of the meeting thereon.

C. Reports, or abstracts of reports, of all special committees presented at any meetings held during the year, together with any action taken at said meetings, including committee appointments and resolutions passed.

D. All other reports as required by the General Laws of the Commonwealth of Massachusetts as amended from time to time.

### **ARTICLE III -- Votes on Special Committees**

**History: Adopted as Ch. 2, Art. 2.13.1, of the 1980 Code.**

**§2-17. Required votes.** At any Town Meeting, when special committees are appointed or elected, a vote shall be passed naming the compensation of the committee and also a sum of money for the expenses of such committee; otherwise, the Selectmen shall not draw orders on the Treasurer for either services or expenses.

## **CHAPTER 3 – APPOINTED BOARDS AND COMMISSIONS**

### **ARTICLE I -- Miscellaneous Provisions**

**History: Adopted as Ch. 2, Article 2.13, Sec 2.13.4 of the 1980 Code;**

**§3-1. Term of Appointments:** All appointments made by the Selectmen shall be for one-year terms expiring on June 30 in each year, unless otherwise specified in this Chapter, *in the Mashpee Home Rule Charter (hereinafter, the “Charter”)*, or in the General Laws of the Commonwealth. Any person appointed by the Board of Selectmen to any position shall be sworn to the faithful performance of that position by the Town Clerk prior to assuming the position. Once a person is so sworn it shall not be necessary in any subsequent year where the same person is reappointed to the same position to again be sworn.

**History: Added 10-5-1992 ATM, Article 21, approved by Attorney General on 1-11-1993;**

**§3-2. Removal from Office:** *The removal of any appointed Town officer, member of a multiple member body or employee of the Town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method of suspension or removal, may be suspended or removed from office without compensation in accordance with the provisions of the Charter, Section 7-9, as may be amended from time to time.*  
**[See Charter, Section 7-9]**



## ARTICLE II -- Board of Health

**History: Adopted as Ch. 2, Article 2.5 of the 1980 Code.**

- §3-3. **Membership; Terms:** *The Board of Selectmen shall appoint three (3) members to constitute a Board of Health, each member to serve a term of three (3) years. Members serving elected terms of office as of the effective date of the Charter shall complete their respective elected terms, whereupon a successor to each such member shall be appointed in accordance with the Charter. [See Charter, sections 3-1(a) & 3-2(d)].*
- §3-4. **Election of Chairman:** The Board of Health shall annually, in May elect one (1) of its members as Chairman of the Board.
- §3-5. **Appointment of Clerk or Secretary:** The Board shall appoint one (1) of its members as Clerk or Secretary of the Board, who shall keep an accurate record of the meetings, votes, orders and doings of the Board.
- §3-6. **Accommodations:** The Selectmen shall provide a suitable space for the Board of Health in the Town Office Building, and all books, records and documents pertaining to the doings of the Board, properly indexed, shall be kept on file in said space for convenient inspection by the Town officials and the Board's successors in office.
- §3-7. **Appointment of Health Agent:** The Board of Health shall appoint a Board of Health Agent.

## ARTICLE III -- Finance Committee

**History: Adopted as Ch. 2, Article 2.6 of the 1980 Code;**

- §3-8. **Membership; Terms:** *The Town Moderator shall appoint* a Finance Committee, consisting of seven (7) voters of the Town, none of whom shall hold any other elective or appointed Town office except as otherwise authorized in the Charter or this Code. The term of service of the members of the Committee shall be three (3) years. *[See Charter, Section 3-6(b)].*  
**History: Amended 5-3-1982 ATM, Article 18, approved by Attorney General on 9-7-1982;**

- §3-9. **Organization; Duties:** The Finance Committee shall choose one (1) of its number as Chairman and likewise choose a Clerk. Said Committee may consider such questions with reference to the conduct of the Town affairs as it may deem advisable and may consult with any and all officers, boards and committees of the Town with reference to matters under its supervision; it shall review all articles, of whatever nature, in the Warrant for any Annual or Special Meeting called during its tenure of office and shall prepare a written report, setting out its findings, conclusions, and recommendations, including the reasons therefor, regarding said Warrant articles. The report of the Finance Committee for the spring session of the Annual Town Meeting shall include, as an appendix, the annual report of the capital outlay and planning committee, setting forth a five-year capital outlay program for the information and guidance of the Town Meeting. The Finance Committee shall conduct such public hearings and provide such reports and recommendations with respect to the proposed annual operating budget of the Town as may be required by the Charter or this Code. The Finance Committee shall furthermore annually provide for an outside audit of the books and accounts of the Town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the Town or any of its officers. [See Charter, Sections 2-11, 6-6 & 6-9].
- §3-10. **Hearings; Expenditures:** The Finance Committee shall hold such hearings as may be required by the Charter or this Code and may hold additional hearings if, in its judgment, it is expedient, but it shall expend no money unless authorized by the vote of the Town.
- §3-11. **Authority to Inspect Records:** The Finance Committee shall have authority at any time to examine and investigate the books, accounts and management of any department of the Town and of all officers thereof, and all official or departmental records shall be open to the inspection of the Committee or of any person authorized in writing to act for the Committee.
- §3-12. **Reimbursement:** The members of the Finance Committee shall serve without pay for their services, but they may be reimbursed for actual expenses incurred in the discharge of their duties hereunder, with the approval of the Board of Selectmen.
- §3-13. **Vacancies:** Vacancies occurring on the Finance Committee shall be filled by the appointing authority pursuant to the Charter. [See Charter, Section 3-6(b)].

#### **ARTICLE IV -- Council on Aging**

**History: Adopted as Ch. 2, Article 2.7 of the 1980 Code.**

- §3-14. **Appointment; Purpose:** The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Department of Elder Affairs established under Chapter 19A of the General Laws.

**§3-15. Membership; Terms:** Reappointment; Compensation: The Board of Selectmen shall appoint the Council on Aging, consisting of nine (9) members whose terms shall be arranged so that, as nearly as possible, an equal number of terms expires each year. Except in the case of initial appointments, members shall be appointed for terms of three years and to authorize the initial appointment of two additional members as follows: one for a three year term expiring on June 30, 2004 and one for a one year term expiring on June 30, 2002.  
**History: Amended 5-7-2001 ATM, Article 22, approved by Attorney General on 8-17-2001.**

**§3-16. Vacancies:** Whenever a vacancy shall occur in the membership of the Council, be reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

**§3-17. Organization:** The Council on Aging, at its first annual meeting and thereafter annually in July of each year, shall elect from its membership a Chairman, Vice Chairman, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one (1) of its members to fill such vacancy.  
**History: Amended 10-1-1990 ATM, Article 12, approved by Attorney General on 12-18-1990.**

**§3-18. Annual Report:** The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Department of Elder Affairs.

**§3-19. Appointments:** The Council may appoint such clerks and other employees as it may require without compensation.

**ARTICLE V -- Conservation Commission**  
**History: Adopted as Ch. 2, Article 2.8 of the 1980 Code.**

**§3-20. Membership; Terms:** A Conservation Commission shall be appointed by the Selectmen under the provisions of the Charter, MGL C. 40, §8C, and all amendments thereto, and shall consist of not fewer than seven (7) members to serve for terms of three (3) years.

