

Chapter A301

SPECIAL ACTS

ARTICLE I Table of Special Acts

Sec. 1. List of Special Acts.

This table contains an enumeration of certain special acts applicable to the Town of Lee. While the table does not purport to enumerate every Special Act applicable to the Town of Lee, it is believed that those Special Acts of general interest are enumerated herein.

Act	Subject	Acceptance Date
1917, c. 23	Licensing of coffeehouses	2-11-1918
1920, c. 40	Lord's Day	5-11-1920
1936, c. 403	Workmen's compensation for school employees	2-15-1949
1938, c. 58	Old-age assistance	11-8-1938
1939, c. 513	Assumption of liability for damages caused by public works	4-26-1940
1943, c. 5	Purchase of war bonds	2-15-1944
1945, c. 303	Sewer system	2-10-1948
1945, c. 723	Veterans assistance	2-12-1946
1946, c. 9	Waterworks	2-12-1946
1947, c. 552	Playgrounds	2-10-1948
1948, c. 200	Housing for veterans	6-21-1948
1948, c. 588	Pensions	2-15-1949
1949, c. 676	Insurance	1950
1950, c. 392	Firemen's health insurance	1950
1950, c. 668	Retirement of certain war veterans in public service	1950
1950, c. 820	Pensions	1950
1951, c. 652	Water supply	2-12-1952
1951, c. 781	Pensions	2-12-1952
1952, c. 624	Pensions	2-25-1954
1953, c. 324	Extension of water mains	6-25-1953
1953, c. 434	Rent control	7-23-1953
1954, c. 297	Business and industrial promotion commissions	2-29-1956
1954, c. 437	Rights in certain state forest	5-18-1954
1954, c. 479	Construction of dams	6-25-1954
1957, c. 223	Conservation Commission	7-25-1958
1957, c. 772	Industrial Development Finance Authority	2-28-1969
1959, c. 372	Police officer tenure	2-23-1960
1963, c. 209	Sewage system	6-11-1965
1968, c. 665	Representative town government	3-4-1969
1970, c. 438	Board of Public Works	2-25-1971

Act	Subject	Acceptance Date
1987, c. 688	Exempts Chief of Fire Department from Civil Service Law provisions (MGL c. 31)	5-12-1988
1990, c. 471	Selectmen-Administrator form of government	12-18-1990
1991, c. 351	Election of town officers	12-6-1991
1991, c. 354	Abolishment of Liability Insurance Fund	12-6-1991
1995, c. 162	Validation of certain Zoning Board of Appeals acts	10-13-1995

ARTICLE II
Representative Town Government
 [Acts 1968, c. 665, adopted at 3-4-1969 election¹]

Sec. 1. Representative town government established.

There is hereby established in the town of Lee a form of representative town government by limited town meetings hereinafter set forth.

Sec. 2. Division of town into districts.

The by-laws of the town shall determine the number of voting districts or a minimum and maximum number into which the town shall be divided for the election of members of the representative town meeting. Upon the adoption of such by-laws, the selectmen shall divide the town into districts for the purposes of this act.

Sec. 3. Membership of representative town meeting.

The by-laws of the town shall determine a percentage of the population which is to constitute the membership of the representative town meeting in each district. The number of members elected in each district shall be approximately in the same ratio to the number of members elected in the town as the population of the district is to the population of the town. The membership in each district shall consist of a number divisible by three (3) which is not in excess of the required percentage of population. Each district shall have not less than six nor more than fifteen (15) members, with no more than one member for each one hundred (100) of population or major fraction thereof as nearly as may be, and the total elected membership in the town shall not exceed eighty (80).

Sec. 4. Proposed number of districts; proposed number of members.

Prior to the adoption of by-laws providing for the number of districts and the membership of the representative town meeting, the selectmen and registrars of voters acting jointly shall recommend to the town meeting for its consideration a proposed number of districts and a proposed number of members or percentage of population for the membership in each district which in their opinion would be suitable for the town.

¹. Editor's Note: "Precinct" was changed to "district" in this article at the Town's direction as part of the 2015 recodification project.

Sec. 5. Members at large.

The membership of the representative town meeting also shall include the following members at large: The moderator, town clerk, board of selectmen, chairman of the finance committee and any member of the General Court who is a registered voter of the town.

Sec. 6. Duty of board Chairman and heads of departments to attend meetings.

It shall be the duty of the chairman of each board or committee of the town and the head of each town department to attend that part of every representative town meeting at which matters, other than those to be acted upon or determined by ballot, are to be considered.

