

**ARTICLE II**  
**TOWN OFFICIALS**

**Section 1 Elected Officials**

The town at its annual meeting on the first Monday of May shall in every year when the term of office of any incumbent expires, and except when other provision is made by statute, choose by official ballot from its registered voters the following town offices for the following terms of office:

A MODERATOR for the term of three (3) years.<sup>1</sup>

A TOWN CLERK for the term of three (3) years.<sup>2</sup>

FIVE SELECTMEN each for a term of three (3) years, of which two (2) shall be elected at annual meeting, two (2) at the next annual meeting, and one (1) at the next annual meeting, and thereafter in the same order;<sup>3</sup>

THREE ASSESSORS each for the term of three (3) years, of which one shall be elected at each annual meeting.

FIVE MEMBERS OF THE SCHOOL COMMITTEE each for the term of three (3) years, of which two shall be elected at an annual meeting, two at the next annual meeting and one at the next annual meeting, and thereafter in the same order.

THREE MEMBERS OF THE BOARD OF WATER AND SEWER COMMISSIONERS each for the term of three (3) years, of which one shall be elected at each annual meeting.

THREE MEMBERS OF THE BOARD OF HEALTH each for the term of three (3) years, of which one shall be elected at each annual meeting.

SIX TRUSTEES OF THE PUBLIC LIBRARY each for the term of three (3) years, of which two shall be elected at each annual meeting.

FIVE MEMBERS OF THE TOWN PLANNING BOARD each for the term of three (3) years, of which two shall be elected at an annual meeting, two at the next annual meeting, and one at the next annual meeting, and thereafter in the same order.

FOUR MEMBERS OF THE FOXBOROUGH HOUSING AUTHORITY each for the term of five (5) years and each such term to expire in a different year. A fifth member shall be appointed by the Secretary, Executive Office of Communities and Development for a five year term which shall expire in a different year.

**Section 2 Powers and Duties of Elected Officials**

This section highlights the powers and duties of elected officers, but for complete detail, reference must be made to the decisions of the Supreme Judicial Court and to the general laws and special acts of the legislature.

All town officers authorized by law to expend money shall furnish to the town accountant and to the advisory committee no later than February first (1st) or the next closest Friday at five (5:00) o'clock p.m. of each year, estimates of the amounts necessary for the proper maintenance and administration of the several departments under their jurisdiction for the ensuing year and in such detail as may be required by the advisory committee.

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<sup>1</sup> STM November 4, 1991, Article #9.

<sup>2</sup> STM November 4, 1991, Article #6.

<sup>3</sup> STM March 20, 2006, Article #6.

The MODERATOR shall preside at each town meeting except elections and shall appoint members of the advisory committee and members of other committees if authorized to do so by vote of the town.

The TOWN CLERK shall record all official businesses of the town. S/he shall organize elections and record all votes at such elections. S/he shall record all motions and votes at town meetings and notify the assessors, the town treasurer, and the accountant of all monies voted and the provisions for raising same. S/he shall record births, deaths, and marriages of all residents, wherever the event occurs, and shall record births, deaths and marriages of non-residents occurring in the town. S/he shall record all security transactions by residents and shall record all licenses granted by her/himself or by the selectmen. S/he shall maintain a register of certificates of practice granted to a resident by any state authority. S/he shall have custody of all instruments conveying the town's interest in real estate to others. S/he shall maintain copies of all plans and lay-outs for streets and sewers and of all certificates of takings by eminent domain. S/he shall maintain a road book. S/he shall issue marriage, sporting and dog licenses to qualified persons. As soon as practicable after each town meeting s/he shall notify in writing all persons appointed to committees chosen at such meeting, stating the business upon which they are to act and the names of the persons composing the committee.

The BOARD OF SELECTMEN shall have general supervision of all matters and business of the town not otherwise specifically delegated by law or by vote of the town. They shall prepare the warrant for town meetings and shall transmit immediately a copy or copies of the warrant to the advisory committee. They shall have jurisdiction over the police, fire and highway departments. They shall have authority as agents of the town to institute and prosecute suits in the name of the town and to appear and defend suits against the town. They shall provide guidance to the Town Manager, who shall prosecute, defend or compromise all litigation for or against the town in accordance with the guidance provided by the board of selectmen<sup>1</sup>. They shall act as licensing authority of the town and shall grant licenses and fix fees within the limits provided by law. They must approve all bills and payrolls before payment may be made by the town treasurer. Otherwise provided by law, all written instruments conveying any interest of the town shall be under the hand and seal of the board of selectmen. They shall make appointments to committees chosen at town meeting unless otherwise provided by law or by vote of the town. They shall lay out streets for acceptance at town meetings.