**§3-21. Land Acquired by Town:** No land acquired by the Town through tax title proceedings shall be sold or otherwise disposed of until it shall have first been determined by a vote at a Town Meeting whether or not said land shall be held by the Town as conservation land for all purposes included in MGL C. 40, §8C, as it now reads or may hereafter be amended, or shall be held by the Town for some other municipal purpose.

**§3-22. Posting of Bond:** The Conservation Commission may require the posting of a bond, with surety, running to the municipality and sufficient as to form and surety in the opinion of the Commission's counsel to secure faithful and satisfactory performance of work required by any final order of conditions, in such sum and upon such conditions as the Commission may require. Other evidence of financial responsibility, which is satisfactory to the Commission, may be accepted in lieu of bonding. Notwithstanding the above, the amount of such bond shall not exceed the estimated cost of the work required of the restoration of affected lands and property if the work is not performed as required, whichever is the greater. Forfeiture of any such bond shall be recoverable at the suit of the municipality in the Superior Court.

#### **ARTICLE VI -- Historical Commission**

**History: Adopted as Ch. 2, Article 2.10 of the 1980 Code**

**§3-23. Appointment; Membership: Terms:** The Selectmen shall appoint a Historical Commission under MGL C. 40, §8D, to consist of five (5) members. They shall serve for three-year terms. New members shall be appointed each year by the Selectmen to replace those members whose terms have expired.

**§3-24. Duties:** The function of the Commission is to preserve, restore and maintain the historic and cultural features of the Town of Mashpee and to perform any other functions provided by law by such bodies.

#### **ARTICLE VII -- Board of Sewer Commissioners**

**History: Adopted as Ch. 2, Article 2.15 of the 1980 Code.**

**§3-25. Membership: Terms:** The Board of Sewer Commissioners shall consist of three (3) voters of the Town *appointed by the Board of Selectmen. Members of the Board of Sewer Commissioners serving elected terms as of the effective date of the Charter shall complete their respective elected terms, whereupon a successor shall be appointed in accordance with the Charter. [See Charter, Section 3-2(d)].*

**§3-26. Chairman:** The Board of Sewer Commissioners shall annually, in May, elect one (1) of its members as Chairman of the Board.

**§3-27. Clerk/Secretary:** The Board shall appoint one (1) of its members as Clerk/Secretary of the Board, who shall keep an accurate record of the meetings, votes, orders and doings of the Board.

**§3-28. Powers and Duties:** The Board of Sewer Commissioners shall have the duties and powers granted to it by the Massachusetts General Laws and those voted by Town Meeting.

## **ARTICLE VIII -- Shellfish Commission**

**History: Adopted 8-25-1986 STM, Article 7, approved by Attorney General on 10-17-1986.**

- §3-29. Membership; Terms:** The Selectmen shall appoint a Shellfish Commission to consist of five (5) members, one (1) member to be the Shellfish Constable, two (2) members to represent recreational interests, and two (2) members to represent commercial interests. The initial terms of office shall be one (1) for one (1) year, two (2) for two (2) years and two (2) for three (3) years. Thereafter members shall be appointed annually to replace those members whose terms have expired.
- §3-30. Organization:** The Shellfish Commission shall annually organize at its first meeting of each fiscal year by the selection of a Chairman, Vice Chairman and Secretary, who shall serve for one (1) year.
- §3-31. Powers and Duties:** The Shellfish Commission shall advise and assist the Shellfish Constable and the Board of Selectmen. It shall make recommendations relating to shellfishing in the Town and shall act in an advisory capacity to all Town boards, committees or officials seeking assistance from the Commission. The Board of Selectmen shall designate, as applicable, members of the Shellfish Commission, upon their request, as Deputy Shellfish Constables to serve without compensation.
- §3-32. Associate Members:** The Selectmen shall annually appoint three (3) or more associate members to the Shellfish Commission for one-year terms. They shall have voting power upon designation by the Commission Chairman in the absence of any regular Commission member at any meeting of the Commission.

## **ARTICLE IX -- Mashpee Cable and Advanced Technology Advisory Board**

**History: Adopted 5-4-1987 ATM, Article 61, approved by Attorney General on 9-21-1987.**

- §3-33. Appointment; Membership; Terms:** The Selectmen shall appoint a Mashpee Cable and Advanced Technology Advisory Board consisting of not more than seven (7) members. Initially, the appointment shall consist of two (2) members for one (1) year, two (2) members for two (2) years and three (3) members for three years, so as to provide for staggered terms of office.  
**History: Amended 10-1-2001, ATM, Article 17, approved by Attorney General on 12-6-2001.**
- §3-34. Organization:** The Committee shall reorganize annually at its first meeting following the final day of June by election of a Chairman, Vice Chairman and Secretary.
- §3-35. Duties:** The Committee shall conduct a public hearing on any application request for a cablevision system in any future or proposed development by any individual or corporation and shall make recommendations to the Board of Selectmen.

**§3-36. Appointment of Advisor:** The Board of Selectmen may appoint a nonvoting advisor who has expertise in the field of telecommunications to assist the Committee. The Board of Selectmen shall give preferences to registered voters of the Town of Mashpee but may appoint a nonresident to said position.

#### **ARTICLE X -- Waterways Commission**

**History: Adopted 10-1-1990 ATM, Article 16, approved by Attorney General on 12-18-1990.**

**§3-37. Appointment; Membership; Terms:** The Board of Selectmen shall appoint a Waterways Commission to consist of seven (7) members, two (2) members representing freshwater interests, two (2) members representing saltwater interests, one (1) member representing recreational interests, one (1) member representing commercial interests and one (1) member from the community at large. The initial terms of office shall be three (3) years. Thereafter members shall be appointed annually to replace those members whose terms have expired.

**§3-38. Organization:** The Waterways Commission shall annually organize at its first meeting of each fiscal year by the selection of a Chairman, Vice Chairman and Secretary, who shall serve one (1) year.

**§3-39. Powers and Duties:** The Waterways Commission shall advise and assist the Board of Selectmen. The Board of Selectmen will take into consideration the advice and views of the Waterways Commission, pursuant to these bylaws, prior to the formulation of policy and budget recommendation.