Sec. 7. Designation, establishment of districts; separate districts.

The districts shall be plainly designated and so established as to consist of compact and contiguous territory, and shall be bounded so far as possible by the center line of highways or by other well defined limits.

Any homogeneous neighborhood or any area consisting of similar parts or having like characteristics shall be constituted as a separate district so far as practicable.

Sec. 8. Review, revision of district boundaries.

The boundaries of districts shall be reviewed and may be wholly or partly revised by the selectmen in December of any year after the expiration of five years following their establishment or revision, or in December of any other year when so directed by vote of a representative town meeting held not later than the twentieth day of October of such year.

Sec. 9. Report on districts; posting description of same.

The selectmen within ten (10) days after the establishment or revision of districts shall file a report of their action, with the town clerk, the registrars of voters and the assessors, with a map or description of the districts and the names and addresses of the registered voters in each. They also shall cause to be posted in the town hall a map or description and a list of the registered voters in the district as established or revised, and similar information for each district shall be posted in at least one public place in the district unless a description of districts shall be published in a newspaper having a general circulation in the town.

Sec. 10. Effective date of district establishment, revision; filing report of same; notice to Secretary of Commonwealth.

The division of the town into districts and any revision of districts shall take effect upon the date of filing of the report by the selectmen and the town clerk, such date to be not later than January fifteenth following the time established for review or revision referred to in section eight. Whenever districts are established or revised, the town clerk shall give written notice to the secretary of the commonwealth, stating the number and designation of the districts.

Sec. 11. Referendums; time and place.

Meetings of the registered voters of the several districts for elections and primaries or for voting

upon a question to be submitted to all the voters of the town shall be held at the same time and at such place or places as the selectmen shall direct in the warrant for the meeting.

Sec. 12. Nomination of candidates for town meeting membership.

The nomination of candidates for town meeting members shall be made by nomination papers which shall bear no political designation. Such papers shall be signed by not less than ten (10) registered voters of the district in which the candidate resides and shall be filed with the town clerk not later than the last day on which the nomination papers of candidates for other town offices must be filed. They shall be submitted to the registrars of voters and shall be certified in the manner provided by law for the certification of the nomination papers of candidates for town offices. Nomination papers shall not be valid for any candidate whose written acceptance is not endorsed thereon or attached thereto when filed.

Sec. 13. Becoming candidate for reelection, for town meeting.

A town meeting member may become a candidate for reelection by giving written notice to the town clerk not later than fourteen (14) days prior to the last day on which the nomination papers of the candidates for other town office must be filed.

Sec. 14. Registered voters to elect town meeting members.

The registered voters in each district, at the first annual town election held after the establishment of the district, and those in any district affected by a revision of districts at the first annual town election following such revision, shall elect by ballot the number of registered voters in the district, determined as herein provided, to be town meeting members of the town.

Sec. 15. Term of initial members; resolution of equal vote.

The first third of the members elected in the order of votes received shall serve for three years, the second third for two years and the remaining third for one year from the day of the annual town meeting. In case of an equal vote affecting the division into thirds, the members from the district shall determine the same by ballot.

Sec. 16. Elections at annual town meeting.

Thereafter, except as otherwise provided herein, the registered voters of each district at each annual town election shall elect for the term of three (3) years in like manner one-third (1/3) of the number to which the district is entitled, and also shall fill for the unexpired term any vacancy then existing in the number of elected town meeting members in the district.

Sec. 17. Breaking election tie; when members' terms to cease; notification of election.

If two or more candidates for town meeting member receive an equal number of votes for last place or places, other than for the division into thirds for deciding their term of office, the remaining members elected in such district at the same election shall determine by ballot which of the candidates shall serve as a town meeting member. The terms of office of the town meeting members from any district whose boundaries are revised shall cease upon the election of their successors. The town clerk, after every election of town meeting members, shall notify each

member by mail of his election.

Sec. 18. New election to follow boundary revision or establishment of new district.

If the boundaries of any district are revised or any new district established, there shall be a new election of town meeting members in such district at the first annual town election following such a revision.

Sec. 19. Election of members to be in conformance with state law; certain use of districts.

The representative town meeting members shall be elected in conformity with the laws relative to elections, and the provisions of law relating to district voting at elections shall apply to all elections and primaries in the town so far as such laws are not inconsistent herewith. The provisions of this act pertaining to establishment of districts shall not authorize any action contrary to the provisions of any law relative to the use of districts in the formation of representative districts.