The ASSESSORS shall function under the supervision of the Commissioners of Corporations and Taxation. They shall appraise all property at full, fair, market value and shall levy property taxes and determine each taxpayer's share of the total amount required to operate the town. They shall maintain and keep current maps showing every parcel of real estate, its boundaries and owner. Each year they shall prepare and make available for public inspection before submission to the town collector, a valuation list setting forth in alphabetical order the name and address of each person to whom taxes have been assessed, a description of the property, its assessed valuation, and the dollar amount of taxes.

The SCHOOL COMMITTEE shall have general jurisdiction of all public schools. They shall select and contract with teachers, appoint a superintendent of schools, principals, school physicians, school nurses and such other agents and employees as may be authorized by law. They shall determine the school curriculum, vacation periods, summer school, adult education programs, salary schedules, and other major policy matters.

The PLANNING BOARD shall:<sup>2</sup>

1. Make studies and when necessary, prepare plans of the resources, possibilities and potentials of the town, and upon completion shall submit its recommendations to the board of selectmen;
2. Report annually to town meeting regarding the condition of the town and any plans or proposals for its development and cost estimates for same, and shall furnish a copy of said report to the Massachusetts Department of Community Affairs;
3. Make a master or study plan of the town which shall show the following plus other pertinent features:

<sup>1</sup> STM December 15, 2008, Article #15. Deleted previous section, inserted new section.

<sup>2</sup> ATM May 14, 1990, Article #20. Rescinded previous section, inserted new section.

- a. Public ways and places,
- b. Bridges,
- c. Playgrounds, parks, and parkways,
- d. Sites for public buildings and structures,
- e. Building and zoning districts,
- f. Waterways,
- g. Routes of railroads and buses,
- h. Utilities and

after consultation with the bodies politic, shall designate in the master plan, conservation, rehabilitation, or redevelopment areas for residential protection, neighborhood improvement, or urban renewal;

4. Administer the Subdivision Control Law and shall adopt reasonable rules and regulations relative to the subdivision of land subsequent to a public hearing;

5. Hold a public hearing with regard to the applicable sections of the Foxborough Zoning By-Laws, and submit its report with recommendations and decisions to the town.

6. Appoint an associate member designated by the chairman to sit on the board for the purpose of acting on any application in the case of absence, inability to act, or conflict of interest on the part of any regular member of the board or in the event of a vacancy on the board<sup>1</sup>. This appointment shall be made by a majority vote of the board of selectmen and planning board, and re-appointment shall be considered on a yearly basis thereafter, the provisions of Article II, Section 4, notwithstanding.<sup>2</sup>

The BOARD OF WATER AND SEWER COMMISSIONERS shall establish and revise as needed, regulations governing the use of water and charges for such use. The board shall also establish and revise as needed, regulations governing the use of the municipal sewer and charges for such use in accordance with Chapter 46, Acts of 1986. They shall determine the size and type of pipe, meters and other necessary water supply and municipal sewer equipment. They shall hire a superintendent and other employees to provide an adequate supply of water and to maintain the water and municipal sewer systems. They shall pay to the town treasury all charges and fees collected for the use of water and sewer equipment. The operating budget of the Water and Sewer Department and any amount required for capital improvement shall be voted by the town.<sup>3</sup>

The PUBLIC LIBRARY TRUSTEES shall manage and control the public library building and its contents. They shall hire librarians, and keep open such hours as they deem the public use requires. They shall purchase appropriate reading material and documents for public use within the limits of their annual budget.

### **Section 3 Nominations**

Nominations of candidates for each town office to be filled at any election shall be made by nomination papers provided by the town clerk and signed in the aggregate by not less than fifty (50) voters of the town. They shall be submitted for certification to the registrars of voters by a responsible person, together with the written acceptance of the candidate thereby nominated, on or before five o'clock (5:00) in the afternoon of the forty-second (42nd) day preceding the election. The registrars shall file the nomination papers and their certification with the town clerk on or before five o'clock (5:00) in the afternoon of the twenty-eighth (28th) day preceding the election.<sup>4</sup>

<sup>1</sup> STM October 17, 2005, Article #10.