## **ARTICLE XI -- Affordable Housing Committee**

**History: Adopted 5-1-2000 ATM, Article 33, approved by Attorney General on 8-7-2000.**

**History: Amended 5-5-2003-ATM, Article 16, approved by Attorney General on 8-27-2003.**

- §3-40. Appointment; Purpose:** The Board of Selectmen shall appoint an Affordable Housing Committee for the purpose of assisting in any future updates to the Affordable Housing element of the Comprehensive Plan, reviewing and submitting comments on any proposals for affordable housing projects submitted for approval to the Board of Selectmen under the Local Initiative Program or the Zoning Board of Appeals under Massachusetts General Laws Chapter 40B, identifying and facilitating opportunities for increased housing affordability in Mashpee on an ongoing basis, working with the Planning Department and other agencies to develop a Housing & Community Development and maintaining communications with similar groups in housing organizations. The activities and recommendations of the Committee shall be consistent with the goals, objectives, policies and action plan of the Town's adopted Comprehensive Plan.
- §3-41. Membership; Terms:** The Board of Selectmen shall appoint the Affordable Housing Committee consisting of nine (9) members. Members shall be reappointed annually. The members of the Affordable Housing Committee shall serve without pay.
- §3-42. Organization; Meetings:** The Committee shall elect annually a Chairman, Vice Chairman and Clerk. Said election shall take place at its first meeting after July 1 of each year.
- §3-43. Powers and Duties:** Said Committee shall be responsible for 1) assisting in any future updates to the Affordable Housing element of the Comprehensive Plan, 2) reviewing and submitting comments on any proposals for affordable housing projects submitted for approval to the Board of Selectmen under the Local Initiative Program or to the Zoning Board of Appeals under M.G.L. Chapter 40B, 3) identifying and facilitating opportunities for increased housing affordability in Mashpee on an ongoing basis, 4) working with the Planning Department and other agencies to develop a Housing Development Action Plan under the provisions of 760 CMR 46.00 and seeking its approval by the Board of Selectmen and the Secretary of Massachusetts Department of Housing & Community Development and 5) maintaining communications with similar groups in housing organizations. The activities and recommendations of the Committee shall be consistent with the goals, objectives, policies and action plan of the Town's adopted Comprehensive Plan. Said Committee may also serve as, and may perform the functions and duties of, the Town's "Local Housing Partnership", provided that all of the legal and regulatory requirements for creation of such a "Partnership" are met.

## **ARTICLE XII -- Subdivision Board of Appeals**

**History: Adopted 5-4-1992 ATM, Article 8, approved by Attorney General on 7-15-1992.**

**History: Amended 10-1-2001, ATM, Article 18, approved by Attorney General on 12-6-2001.**

- §3-44. Appointment; Membership; Associate Members:** The Board of Selectmen shall appoint three (3) members of the Subdivision Board of Appeals. One (1) shall be a member of the Planning Board, one (1) shall be a member of the Zoning Board of Appeals, and the third shall be the Director of Public Works. The Board of Selectmen shall also appoint three (3) or more associate members to sit on the Board in case of the absence, inability to act or interest on the part of a member thereof or in the event of a vacancy on said Board until said vacancy is filled.
- §3-45. Term; Removal from Office; Vacancies:** The initial appointment by the Board of Selectmen for regular and associate members shall provide for one (1) member to serve for one (1) year, one (1) member to serve for two (2) years and one (1) member to serve for three (3) years. Thereafter, upon the expiration of the term, each member shall be appointed for a three-year term. Any member or associate member may be removed for cause by the Board of Selectmen upon written charges and after a public hearing. Vacancies, as they occur, shall be filled for the unexpired term in the same manner as in the case of original appointments.
- §3-46. Organization; Officers:** The Subdivision Board of Appeals shall elect annually a Chairman and Clerk from its own members. The election shall take place at the first meeting of the Board after July 1 of each year. The Chairman shall have the power to designate associate members to sit on the Board as needed.
- §3-47. Powers; Meetings:** The Subdivision Board of Appeals shall adopt rules and conduct its business in accordance with the provisions of MGL C.41, §§81Z and 81AA. The Chairman shall preside. In the absence of a Chairman, an Acting Chairman shall be designated to preside. Meetings shall be held at the call of the Chairman. The Board shall have the power to issue a permit for the erection of a building under MGL C. 41, §81Y, upon majority vote and finding of fact as set forth in Section 81Y, Chapter 15.

## **CHAPTER 4 -- ELECTED BOARDS AND COMMISSIONS**

### **ARTICLE I -- Board of Selectmen**

**HISTORY: Adopted by the Town of Mashpee as Ch. 2, Article. 2.1, of the 1980 Code. Amendments noted where applicable.**

- §4-1.** *Composition; Term of Office. There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year. [See Charter, Section 3-2(a)].*



- §4-2. **Organization.** The Board of Selectmen shall reorganize at their first regular or special meeting following each annual election by the selection of a Chairman, Vice Chairman and Clerk, and notice thereof shall forthwith be given to the Town Clerk.  
**History: Amended 8-25-1986 STM, approved by Attorney General 10-17-1986.**
- §4-3. **Powers and Duties.** *The executive powers of the Town shall be vested in the Board of Selectmen, which shall be deemed to be the chief executive office of the Town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise. The Board of Selectmen shall serve as the chief policy making agency of the Town. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all Town agencies serving under it and, in conjunction with other elected Town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all Town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day-to-day administration of any Town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it. [See Charter, Section 3-2(b)].*
- §4-4. **Legal Proceedings.** The Selectmen shall have full authority as agent of the Town to employ counsel to institute and prosecute suits in the name of the Town, except suits on bonds, notes or other securities given to the Town Treasurer, and to appear and defend suits brought against it and to appear in proceedings before any tribunal, unless it is otherwise specially ordered by vote of the Town.
- §4-5. **Park Commissioners.** The Board of Selectmen shall act as Park Commissioners for the Town and shall have authority to promulgate rules and regulations for use of Town-owned parks, playgrounds, beaches, athletic facilities or any other recreational facilities. No rules and regulations adopted shall conflict with this Code. The Selectmen shall have full authority under applicable provisions of law to establish, adopt and impose fines and/or penalties for any violations of a rule or regulation promulgated hereunder. Each violation shall constitute a separate offense on each successive occurrence. The provisions of MGL C. 40, §21D, shall be applicable.  
**History: Amended 5-6-1985 ATM, Article 7.**

## ARTICLE II -- Planning Board

**History:** Adopted as Ch 2., Article 2.7 of the 1980 Code;

- §4-6. Membership; Terms:** *A Planning Board consisting of five (5) members and one (1) associate member shall be elected for terms of three (3) years each. The elections shall be arranged, commencing with the annual election of 2005, so that in each three year cycle the terms of two members shall expire in the first year, the terms of two members shall expire in the second year, and the term of one member and the associate shall expire in the third year. Whenever a member of the Planning Board is absent, or is unable to participate in a particular matter due to a conflict of interest or other disability, the Chair shall seat the associate member to act during such absence or disability. [See Charter, Section 3-7(a)].*
- §4-7. Powers and Duties:** The powers and duties of the Planning Board shall be as stated in the Charter and the General Laws of the Commonwealth. *In addition, it shall make careful studies of the resources, possibilities and needs of the Town and make plans for the development of the Town. The Planning Board shall make an annual report providing information regarding the condition of the Town and any plans or proposals for its development, with estimates of the cost thereof. The Planning Board shall also provide a written report and recommendation on any article appearing in an Annual or Special Town Meeting Warrant proposing any changes to the Zoning Bylaws of the Town. [See Charter, Section 3-7(b)].*
- §4-8. Vacancies:** Vacancies occurring in the Board shall be filled as provided in MGL C. 41, §11.
- §4-9. Public Hearings:** The Planning Board, upon its own initiation, may, and upon the petition of ten (10) persons shall, hold public hearings, fourteen (14) days' public notice of which shall be given, for the consideration of any amendments to the Zoning Map or to the Zoning Bylaws,<sup>1</sup> and report to a Town Meeting its recommendations as to what action should be taken.
- §4-10. Appointment of Consulting Engineer:** The Planning Board may appoint a consulting engineer.