Sec. 20. Resignation of members; members who move out of town, out of a district.

A town meeting member may resign by filing a written resignation with the town clerk, effective upon the date of filing. A member who removes from the town shall cease to be a member, and a member who removes from one district to another may serve only until the next annual town meeting.

Sec. 21. Filling vacancy in membership — election; petition; call of meeting.

A vacancy in the number of town meeting members from any district arising from any cause may be filled until the next election by vote of the remaining members from the district. Upon petition signed by not less than one-third (1/3) of the town meeting members of the district, the town clerk shall call a meeting of the remaining members from the district, for the purpose of filling the vacancy, notice of which shall be mailed to such members not less than seven days before the time of the meeting.

Sec. 22. Same — Quorum; Chairman; balloting; counting ballots; certificate of choice; written acceptance.

A majority of the members from the district attending such a meeting [called pursuant to section 21] shall constitute a quorum and shall elect one of their number as chairman and one as clerk, or they may designate the town clerk to act as clerk of the meeting. The vote shall be by ballot and a plurality of votes cast shall be necessary for a choice. The chairman and clerk shall count the ballots and the chairman shall make a certificate of the choice which shall be filed with the town clerk together with a written acceptance of the person so chosen, who thereupon shall be deemed to be elected as a town meeting member.

Sec. 23. Moderator; election; term; vacancy in office; pro tempore.

A moderator shall be elected by ballot at the annual town meeting when the term of office of a moderator expires, and he shall serve at all town meetings, except as otherwise provided by law, until a successor is elected and qualified. The nomination and election of a moderator shall be

the same as for other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for the purpose. If the moderator is absent, a moderator pro tempore may be elected by the town meeting members.

Sec. 24. Acting on articles in warrant of town meeting.

The articles in the warrant for every town meeting which relate to the election of a moderator, town officers, and town meeting members and to referenda and all matters to be acted upon and determined by ballot shall be acted upon and determined by the registered voters of the town in their respective districts. All other articles shall be acted upon and determined exclusively by the town meeting members at a meeting held at a time and place specified by the selectmen in the warrant for the meeting, subject to a referendum as herein provided.

Sec. 25. Representative meetings limited to members of representative meeting.

Any representative town meeting held in the town shall be limited to the members of the representative town meeting, constituted in the manner provided by this act.

Sec. 26. Notice of meetings; when to be sent.

The town clerk shall notify the members of the time and place at which meetings are to be held, the notices to be sent by mail at least seven days before the meetings. Notice of an adjourned meeting shall be sent by mail as soon as practicable following the dissolution of the meeting from which adjournment is taken.

Sec. 27. Members judge election and qualifications of members; compensation; quorum; organization, adjournment of lesser number.

The members of the representative town meeting shall be the judge of the election and qualifications of their own members. The members shall receive no compensation for serving as members of the representative town meeting. A majority of the members shall constitute a quorum for the transaction of business. A lesser number may organize temporarily and may adjourn from time to time.

Sec. 28. Rules for conducting representative town meetings.

The representative town meeting may make such rules consistent with law as it may consider necessary for conducting its meetings.

Sec. 29. Appointment of committees; powers.

The representative town meeting may appoint such committees as it may consider necessary to investigate and report on any matters referred to them and to make a recommendation thereon, but no such committee shall have any executive or legislative powers and all matters shall be determined by the town meeting members.

Sec. 30. Meetings to be open to public; speaking, voting by nonmember registered voters at meetings.

All representative town meetings shall be open to the public. Any registered voter of the town who is not a town meeting member, subject to such conditions as the town meeting members may determine, may speak at least once upon any matter at such a meeting, but he shall have no vote.

Sec. 31. Effective date of articles passed on a warrant.

A vote of the representative town meeting under any article in the warrant shall not be operative until the expiration of ten (10) days, exclusive of Sundays and holidays, from the dissolution of the meeting other than the following: (a) to adjourn; (b) to authorize the expenditure of less than twenty thousand dollars (\$20,000); (c) to appropriate money for the payment of principal and interest of bonds and notes of the town; (d) to authorize the temporary borrowing of money in anticipation of revenue; (e) to enact an emergency measure required for the immediate preservation of the public peace, health or safety and so declared by a preamble and adopted by a two-thirds (2/3) vote of the town meeting members present and voting thereon.

Sec. 32. Public referendum on action of representative meeting; petition; special meeting.

