

Chapter 2

ADMINISTRATION*

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ARTICLE I. IN GENERAL

Section. 2-1. Meeting Attendance Records.

All elected Boards and Committees shall keep an attendance record of all members at all regular and special meetings called by the Board or Committee. Such attendance record shall be made a part of the written Annual Report to the Board of Selectmen. (Bylaws, Art. 4, § 9,3-7-70)

Section. 2-2. Minutes of Meetings.

All elected and appointed boards and committees of the town shall submit to the Town Clerk, on a form approved by the Town Clerk, all minutes of meetings, special or regular within thirty (30) days following a meeting. Minutes of executive sessions shall be submitted as soon as publication will not defeat the purposes of the Executive Session. (Bylaws, Art. 4, § 10; Bylaws Art. 28, 5-4-74; Bylaws Art. 31, 5-1-01)

*Cross References-Gas Piping Inspector, Ch. 5, Art. II, Div. 2; Fire Department, Ch. 6, Art. II; Board of Health, Ch. 8, Art. II; Library Board of Trustees, Ch. 10, Art. II; Police Department, Ch. 13, Art. II; Highway Surveyor, Ch. 14, Art. III; Millbury Board of Appeals Rules, App. A; Sewer Department Rules, App. C; Regulations and Acts Accepted by the Town, Appendix D.

Section. 2-3. Cemetery Commissioners' Duties.

The duties of the Commissioners of Cemeteries are hereby incorporated by reference, inasmuch as they are completely set forth in the General Laws of this Commonwealth, with such adaptations as may be necessary to meet local requirements. (Bylaws, Art. 7, § 1, 11-12-1940)

Section. 2-4. Town Collector's Duties.

The duties of the Town Collector are hereby incorporated by reference, inasmuch as they are completely set forth in the General Laws of this Commonwealth, with such adaptations as may be necessary to meet local requirements. (Bylaws, Art. 7, § 1, 11-12-1940)

Section. 2-5. Disposal of Town Personal Property.

(a) The School Committee may dispose of personal property in its custody when it is deemed advisable and in the best interest of the Town.

(b) All other Town Officers, Boards or Departments may dispose of such personal property in their custody when they deem it advisable and in the interest of the Town, after such disposition shall be approved and authorized in writing by the Board of Selectmen.

(c) If, in the judgement of any Officer, Board, or Department, the value of property to be disposed of by sale exceeds one hundred dollars (\$100.00), the property shall be advertised in a newspaper published in the Town and bids shall be requested.

(d) The proceeds from any sale shall be paid to the Treasurer forthwith.

(e) Every Officer, Board or Department shall include in its Annual Report a list of property sold pursuant to this Section, the amount received therefrom, and the name of the purchaser. (Bylaws, Art. 15, § 1, 11-12-1940; Bylaws Art. 32, 5-1-2001)

Section. 2-6. Purchases.

No contract for the purchase of equipment, supplies, or materials, the actual or estimated cost of which amounts to ten thousand dollars (\$10,000.00) or more except in cases of special emergency involving the health and safety of the people or their property, shall be awarded unless proposals for same have been invited by advertisements in at least one newspaper, such publication to be at least one week before the time specified for the opening of such proposals. Such advertisement shall state the time and place for opening the proposals in answer to such advertisement, and shall reserve to the town the right to reject any or all proposals on any reasonable basis.

All such proposals shall be opened in public within a reasonable time. No bill or contract shall be split or divided for the purpose of evading any provisions of this section and the results of the bidding shall be published in the same manner provided for proposals. (Bylaws, Art. 15, § 2, 3-8-1952; Art. 4, 4-5-1980; Art. 16, 4-6-1985; Art. 17, 5-7-1991)

State Law Reference -Purchases, Letting of Contracts, M.G.L. c.40, § 4B.

Section. 2- 7. Absence from Scheduled Board, Commission or Committee Meetings.

If any person appointed to serve as a member of a multiple member body shall fail to attend five (5) or more consecutive regular meetings, or one-half or more of all of the meetings of such body held in one (1) calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten (10) days prior to the date said vote is scheduled to be taken, the body has given in hand, or mailed by certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person. (Bylaws Art. 28, 6-5-1978; Art. 33, 5-1-2001)

Editor's law -Article 28 of the Bylaws adopted June 5, 1978, was nonamendatory of the Code; hence, codification herein as § 2- 7 is at the discretion of the editor.

Section. 2-8. Article Closing.

Warrant articles appropriating funds shall be closed at the end of the second fiscal year following an Annual Town Meeting and at the end of twenty-four (24) months following a Special Town Meeting, except building construction articles which shall be closed ninety (90) days following acceptance of the building. (Bylaws Art. 27, 5-5-1992)

Notwithstanding the foregoing provision for the closure of appropriations, no such appropriation shall be closed if, at the time specified herein, rights of any party or parties have vested through borrowing, contractual obligation or otherwise, or there are outstanding unresolved claims related to the project or undertaking which is the subject matter of the appropriation. (Bylaws Art. 17, 5- 7 –96).

Section. 2-9. Purchase of Recycled Content.

The Town will purchase products made of recycled content in lieu of virgin products, whenever they are readily available at the same quality and same or less price. (Bylaws Art. 45, 5-5-1998)

Section 2-10. Eminent Domain Procedures

No property shall be taken by eminent domain, by or in the name of the Town of Millbury, by any board or officers authorized under Massachusetts General Laws, Chapter 79 and/or Chapter 121B to adopt an order of taking, except where such property is taken for a public purpose. No such taking shall be made if the primary or a significant purpose of such taking is to aid or promote the development of real property for privately owned industrial, commercial, business, or housing purposes. No such taking shall be made until an appropriation by loan or otherwise for the general purpose for which land is needed has been made by a two-thirds vote of Town Meeting; nor shall a price be paid in excess of such appropriation, unless a larger sum is awarded by a court of competent jurisdiction.

(Bylaws, Art. 29, 5-2-2006)

2-11 to 2-17. Reserved