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<sup>1</sup> Editor' Note: See Ch. 174, Zoning.

## CHAPTER 5 -- OFFICERS AND EMPLOYEES

### ARTICLE I -- Town Manager.

#### History: Adopted

**§5-1. Appointment; Qualification; Term:** The Board of Selectmen shall appoint a Town Manager to serve for an indefinite term. The Town Manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. A Town Manager need not be a resident of the Town or of the Commonwealth at the time of appointment but shall establish a residence within the Commonwealth within one year following appointment. The Board of Selectmen shall, annually, fix the compensation for such person within the amount appropriated for such purpose. The Town Manager shall not have served in an elective office in the Town government for at least twelve months prior to appointment. The Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor actively engage in any other business, occupation or profession during such service, unless such action is approved, in advance and in writing by the Board of Selectmen. The Board of Selectmen shall provide for an annual review of the job performance of the Town Manager, which shall, at least in summary form, be a public record. [See Charter, Section 4-1].

**§5-2. Powers and Duties:** The Town Manager shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen. The powers and duties of the Town Manager shall include, but are not intended to be limited to the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities in the executive/administrative branch of the Town government for which the office of Town Manager is hereby given the authority, responsibility and control by the Charter.

(b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, Town officers, and members of multiple member bodies for whom no other method of selection is provided by the Charter. Appointments made by the Town Manager shall be subject to confirmation by the Board of Selectmen. Copies of the notices of all such appointments shall be posted on the Town bulletin board when submitted to the Board of Selectmen.

Except as otherwise specifically provided in the Charter, the Town Manager shall appoint all other Town employees, except those serving under Town officers or multiple member bodies elected directly by the voters. The Town Manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(c) To be responsible for the administration of a Town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the Town. The Town Manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town agency, except the School Department.

(d) To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.

(e) To assure that full and complete records of the financial and administrative activities of the Town are kept and to render as often as may be required by the Board of Selectmen, but not less than once in each year, a full report of all Town administrative operations during the period reported on, which report shall be made available to the public.

(f) To keep the Board of Selectmen fully advised as to the needs of the Town and shall recommend to the Board of Selectmen and to other Town officers and agencies for adoption such measures requiring action by them as the Town manager may deem necessary or expedient.

(g) To have full jurisdiction over the rental and use of all Town facilities and property except property under the control of the School Committee, the Board of Library Trustees, or the Conservation Commission. The Town Manager shall be responsible for the maintenance and repair of all Town buildings and facilities placed under the Town Manager's control by the Charter, or otherwise.

(h) To prepare and present a proposed annual operating budget for the Town and a proposed capital outlay program for the five fiscal years next ensuing.

(i) To assure that a full and complete inventory of all property of the Town, both real and personal, is kept, including all property under the jurisdiction of the School Committee.

(j) To negotiate all contracts involving any subject within the jurisdiction of the office of Town Manager, including contracts with Town employees, except employees under the School Committee involving wages, hours and other terms and conditions of employment; all such proposed contracts shall be subject to approval or ratification by the Board of Selectmen.

(k) To be the chief procurement officer of the Town responsible for purchasing all supplies, material and equipment for all departments and activities of the Town as provided in chapter thirty B of the General Laws. The Town Manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any Town agency. The Town Manager shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any Town agency.

(l) To see that all of the provisions of the General Laws, of the Charter, Town By-Laws and other votes of the Board of Selectmen which require enforcement by the Town Manager or officers subject to the direction and supervision of the Town Manager are faithfully executed, performed or otherwise carried out.

(m) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other Town agency.

(n) To reorganize, consolidate or abolish Town agencies serving under the supervision of the Town Manager, in whole or in part, provide for new Town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(o) To attend all sessions of all Town Meetings and answer all questions raised by voters which relate to Warrant articles and to matters over which the Town Manager exercises any supervision.

(p) To perform any other duties as are required to be performed by the Town Manager by by-laws, administrative code or votes of the Board of Selectmen. [See Charter, Section 4-2].

§5-3. **Delegation of Authority:** The Town Manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of Town Manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Manager. [See Charter, Section 4-3].

§5-4. **Acting Town Manager:**

(a) **Temporary Absence** - By letter filed with the Town Clerk, the Town Manager shall designate a qualified Town administrative officer or employee to exercise the powers and perform the duties of Town Manager during a temporary absence. During a temporary absence the Board of Selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified Town administrative officer or employee to serve until the Town Manager shall return.

(b) **Vacancy** - Any vacancy in the office of Town Manager shall be filled as soon as possible by the screening committee established pursuant to Charter Section 4-1 and the Board of Selectmen, but, pending such regular appointment the Board of Selectmen shall appoint a qualified Town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six months but one renewal may be voted by the Board of Selectmen not to exceed three months. The compensation to be paid to such person shall be established by the Board of Selectmen.

(c) **Powers and Duties** - The powers of a temporary or an acting Town Manager, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to Town office or employment but not to make permanent appointments or designations.  
[See Charter, Section 4-4].

§5-5. **Removal and Suspension:** The Board of Selectmen may, by a majority vote of the full Board, terminate and remove, or suspend, the Town Manager from office in accordance with the following procedure.

(a) The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members, which must state the reason or reasons for removal. This preliminary resolution may suspend the Town Manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the Town Manager forthwith.

(b) Within five days following delivery of the preliminary resolution the Town Manager may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than thirty days after the request is filed or earlier than twenty days. The Town Manager may file with the Board of Selectmen a written statement responding to the reasons stated in the resolution of removal provided the same is received at its office more than forty-eight hours in advance of the public hearing.

(c) The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the Town Manager, if the Town Manager has not requested a public hearing; or, within ten days following the close of the public hearing if the Town Manager has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Town Manager shall, at the expiration of said time, forthwith resume the duties of the office. The Town Manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the Board of Selectmen.

(d) In the event of a removal or suspension of a Town Manager pursuant to this section the authority of the Town Manager to appoint a temporary or acting Town Manager shall be suspended and the assistant Town Manager, if any, shall forthwith be the acting Town Manager subject to a majority vote of the Board of Selectmen to substitute another person to serve as acting Town Manager. [See Charter, Section 4-5].

## **ARTICLE II -- Personnel Administration Plan**

**History: Adopted as Ch. 2, Article 2.9 of the 1980 Code.**

### **§5-6. Personnel Administration:**

- A. A Personnel Classification and Administration Plan shall be established by the Town Manager which shall promulgate, and may from time to time amend, rules and regulations, after notice and hearing thereon, subject to the approval of the Town Manager and not contrary to any law:
- (1) To establish and administer a classification of the positions of all Town employees, other than those filled by popular election, and those under the direction and control of the School Committee, into groups and classes doing substantial similar work or having substantially similar responsibilities, and to establish maximum and minimum salaries for such employees and for periodic step increases based on length of service.
  - (2) To establish and administer a personnel policy dealing with working hours, overtime, vacations, leave for sickness, military service, jury duty, bereavement, leave of absence, tenure, group insurances and any other matter properly includable as personnel policy which shall be applicable to those employees subject to the employee classification plan described in Subsection A herein.



- B. Such rules and regulations shall become effective upon their promulgation by the Town Manager and shall be consonant with those in effect by private industry and other Massachusetts governmental units.