If within such period of ten (10) days a petition signed by not less than thirty (30) registered voters in each district, the aggregate number so signing being not less than five percent (5%) of the registered voters in the town, is filed with the selectmen asking that any question involved in such a vote be submitted to the voters of the town at large, then the selectmen within seven days thereafter shall call a special meeting to be held within fourteen (14) days following such a call for the sole purpose of presenting the question to the voters at large.

Sec. 33. Form of questions on official ballot when special meeting is held for referendum on town meeting action.

Each question submitted shall be placed on the official ballot in the following form: "Shall the town vote to approve the action of the representative town meeting whereby it was voted (insert brief description of the substance of the vote)?"

Sec. 34. Balloting at referendum on action of town meeting; hours polls are open; percentage of votes necessary for passage.

The polls for voting upon such a question shall be opened at two o'clock in the afternoon and closed not earlier than eight o'clock in the evening. The vote shall be taken by ballot and the check list used in the several districts in the same manner as for the election to town office. A question submitted shall be determined by the same proportion of votes as would be required if the question were determined by a representative town meeting, but the action of the representative town meeting shall not be reversed unless at least twenty percent (20%) of all the registered voters shall so vote.

Sec. 35. Action of town meeting operative if petition not timely filed.

If such a petition for a referendum is not filed within ten (10) days, the vote of the representative

town meeting shall be operative and effective upon the expiration of that period.

Sec. 36. Town may act through representative meeting; powers of representative meeting.

The town shall have the capacity to act through and to be bound by the action of its town meeting members, who when convened from time to time shall constitute a representative town meeting. The representative town meeting shall have and may exercise all powers vested in the municipal corporation so far as is consistent with the provisions of this act.

Sec. 37. Action by representative meeting to have same effect as if passed by town previous to adoption of this act.

Action by a representative town meeting in conformity with the laws now or hereafter applicable to the transaction of town affairs in town meeting shall have the same force and effect as if taken in a town meeting open to all voters of the town, as organized and conducted before the establishment of representative town government.

Sec. 38. Acceptance of act by town.

This act shall be submitted for acceptance to the registered voters of the town of Lee at the annual town meeting to be held in the year nineteen hundred and sixty-nine. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable. The question to be placed upon the official ballot to be used for the election of town officers at said meeting shall be: "Shall an act passed by the General Court in the year nineteen hundred and sixty-eight, entitled 'An Act establishing in the town of Lee representative town government by limited town meetings,' be accepted by the town?" If a majority of the voters voting on this question vote in the affirmative, this act shall take effect immediately for the purpose of the next town election, and for all things relating thereto, and shall take full effect beginning with the said following election. It shall be the duty of all town officials having to do with elections and holding office at the time of acceptance to do, in compliance with law, all things necessary for the nomination and election of officer first to be elected under this act.

Sec. 39. Resubmission of act if not accepted.

If this act is not accepted by the registered voters of the town when first submitted, it may be again submitted for acceptance in like manner from time to time at any annual town election within five years thereafter, upon petition signed by at least ten (10) registered voters of the town.

ARTICLE III
Selectmen-Administrator Form of Government
[Acts 1990, c. 471]

SECTION 1.

The voters of the town of Lee shall, in accordance with any applicable general or special law or by-law or vote of the town, continue to elect the following: (a) town meeting members, (b) moderator, (c) board of selectmen, (d) school committee members, (e) housing authority, (f) assessors, (g) planning board members, (h) community development corporation members, (i)

town clerk, (j) town treasurer, (k) tax collector, (l) board of health, (m) constables.

The acceptance of this act shall not affect the term of office of any such elected official or elected member of such board, committee, or authority. Every other elective office, board, committee, or commission of the town shall become appointive as hereinafter provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee, or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable provisions of any general law, special law, by-law or vote of the town, except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town administrator for consultation, conference and discussion on matters relating to their respective offices.

SECTION 2.

The board of selectmen shall consist of three members elected by the voters of the town. Selectmen in office at the time of the approval of this act shall serve until the term of which they were elected shall have expired.

SECTION 3.

The board of selectmen shall appoint town counsel, members of all appointed multi-member boards, committees and commissions except those appointed by the moderator and the town administrator as herein provided.

The moderator shall appoint the finance committee, as provided by by-law, and such committees and officers as he may now or hereafter be directed to appoint by any applicable general law, special law, by-law or vote of the town meeting.

SECTION 4.