<sup>2</sup> STM December 9, 1996, Article #18.

<sup>3</sup> STM November 16, 1992, Article #10. Rescinded previous section, inserted new section.

<sup>4</sup> MGL, Chapter 53, Section 7 changes the dates to 49 days and 35 days respectively.

#### Section 4 Appointed Officials

Except for appointments to the advisory committee described in Article III, all officials, boards, committees, and bodies not elected on the official ballot shall be appointed by the board of selectmen. Such appointments shall include the following terms unless otherwise provided by statute or by vote of the town:

A police chief, a fire chief, and a town manager, each for such term as determined by the board of selectmen in accordance with applicable statutes.<sup>1</sup>

For a term of one year: a sealer of weights and measurers; a cat and dog officer; an animal inspector; a plumbing inspector; a wiring inspector; a gas inspector; two burial agents; three fence viewers; veteran's agent and director;<sup>2</sup> and a part-time youth recreation director to perform appropriate duties assigned by the board of selectmen.<sup>3</sup>

For a term of three years: a town accountant; a local superintendent of shadetree management and pest control; a building commissioner; a superintendent of streets.<sup>4</sup> Also three members of the board of registrars with one member being appointed each year; seven members of the conservation commission of which two members shall be appointed one year, two the next year and three the following year, and thereafter in the same order. Five members of the industrial development commission of which one member shall be appointed one year, two the next year and two the following year, and thereafter in the same order.<sup>5</sup>

There shall be a BOARD OF APPEALS to consist of three regular members and two associate members, to be appointed by the board of selectmen. The three regular members shall be appointed alternately for terms of three years so that the term of one regular member shall expire each year. The associate members shall be appointed for a term of one year. In case of a vacancy, absence, inability to act, or conflict of interest on the part of a regular member, his/her place may be taken by an associate member designated by the chairperson or acting chairperson. The board of appeals shall be governed by and may adopt rules not inconsistent with the provisions of the Massachusetts General Laws, Chapter 40A, Section 14, and Chapter 41, Section 81Z.

There shall be a FOXBOROUGH COUNCIL ON AGING AND HUMAN SERVICES with a mission to evaluate, promote, encourage and implement new and existing activities and services to enhance the quality of life for the residents of all ages in the Town of Foxborough. Said Council shall perform, without limitation, the functions specified in Massachusetts General Laws, Chapter 40, Section 8B, and such other duties necessary to carry out its mission except those vested by law in some other designated officer or board. Beginning for fiscal year 2005 (July 1, 2004) the Council shall consist of nine (9) members, appointed by the Town Selectmen, for a term of three (3) years.<sup>6</sup>

There shall be a HISTORIC COMMISSION consisting of seven citizens to be appointed by the board of selectmen to preserve, promote and develop the historic assets of the town.

There shall be a five member HISTORIC DISTRICT COMMISSION appointed by the board of selectmen, pursuant to Massachusetts General Laws 40C, as amended and outlined in Article X of the Foxborough General By-Laws entitled "Historic District".<sup>7</sup>

The board of selectmen shall establish and appoint a committee to be known as the CAPITAL IMPROVEMENT PLANNING COMMITTEE.<sup>8</sup> Said committee shall be composed of one member of the

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<sup>1</sup> STM November 16, 1992, Article #9.

<sup>2</sup> ATM May 11, 1998, Article #19.

<sup>3</sup> STM November 16, 1992, Article #9.

<sup>4</sup> ATM May 11, 1998, Article #19.

<sup>5</sup> STM November 16, 1992, Article #9.

<sup>6</sup> ATM May 10, 2004, Article #17.

<sup>7</sup> STM November 5, 2001, Article #5.

<sup>8</sup> ATM May 17, 1988, Article #35. This article deleted in its entirety the Long Range (Requirements Planning and Coordination) Committee.

board of selectmen, one member of the advisory committee, one member of the board of water/sewer commissioners, the town manager and the school superintendent or his designee. The finance director<sup>1</sup> shall be an ex-officio committee staff member without the right to vote. The town manager shall serve as chairman of the committee.