*[See Charter, Section 4-2(c)].*

**§5-7. New and Full-Time Positions:**

- A. Permanent full-time and part-time positions *proposed by the Town Manager* may be created and funded at Annual Town Meetings by a majority vote. *[See Charter, Section 4-2(c)].*
- B. Permanent full-time or part-time positions may be created and funded at Special Town Meetings by a two-thirds vote, but only if the Board of Selectmen, following consultation with the Finance Committee, has determined by a four-fifths vote that the purpose of the new position is extraordinary.
- C. The salary classification of full-time and part-time positions may be modified at Annual Town Meetings by majority vote.
- D. The salary classification of full-time and part-time positions may be modified at Special Town Meetings by a two-thirds vote and only if the Board of Selectmen, following consultation with the Finance Committee, has determined by a four-fifths vote that the purpose of the reclassification is extraordinary.

**History: Added 12-2-1985 STM, Article 53, approved by Attorney General on 2-11-1986.**

**History: Amended -1-1989 STM, Article 59, approved by Attorney General on 7-5-19-1989.**

- §5-8. Appropriation for Fringe Benefits:** No new full-time or regular part-time position may be created or filled by any board or official of the Town except in conformity with the Personnel Administration Plan, if applicable, and unless the Town Meeting article creating or upgrading the position from part-time to full-time includes an appropriation for fringe benefits for the first fiscal year. For purposes of this section, “fringe benefits” shall consist of any medical insurance, life insurance and pension reserve fund payments as the Treasurer determines are needed. Nothing in this section shall change the percentage of medical and life insurance payments for Town employees previously authorized by the Town.

**History: Added 8-25-1986 STM, Article 53, approved by Attorney General on 10-17-1986.**

**ARTICLE III -- Treasurer/ Tax Collector**

**History: Adopted as Ch. 2, Article 2.2, of the 1980 Code**

- §5-9. Appointment; Term of Office.** The Treasurer/ Tax Collector shall be appointed *by the Town Manager for a term to be determined by the Town Manager. [See Charter, Section 4-2(b)].*



- §5-10. Authority to Engage Legal Counsel.** The Treasurer is authorized to engage counsel at the expense of the Town for the purpose of prosecuting any action at law under the provisions of the public statutes relating to suits on bonds, notes, or other securities.
- §5-11. Statutory Duties.** The Treasurer/Collector of Taxes shall carry out all duties, functions and obligations imposed on him by the General Laws of the Commonwealth.
- §5-12. Additional Duties.** The Treasurer/Collector of Taxes, ex-officio, shall be the Town Collector, and it shall be his duty under the title of Town Collector to collect all accounts due and payable to the Town, excepting interests on investments of sinking or trust funds, the collection of which is not otherwise provided for by statute, bylaw or vote of the Town.
- §5-13. Action Upon Inability to Collect.** If the Town Collector is unable to make prompt collection of the accounts committed to him/her under this Article, he/she shall so certify to the Selectmen, who shall enforce collection by suit or otherwise, in accordance with the provisions of the statutes and the bylaws of the Town.
- §5-14. Payment Authorizations.** Funds belonging to the Town in the hands of the Treasurer shall only be withdrawn from the bank on orders countersigned by at least two (2) of the Selectmen.  
**History: Amended 5-2-1983 ATM, Article 45, approved by Attorney General on 10-12-1983.**

#### **ARTICLE IV -- Town Counsel**

**History: Adopted as Ch. 2, Article 2.4 and Sec. 2.13.2 of the 1980 Code.**

- §5-15. Term of Office.** The Selectmen, annually in June, shall appoint a Town Counsel to hold office for the term of one (1) year from the first day of July following and until his/her successor is appointed and qualified.
- §5-16. General Powers and Duties; Compensation.** He/she shall act as the legal advisor and solicitor of the Town and as head of the Legal Department and shall receive such salary or compensation as the Selectmen shall determine.
- §5-17. Removal from Office.** The Selectmen shall remove the Town Counsel from office if, in their opinion, the interests of the Town so require and shall fill any vacancy in said office by new appointment.

- §5-18. Accommodations.** The Selectmen shall provide suitable space for the Town Counsel, as head of the Legal Department, in the Town Office Building. All books, records and documents assembled by the Town Counsel in connection with the Town's legal affairs shall be kept in files properly indexed in the offices of the Legal Department for convenient reference by the Selectmen and the Town Counsel's successor in office.
- §5-19. Attendance at Town Meetings.** The Town Counsel shall attend all Town Meetings and shall, at the request of the Moderator, advise the meeting on questions of law relating to the subject matter of any article in the Warrant and as to the form of proposed votes or motions or the legality of any particular action proposed by the meeting.
- §5-20. Advice to Other Boards.** Subject to the approval of the Board of Selectmen, all elective or appointive Town officers, special or standing committees, boards or departments may obtain, orally or in writing, the advice or opinion of the Town Counsel as to any function of their respective offices or on any specific question of law in relation thereto.
- §5-21. Legal Proceedings by Selectmen.** The Selectmen shall be the agents of the Town to prosecute and defend suits to which the Town, in its corporate capacity, may be a party; and as agents of the Town, they shall have full authority to prosecute or defend all suits at law or in equity and all civil and criminal proceedings and litigation to which the Town, or any Town officer in his/her official capacity, is a party or in which its rights, duties and interests may be the subject of adjudication.
- §5-22. Compromise and Settlements.** The Selectmen shall have full authority, as agents of the Town, with the advice and consent of the Town Counsel, to compromise and settle all claims or suits against the Town if, in their opinion, such claims cannot be defended advantageously or successfully.
- §5-23. Reports of Accidents.** Whenever any accident occurs on a way, involving personal injury or property damage by reason of an alleged defect or want of repairs of such ways, the Superintendent of Streets or any police officer or other Town official or employee cognizant of the same shall forthwith make written report of such accident to the Town Counsel containing all available information useful in defending a claim or suit against the Town founded on such alleged defect or want of repair.
- §5-24. Assignment of Police Officer.** The Chief of Police, at the request of the Town Counsel and by order of the Selectmen, shall assign a competent police officer to the Legal Department to act under the direction of the Town Counsel in the investigation of claims against the Town and to assist him/her in the trial and preparation for trial of any litigation to which the Town is a party.

§5-25. **Consultation with Town Departments.** All departments are authorized and empowered to consult the Town Counsel at any time in connection with their duties, subject to the provisions of §5-20 of this Article.

## **ARTICLE V<sup>2</sup> -- Director of Public Works**

**History: Adopted 5-7-1984 ATM, Article 17, approved 9-17-1984.**

§5-26. **Appointment; Term of Office.** *The Town Manager* shall appoint a Director of Public Works for a term not to exceed three (3) years. *[See Charter, Section 4-2b)].*

§5-27. **Powers and Duties.** The Director of Public Works shall, under the direction of the Board of Selectmen, have full charge of all public ways, sidewalks, storm drains and maintenance of all Town buildings and grounds, except those lands under control of the Conservation Commission.

§5-28. **Authority.** The Director of Public Works is authorized to issue permits for work to be performed upon Town highways or sections thereof.