A member of the board of selectmen, or the finance committee shall during the term for which he was elected or appointed be ineligible either by election or appointment to hold any other compensated town office, other than that of town meeting member. Nothing in this section shall preclude the members of the board of selectmen from serving on appointed ad hoc committees.

SECTION 5.

The board of selectmen shall, by unanimous vote, appoint, as soon as practicable, for an indefinite term, a town administrator who shall be qualified by education, training and previous full-time experience to perform the duties of the office. In its search for a town administrator, the board of selectmen shall advertise in the International City Management Newsletter or similar professional publication and in at least one newspaper having statewide or regional circulation. The town administrator shall be appointed without regard to his political designation. He need

not be a resident of the town or the commonwealth when appointed, but shall become a resident of Berkshire county during the first year of his appointment unless otherwise provided by the board of selectmen. He shall have a college degree at the bachelor level and shall have had five years of full-time paid experience in a supervisory administrative position in the public sector. A masters degree may be substituted for not more than two years of such paid experience. No person holding elective office in the town with the exception of town meeting members shall, within three years of holding such office, be eligible for appointment as town administrator. Before entering upon the duties of his office, he shall be sworn to the faithful and impartial performance thereof by town clerk or a notary public. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such sureties as may be fixed or approved by the board of selectmen, the cost of which shall be borne by the town.

SECTION 6.

The town administrator shall receive such compensation for his services as the board of selectmen shall determine but it shall not exceed the amount appropriated therefor by the town.

SECTION 7.

Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen. Pending the appointment of a town administrator or the filling of any vacancy, the board of selectmen shall, within seven days, appoint an officer of the town or another suitable person to perform the duties of the office.

SECTION 8.

The town administrator may designate, subject to the approval of the board of selectmen, by letter filed with the town clerk, an officer of the town, of another suitable person, to perform his duties during his temporary absence or disability. In the event of failure by the administrator to make such designation, the board of selectmen may, by resolution, designate an officer of the town or another suitable person to perform the duties of the administrator until he shall return or his disability shall cease.

SECTION 9.

The board of selectmen may remove the town administrator. At least thirty days before such proposed removal shall become effective, the board of selectmen shall adopt at a public meeting and shall file with the town clerk a written preliminary resolution of removal, a copy of which resolution shall be delivered to the town administrator in person or at the administrator's last known mailing address. The administrator may, within seven days of service of such resolution, reply in writing to the resolution and may request a public hearing. If the town administrator so requests, the board of selectmen shall hold a public hearing not earlier than fourteen days nor later than twenty-one days after the filing of such a request. At such a public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, the selectmen may adopt a final resolution of removal. In the preliminary resolution, the board of selectmen may suspend the administrator from duty, but in any case his salary shall continue to be paid during the period of consideration of the preliminary resolution and until thirty additional days after the vote of the final resolution.

SECTION 10.

The town administrator shall appoint all town officials whose appointment or election is not specifically provided for herein. The town administrator shall appoint with majority approval of the board of selectmen, and may remove with the majority approval of the board of selectmen, subject to the provisions of chapter 31 of the General Laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other appointments made by representatives of the commonwealth. Appointments to permanent positions made by the town administrator shall become effective on the fifteenth day following the day the notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority vote of the board, vote to reject any such appointment.

Any person appointed by the town administrator to any town office under the provisions of this act of any general or special law shall be eligible during the term of said office to hold any other town office except that the town accountant shall not be eligible to hold the position of town treasurer or town collector. The town administrator, subject to any applicable provision of the General Laws relating thereto, may, with the approval of the board of selectmen, assume the duties of any office which he is authorized to fill by appointment, but shall receive no additional compensation for assuming the duties of any such additional office.

SECTION 11.

In addition to specific powers and duties provided in this act, the town administrator shall have the general powers and duties enumerated in this section:

- (a) The town administrator shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered, and shall attend all town meetings and shall be permitted to speak when recognized by the moderator.
- (b) The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provision of section fifty-six of chapter forty-one of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer but the board of selectmen shall approve all warrants in the absence of the administrator or in the event of a vacancy in the office of town administrator.
- (c) The town administrator shall be the chief budget officer of the town, shall prepare and submit to the board of selectmen, an operating and capital improvement budget, as provided by by-law.
- (d) Except as otherwise provided by this act, the town administrator shall appoint upon merit and fitness alone, and, subject to the provisions of chapter thirty-one of the General Laws where applicable, may remove all officers and employees of the town; town officers and employees not subject to the provisions of said chapter thirty-one shall not be removed by him except on ten days' notice in writing, setting forth the cause of such removal.