The committee shall study proposed capital projects and improvements including:

- (a) Major non-recurring tangible assets and
- (b) Vehicles and equipment which
  1. are purchased or undertaken at intervals of not less than five (5) years;
  2. have a useful life of at least five (5) years; and
  3. cost over twenty-five thousand dollars (\$25,000.00).<sup>2</sup>

All officers, boards and committees including the selectmen and the school committee shall by December 1st of each year, give to the committee, on forms prepared by it, information concerning all anticipated projects requiring town meeting action during the ensuing five (5) years. The committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town, and shall report the same either favorably or unfavorably to the board of selectmen. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is first submitted to the committee as herein provided.

The committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year, and a capital improvement program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the board of selectmen for its consideration and approval. The board shall submit its approved capital budget to the annual town meeting for adoption by the town.

Such capital improvement program, after its adoption shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering or other professional advice; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five (5) years in the future.

The committee's report and the selectmen's recommended capital budget shall be published and made available in a manner consistent with the distribution of the advisory committee report. The committee shall deposit its original report with the town clerk.

There shall be a PERMANENT MUNICIPAL AND SCHOOL BUILDING COMMITTEE to be appointed by the board of selectmen and consisting of nine citizens, of which three members shall be appointed for a term of three years, three members to be appointed for a term of two years, and three members to be appointed for a term of one year, and thereafter all appointments to be made for a term of three years. Said committee shall plan future municipal and school building needs and may engage architectural and consulting services necessary to issue annual reports or building plans for town meeting action as the needs dictate for future municipal and school building construction or alterations.

CONSTABLES shall be appointed by the board of selectmen, each for a term of one year. The constables shall post warrants for town meetings as directed by Article I, Section 2 of the by-laws, and they shall perform such other duties as are provided by law or by vote of the town.

There shall be a REGISTERED LAND SURVEYOR to be appointed by the board of selectmen to perform such duties as may be assigned by the board of selectmen.

There shall be a BOARD OF RECREATION for the purposes outlined in General Laws, ter.ed. Chapter 45, Section 14 and shall have the powers outlined in said section, exercised by a board appointed by the board of selectmen, consisting of nine (9) citizens<sup>3</sup>, one of whom shall be a member of the school committee and one who shall be a member of the conservation commission, to be appointed as follows:

<sup>1</sup> STM September 13, 1993, Article #7.

<sup>2</sup> ATM May 8, 2000, Article #13.

<sup>3</sup> STM November 20, 2001, Article #10.

initially three members to be appointed for a term of one year; two members to be appointed for terms of two years; and two members to be appointed for terms of three years; and thereafter, all to be appointed for terms of three years.<sup>1</sup>

In addition to the nine regular members, two associate members shall be appointed to three year terms by a majority vote of the Board of Selectmen and the Board of Recreation. Such associate members may be designated by the Chairman to sit on the Board for the purpose of acting on any application in the case of absence, inability to act, or conflict of interest on the part of any regular voting member of the Board, or in the event of a vacancy on the Board.<sup>2</sup>

There shall be a TOWN MANAGER<sup>3</sup> appointed by the board of selectmen to assist them in the performance of their duties.

A. Qualifications: The person appointed shall hold a minimum of a bachelor's degree from an accredited college or university or equivalent applicable experience and will have had a minimum of three years, full-time experience in the area of public administration or its equivalent.

B. Powers and Duties: The town manager's powers and duties shall include, but not be limited to, all of the powers, rights, responsibilities and duties as set forth in the Town Manager Act, Chapter 5 of the Acts of 2004.<sup>4</sup>

#### **Section 5 - Compensation of Elected Persons<sup>5</sup>**

Only the below listed elected official shall be compensated for such service or services, provided to the town, except when compensation is required by applicable statute. This by-law shall take effect over contrary provisions, if any, of other town by-laws.

Elected officials authorized to receive compensation:

Town Clerk<sup>6</sup>

As used herein the term "elected official" shall include, without limitation, all officers identified in Article II of these by-laws.

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<sup>1</sup> STM November 20, 2000, Article #10.

<sup>2</sup> STM December 15, 2008, Article #10

<sup>3</sup> Chapter 5 of the Acts of 2004 provided for a Town Manager form of Government. All references to Town Administrator have been changed to Town Manager.

<sup>4</sup> STM December 15, 2008, Article #15, deleted previous section, inserted new section.

<sup>5</sup> STM November 4, 1991, Article #18. This article shall take effect on July 1, 1992.

<sup>6</sup> ATM June 9, 2003, Article #14, deleted the reference to elected Town Collector, Town Treasurer and Board of Assessors.