## **ARTICLE VI - Filling of Appointed Positions.**

A. The Selectmen *and Town Manager, respectively*, shall fill the following appointed positions as indicated hereafter, with preference being given to residents of the Town. Any person appointed to any position shall be sworn to the faithful performance of said position by the Town Clerk prior to assuming the position. Once a person is so sworn it shall not be necessary in any subsequent year where the same person is reappointed to the same position to again be sworn.

**History: Added 10-5-1992 ATM, Article 21, approved by Attorney General on 1-11-93.**

B. Positions.

(1) The *Town Manager* shall appoint a Tree Warden for a term of one (1) year.

(2) The Selectmen may appoint a Leisure Services Committee.

**History: Amended 5-3-1982 ATM, Article 17, approved by Attorney General on 9-7-1982.**

(3) The *Town Manager* may appoint a Director of Leisure Services to oversee recreation and youth services and committee education.

**History: Amended 5-3-1982 ATM, Article 17, approved by Attorney General on 9-7-1982.**

**History: Amended 12-3-1984 STM, Article 38;**

**History: Amended 5-1-1989 STM, Article 44, approved by Attorney General on 7-5-1989.**

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<sup>2</sup> Editor's Note: This Article repealed a former Article entitled "Superintendent of Streets."

- (4) The Town Manager shall appoint the Harbormaster and may appoint Assistant Harbormasters to terms of one (1) year.
- (5) The Selectmen shall appoint Town Constables for terms of one (1) year.
- (6) The Town Manager shall appoint an Inspector of Gas Piping and Gas Appliances, pursuant to MGL C. 143, §3-0.
- (7) The Selectmen shall appoint a Board of Registrars, consisting of four (4) members, one (1) of whom shall be the Town Clerk, under the provisions of MGL C. 51, §15.
- (8) The Selectmen shall appoint a Shellfish Constable and may appoint Deputy Shellfish Constables, pursuant to the provisions of MGL C. 130, §98, for a term of three (3) years.
- (9) The Town Manager shall appoint an Inspector of Buildings, pursuant to the provisions of MGL C. 143, §3.
- (10) The Town Manager shall appoint an Inspector of Wires, pursuant to the provisions of MGL C. 166, §32.
- (11) The Town Manager shall appoint a Dog Officer in accordance with MGL C. 140, §151.
- (12) The Selectmen may appoint a Cemetery Commission.  
**History: Amended 5-3-1982 ATM, Article 17, approved by Attorney General on 9-7-1982.**
- (13) The Town Manager may appoint a Sealer of Weights.  
**History: Amended 5-3-1982 ATM, Article 17, approved by Attorney General on 9-7-1982.**
- (14) The Selectmen may appoint licensing agents to assist the Board with respect to all licenses and permits within its jurisdiction.  
**History: Added 5-3-1982 ATM, Article 17, approved by Attorney General on 9-7-1982.**
- (15) The Selectmen may appoint a Youth Commission.  
**History: Added 5-6-1985 ATM, Article 6.**
- (16) The Town Manager shall appoint one (1) or more Herring Wardens for terms of one (1) year.  
**History: Amended 12-2-1985 STM, Article 52, approved by Attorney General on 2-11-1986.**

- (17) The Selectmen shall appoint regular and associate members to the Shellfish Commission to fill vacancies.

**History: Amended 12-2-1985 STM, Article 48, approved by Attorney General on 2-11-1986.**

***[See Charter, Sections 3-2(d) and 4-2(b)].***

## CHAPTER 6 -- FINANCES

**History: Adopted by the Town of Mashpee: Art. I, as Ch. 2, Art. 2.13, Sec. 2.13.3, of the 1980 Code; Art. ii, as Ch. 3, Art. 3.1, of the 1980 Code; Art. III, as Ch. 3, Art. 3.2, of the 1980 Code; Art. IV, as Ch. 3, Art. 3.3, of the 1980 Code; Art. V, as Ch. 3, Art. 3.4, of the 1980 Code; Art. VI, as Ch. 3, Art. 3.5, of the 1980 Code; Art. VII, 5-17-1982 Annual Town Meeting, Art. 21; Art. VII, 5-3-1982 Annual Town Meeting, Art. 23, approved 9-7-1982. Amendments noted where applicable.**

### ARTICLE I -- Debts to Town

**History: Adopted as Ch. 2, Article 2.13, Sec. 2.13.3 of the 1980 Code.**

- §6-1. Deduction from Payment Due:** Any persons indebted to the Town for taxes or otherwise shall have such debt deducted before payment by the Treasurer from any sum due him from the Town for work on roads or for any other service performed, except as otherwise prohibited by law.

### ARTICLE II -- Contracts

**History: Adopted as Ch. 3, Article 3.1, of the 1980 Code.**

- §6-2. Public Bidding:** All procurement contracts for supplies, services and materials shall be subject to the provisions of MGL Chap. 30B.  
**History: Amended 5-7-1984 ATM, Article 64, approved by Attorney General on 9-17-1984.**  
**History: Amended 10-1-1990 ATM, Article 19, approved by Attorney General 12-18-1990.**
- §6-3. Expenditures:** All purchases of equipment, supplies and materials, the estimated value of which amounts to one thousand dollars (\$1,000.) or more shall be submitted to the *Town Manager* by the head of the department for approval prior to execution of the purchase agreement. ***[See Charter, Section 4-2(k)].***  
**History: Amended 5-7-1984 ATM, Article 65, approved by Attorney General on 9-17-1984.**  
**History: Amended 5-4-1992 STM, Article 10, approved by Attorney General on 8-26-1992.**

**§6-4. Awarding of Contracts:** On all contracts for which advertisement is required pursuant to §6-2, the award shall be made to the lowest responsible bidder. In making the award, preference shall be given to any bidder who is a resident of or who maintains a business in the Town of Mashpee, but only insofar as the same does not represent a substantial financial loss to the Town.

**History: Amended 5-7-1984, ATM, Article 66, approved by Attorney General on 9-17-1984.**

**§6-5. Bid Openings:** All bids for advertised contracts of the Town shall be returnable at the Town Manager's office on a specific date and hour and shall be publicly opened and read by the Town Manager at that time. [See Charter, Section 4-2(k)].

**§6-6. Collective Purchasing.** The provisions of this By-law shall be deemed to have been complied with on all purchases made through the State Purchasing Agent or the County Purchasing Agent.

**History: Amended 5-3-1982 ATM, Article 15, approved by Attorney General on 9-7-1982.**

### **ARTICLE III -- Transportation Reimbursement**

**History: Adopted as Ch. 3, Article 3.1 of the 1980 Code**

**§6-7. General Provisions:** When any employee, officer, member of any unpaid board or committee or member of the Board of Assessors travels within or outside the Town of Mashpee or when any member of a paid elected Board travels outside the Town of Mashpee on business connected with official duties, he shall be entitled to receive reimbursement on the following basis; if travel is by rail, water, bus, plane or any public transportation, the amount of economy rate fare; if travel is by private motor vehicle, the current rate of reimbursement for such mode of travel established by the Internal Revenue Service in its most recent published schedule. Reimbursement of travel expenses shall be made only with prior approval of the travel by the department head.