- (e) The town administrator shall supervise and be responsible for the efficient administration of all departments, commissions, boards and officers, except the board of selectmen. He shall not, however, exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.
- (f) The town administrator shall keep the board of selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town meeting as he may deem necessary or expedient.
- (g) The town administrator shall have jurisdiction over the rental and use of all town property.
- (h) The town administrator shall be responsible for the purchase of all supplies and materials and equipment, except those intended for the school department or for the library, and shall approve the award of all contracts for all departments of the town. He may make purchases for departments not under this supervision only upon and in accordance with requisitions duly signed by the heads of such departments.
- (i) The town administrator shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws and votes of the town, and all regulations established by the board of selectmen.
- (j) The town administrator may, upon the request and with the approval of the board of selectmen, prosecute, defend, or compromise all litigation to which the town is party, and shall be the executive officer of a public employer in the town as defined in section one of chapter two hundred and fifty-eight of the General Laws pertaining to the processing of claims against the town.
- (k) The town administrator shall be the agent of the board of selectmen for collective bargaining.
- (l) The town administrator shall be responsible for the implementation of town meeting votes and shall report annually in writing to the town meeting on the implementation of prior town meeting votes.
- (m) The town administrator shall be accessible and available for consultation to boards, committees and commissions of the town, whether appointed or elected, and shall be responsive to their request for assistance.
- (n) The town administrator shall keep full and complete records of his office, and shall provide quarterly reports to the board of selectmen.
- (o) The town administrator, with the unanimous approval of the members of the board of selectmen and in accordance with the provisions of this act and the General Laws, may reorganize, consolidate or abolish departments or offices under his direction and supervision, in whole or in part, may establish such new departments or offices as he deems necessary, and may transfer the powers and duties of one department or office to another.
- (p) Notwithstanding the provisions of chapter four hundred and thirty-eight of the acts of nineteen hundred and seventy, the town administrator shall be an ex officio member of the

board of public works established by said act with all the privileges of membership, except the power to vote.

- (q) The town administrator shall perform such other duties as may be required of him by by-law, by vote of the board of selectmen, or vote of the town meeting.

SECTION 12.

The town administrator may without notice cause the affairs of any department under his supervision or the job-related conduct of any officer or employee thereof to be examined. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties.

SECTION 13.

All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Lee on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively.

SECTION 14.

No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation, except that under revocation any contract made by the town with the town administrator then in office shall be terminated upon such vote.

SECTION 15.

No person in the permanent full-time service or employment of the town shall forfeit his pay, grade or time in service. Each person shall be retained in a capacity as similar to his former capacity as is practical.

SECTION 16.

This act shall be submitted for acceptance to the voters of the town of Lee at the annual town elections to be held in the year nineteen hundred and ninety-one in the form of the following question, which shall be placed upon the official ballot: "Shall an act passed by the General Court in the year nineteen hundred and ninety, entitled 'An Act Establishing a Selectmen Administrator Form of Government in the Town of Lee' be accepted?"

If a majority of the votes in answer to said question is in the affirmative, said act shall take effect, but not otherwise.

If this act is not accepted in the year nineteen hundred and ninety-one, it shall again be submitted at the annual town election in the year nineteen hundred and ninety-two, and if accepted shall take full effect but not otherwise.

SECTION 17.

The town may vote to establish a charter commission for the purpose of considering the appointment or election of persons to the positions of Clerk, treasurer, and collector, along with any other matters it may deem necessary. Said vote shall include directions for notice of public meetings to be held by the charter commission, and shall set deadlines for the commission's findings and recommendations, and any other necessary directions to maximize public input in the charter commission's deliberations.

ARTICLE IV Town Officers [Acts 1991, c. 351]

SECTION 1.

Chapter 471 of the acts of 1990 is hereby amended by striking out section 1 and inserting in place thereof the following section:

Section 1. The voters of the town of Lee shall, in accordance with any applicable general or special law or by-laws of the town, continue to elect the following: town meeting members, moderator, board of selectmen, school committee members, housing authority, constables, planning board members, and community development corporation members.

This act shall not affect the term of any such elected office or elected member of such board, committee, or authority. Every other elective office, board, committee, or commission of the town shall become appointive as hereinafter provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee, or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable provisions of any general or special law, by-law or vote of the town, except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town administrator for consultation, conference and discussion on matters relating to their respective offices.

SECTION 2.

This act shall take effect upon its passage.