**§6-8. Requests for Reimbursement:** Requests for reimbursement shall be made on forms approved by the Town Manager and shall include, at a minimum, the following: date of travel, destination, purpose, odometer readings at start and end of trips and signature of traveler. The Town Manager is authorized to prepare a standard mileage schedule between the Town and other communities, which shall be the basis of reimbursement for travel to points outside of the Town of Mashpee.

[See Charter, Section 4-2(a)].

**History: Amended 11-9-1981 STM, Article 30, approved by Attorney General on 2-16-1982.**

#### ARTICLE IV -- Annual Audit

**History: Adopted as Ch. 3, Article 3.3 of the 1980 Code**

§6-9. **State Audit:** There shall be an annual audit of the Town's accounts, consistent with applicable provisions of the Charter, under the supervision of the Director of Accounts of the Department of Revenue, in accordance with the provisions of MGL C. 44, §35.

§6-10. ***Independent Audit:*** *The Finance Committee shall annually provide for an outside audit of the books and accounts of the Town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the Town or any of its officers. The Town Manager shall annually provide a sufficient sum of money to conduct the audit. The award of a contract to audit shall be made by the Finance Committee on or before September fifteenth of each year. The report of the audit shall be filed in final form with the Finance Committee not later than March first in the year following its award and copies shall be placed on file in the office of the Town Clerk. [See Charter, Section 6-9].*

#### ARTICLE V -- Annual Inventory

**History: Adopted as Ch. 3, Article 3.4 of the 1980 Code**

§6-11. **Preparation Requirement:** All department heads of the Town shall prepare and submit to the *Town Manager* between May 15 and no later than June 30 of each year a complete inventory of all Town-owned property for which their departments are responsible. *[See Charter, Section 4-2(i)].*

#### ARTICLE VI -- Disposal of Town Equipment

**History: Adopted as Ch. 3, Article 3.5 of the 1980 Code**

§6-12. **Procedure:** As authorized in MGL C. 40, §21, Clause 11, any equipment to be disposed of by various officers or departments of the Town shall first be offered to any other office or department of the Town who may require it.

#### ARTICLE VII -- Capital Improvement Committee and Program (CIP)

**History: Adopted 5-17-1982 ATM, Article. 21.**

§6-13. **Establishment of Committee; Membership.** A Committee, to be known as the "Capital Improvement *Program* Committee," shall be established to prepare a capital improvement program. This Committee shall perform the duties as specified *in the Charter* and following sections of this Bylaw, and shall consist of the following members: The Town *Manager*, who shall serve as the Chairman of the Committee, a member or designee of the Board of Selectmen who shall be designated annually by vote of the Board of Selectmen, a member or designee of the Finance Committee who shall be designated annually by vote of the Finance Committee, the Town Accountant and a member at-large to be appointed annually by the Board of Selectmen. Said

members designated or appointed by the Selectmen and Finance Committee shall not be Town employees, nor members of other Town boards or commissions. [See Charter, Section 6-8 ].

**History: Amended 12-2-1985 STM, Article 54, approved by Attorney General on 2-11-1986.**

**History: Amended 5-7-2001 ATM, Article 24, approved by Attorney General on 8-18-2001.**

- §6-14. **Consideration of Proposed Capital Outlays.** The Committee shall, *in accordance with the provisions of Section 6-8 of the Charter*, study proposed capital outlays involving the acquisition of land or any expenditure of twenty five thousand dollars (\$25,000) having a useful life of at least three (3) years. All officers, boards and committees, including the Selectmen and School Committee, shall, by September 1 of each year, give to such Committee, on forms prepared by it, information concerning all projects anticipated by them, i.e., involving the acquisition of land or an expenditure of twenty five thousand dollars (\$25,000) having a useful life of at least three (3) years. The Committee shall consider the relative need, timing and cost of these expenditures and the effect each will have on the financial position of the Town. **History: Amended 5-7-2001 ATM, Article 24, approved by Attorney General on 8-18-2001**

- §6-15. **Preparation of Annual Report.**

**History: Amended 10-7-1996 ATM, Article 53, approved by Attorney General on 12-9-1996.**

- A. The Committee shall prepare *and submit to the Town Manager*, by the *second Monday in January*, an annual written report containing a Capital Improvement Program for the following fiscal year. *The Town Manager shall submit the Capital Improvement Program to the Finance Committee by the first Monday in February.* The Finance Committee will include said Program, including explanations, in its Report to the Spring Annual Town Meeting. The Finance Committee will submit an article to the Board of Selectmen for inclusion in the Warrant of the budget for capital outlays, as recommended by the Capital Improvement *Program* Committee. [See Charter, Section 6-8 ].
- B. The Committee shall also prepare a Capital Improvement Program for the following *five (5)* years for presentation to the Finance Committee. The Finance Committee will include said report from the Capital Improvement *Program* Committee, including explanations, in its report to the Spring Annual Town Meeting. The Finance Committee will submit an article to the Board of Selectmen for inclusion in the Warrant for the Capital Improvement Program for the following *five (5)* years, as recommended by the Capital Improvement *Program* Committee.



C. The Committee may make such investigations and hold such hearings as it may deem necessary but shall hold at least one (1) public hearing annually during the Committee's deliberations on capital projects, said hearing to be held following notice published in a newspaper of general circulation in the Town.

**§6-17. Effect of Program.** Such Capital Improvement Program, after its adoption by Town Meeting action, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, engineering advice, options or appraisals which may be expended for projects listed thereon, but no such expenditure shall be incurred on projects which have not been so approved by Town Meeting action. Such expenditures may also be made as to projects approved by the Town through the appropriation of sums in the current or prior years and also for preliminary planning for projects to be undertaken more than five (5) years thence.

**§6-18. Copies of Annual Report.** Copies of the Annual Report shall be published and distributed along with the Finance Committee Report. The Capital Improvement Program Committee shall deposit the original with the Town Clerk.

**§6-19. Vacancies.** Wherever any vacancy shall occur on the Committee, it shall be filled by the appointing authority that appointed the member whose position had become vacant. Any person appointed to fill a vacancy on the Committee shall hold office for the unexpired term of the person whom he succeeds.

**§6-20. Organization.** Committee members shall organize at the first meeting of the Committee following June 30 of each year and choose a Clerk. All members shall serve without compensation, although they may be reimbursed for expenses incurred in performance of duties, subject to Town Meeting appropriation.

## **ARTICLE VIII -- Reversion of Appropriations to General Fund**

**History: Adopted 5-3-1982 ATM, Article 22, approved by Attorney General on 9-7-1982.**

**§6-21. Definitions.** As used in this Article, the following words shall have the following meanings:

**GENERAL APPROPRIATION** - Any appropriation made by Town Meeting that is not a specific appropriation within the meaning of this Article.

**SPECIFIC APPROPRIATION** - An appropriation made by Town Meeting that is described within the vote, making the appropriation as being "specific," and is otherwise a "specific appropriation" under the law.

**§6-22. General Appropriations.** General appropriations made by the Town Meeting shall continue to revert to the general fund at the close of the fiscal year for which they are made, as provided by law.

**§6-23. Specific Appropriations.**

- A. Unless otherwise provided in a vote of the Town Meeting making a specific appropriation, or unless a specific appropriation has been encumbered by contractual obligations, a specific appropriation shall have a normal life of three (3) years from the commencement of the fiscal year, any funds remaining in that appropriation shall revert to the general fund. A vote making a specific appropriation may provide that the appropriation shall revert to the general fund at the end of any fiscal year.
- B. The Town may, at any time under a proper article in a Warrant, extend the date on which a specific appropriation would otherwise revert to the general fund.
- C. The reversion of the balance of the funds in the specific appropriation account shall include any subsequent transfer of funds to the specific account that remain unexpended on the date of the reversion.

**§6-24. Exception.** Nothing in this Article shall be construed to affect the right of any creditor of the Town, regardless of the reversion of any appropriation to the general fund.

**CHAPTER 7-- PUBLIC RECORDS AND OPEN MEETINGS**

**History: Added 5-3-2004 ATM, Article 17, approved by Attorney General on 8-23-2004**

**§7-1. Purpose.** This bylaw shall be known as the “Public Records and Open Meeting Bylaw.” The purpose of this bylaw is to ensure open access to public records and meetings; to provide for adequate disclosure of matters concerning the public interest and the accountability of Town Boards, Committees and Commissions; and to provide for strengthened local control and enforcement of the Commonwealth’s Open Meeting Law, Chapter 39, Sections 23A and B, and the Public Records Law, Chapter 66 of the Massachusetts General Laws, and any related regulations or interpretations issued by the Attorney General or Secretary of State of the Commonwealth in effect at the time of adoption of this bylaw.

- A. The Town recognized the importance of:
  - 1. Open public meetings
  - 2. Properly posted public meeting notices
  - 3. Accurate documentation of the record of all public meetings
  - 4. Timely preparation of minutes
  - 5. Timely filing of approved minutes with the Town Clerk
  - 6. Record retention in accordance with State regulations
  - 7. Audio sound (tape) recording of the meetings of key Town boards, committees, and commissions
  - 8. Enforcement of the provisions of this bylaw.

**§7-2. Jurisdiction.** Because regulatory authorities subject citizens to fees, fines and regulations, and the Town to possible litigation, the Town's interest is best served by requiring the following to comply with all provisions of this bylaw. The Board of Selectmen, the Board of Assessors, the Planning Board, the Board of Health, the Zoning Board of Appeals, the Conservation Commission, all hereinafter referred to as "Regulatory Authorities."

**§7-3. Requirements.**

A All Regulatory Authorities are required to:

1. Post notices of meetings in compliance with Chapter 39 Section 23B of Massachusetts General Laws.
2. Post a copy of the agenda at the Town Clerk's Office one day prior to such meeting and supply to the public sufficient copies of the agenda at each meeting.
3. Document all meetings by written report in the form of minutes pursuant to Chapter 66, Section 3, 4, 5A and 6 of the Massachusetts General Laws. Such minutes must be approved at the next scheduled meeting, or as soon as possible thereafter, and be filed with the Town Clerk within two (2) business days after approval.
4. Audio sound (tape) record all meetings. Such tapes must be filed with the Town Clerk at the same time as the written minutes are filed.

B. Waivers of compliance may be granted with respect to 38-3 1) (b) and (d) for reasons which the Town Clerk deems valid and which are not inconsistent with Massachusetts General Laws.

C. The Town Clerk shall be required to maintain the audio tape records for a period of three (3) years. If, in the opinion of the Town Clerk or Board Chairman, retention is in the best interest of the Town, a longer period may be stipulated.

**§7-4. Other Provisions.**

A. All other Town boards, committees, and commissions, not specified herein, may elect to audio record their meetings. If such election is made to audio record, some or all meetings, the filing requirements herein shall also apply.

B. All other Town boards, committees, or commissions not specified herein, must post notices of meetings and record the business of their meetings in accordance with this bylaw and Massachusetts General Laws.

C. Regulatory Authorities shall not be required to provide audio tape recordings of workshop meetings and meetings held in executive sessions.

**§7-5. Administration.** This Bylaw shall be administered by the office of the Town Clerk, who may designate a person(s) to be the administrator(s) of public records. The Town Clerk shall promulgate such rules and regulations as are necessary to administer this bylaw with the approval of the Board of Selectmen who shall hold a public hearing after providing seven (7) days notice of such hearing. The Town Clerk shall have the full power of enforcement to bring civil or criminal action to enforce the provisions of this bylaw. The Town Clerk must discover or have been made aware of a violation and shall not take action until:

- A. A letter to the violator detailing the item(s) of noncompliance shall be sent within thirty (30) days of the violation; and
- B. The violator shall have been given twenty-one (21) days to remedy the violation or provide sufficient reasons to seek a waiver of compliance. Failure to respond to the Town Clerk within the stated time period shall be sufficient ground for immediate enforcement action.

**§7-6. Penalties.** Any violation of this bylaw may be punished by a fine of three hundred (\$300.00) per offense.

## **PART II - GENERAL LEGISLATION**

### **CHAPTER 145**

**§145-2. Appointment of Herring Wardens.** The Town Manager is authorized to appoint one (1) or more Herring Wardens and is authorized, from time to time, to make regulations concerning the opening and maintenance of ditches, sluiceways or canals into any pond within the Town not in private possession for the introduction and propagation in such pond or in any part thereof of herring, alewives or other swimming marine food fish and for the creation of fisheries for the same. No such regulations shall become effective until a public hearing has been held by the Board of Selectmen and public notice of the regulations adopted shall have been given. [See Charter, Section 4-2(b)].  
History: Amended 12-2-1985 STM, Article 52, approved by Attorney General on 2-11-1986.

**NOTE: All proposed revisions to the General Bylaws noted above are recommended by the Bylaw Review Committee (“Committee”) specifically for the purpose of bringing the Bylaws into conformity with the Charter and/ or to fully implement the Charter, with the following exceptions, which are recommended for the reasons stated:**

- **References to the Board of Water Commissioners in Bylaw Sections 5-36 through 5-39 have been deleted due to the elimination of the Mashpee Board of Water Commissioners upon creation of the Mashpee Water District by Special Act of the General Court.**
- **References to the Natural Resources Management Committee in Sections 5-55 through 5-57 have been deleted due to non-appointment and inactivity of this body.**
- **The Disposition of Fees Schedule has been deleted from Section 27-3 because the authority to impose fees and charges is vested in the Town Clerk and other officers/ Boards of the Town by provisions of General Law. A schedule of all fees, as they may be amended from time to time, will be posted in the Office of the Town Clerk in accordance with General Law. This provision of the General Bylaws is, thus, deemed to be unnecessary.**
- **The Town employee Transportation Reimbursement provisions of Section 15-18 (revised as Section 6-7) were adopted in 1980, and haven’t been revised since that time. The proposed revision would adopt the rate of reimbursement for travel established by the Internal Revenue Service in its periodic schedules. This is a widely accepted standard for travel expense reimbursement, which the Committee feels would be appropriate for Mashpee employees.**
- **The Transportation of Labor and Trucking provisions of Sections 15-10 and 15-11 are governed by provisions of General Law and/ or collective bargaining agreements, and would fall within the jurisdiction of the Town Manager as chief procurement officer for the Town under the Charter. The Committee, thus, deemed these sections to be superfluous.**