



## **TOWN OF FRANKLIN**

### **RESOLUTION 18-56**

#### **Establishment of a Town Administrator Search Committee**

- WHEREAS,** The Franklin Town Administrator has announced his retirement on or before June 30, 2019 and;
- WHEREAS,** The Franklin Town Council wants to conduct a selection process and appoint a successor in a timely fashion and;
- WHEREAS,** The Franklin Town Council wishes to have four Councilors serve as a search committee;

#### **NOW THEREFORE, BE IT RESOLVED THAT:**

The Town Council hereby establishes a four member Town Administrator Search Committee and authorizes the Council Chair to appoint said Committee and designate a chairperson thereof.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2018

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_ **NO:** \_\_\_\_

**ABSTAIN:** \_\_\_\_ **ABSENT:** \_\_\_\_

**Teresa M. Burr**  
**Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**

# Town of Franklin

Town Administrator  
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street  
Franklin, Massachusetts 02038-1352

October 3, 2018

Matthew Kelly  
Chair, Franklin Town Council  
355 East Central Street  
Franklin, MA 02038

Dear Matt and Councilors,

It has been an honor and privilege to serve the Town Council and the citizens of Franklin since 2001. The list of folks to thank is endless including all the employees, elected and appointed officials, volunteers, and citizens.

I am writing to inform you that I will be retiring on or before June 30, 2019. I will know the exact date after the first of the year and will let you at that time.

I wanted to give the Council early notice so that you can consider naming a successor prior to the start of the budget process in January. This will help with the FY20 budget and make for a smooth transition.

Please find attached a copy of the Town Charter as it relates to the notice requirements, qualification and duties of the Town Administrator.

Our Town Attorney and Human Resource Director are happy to assist you with the process.

I am happy to answer any questions you may have.

Sincerely,

Jeffrey D. Nutting  
Town Administrator

the schools consistent with the requirements of the laws of the Commonwealth and standards established by the Commonwealth. The School Committee shall have all the powers and duties given to school committees by the laws of the Commonwealth.

### **Section 3 Vacancies**

3-3-1 Unless recalled in accordance with Article Five, Section 4 of this Charter, vacancies in boards established under this Article shall be filled by the Town Council jointly with the remaining members of the respective board until the next regular Town election.

3-3-2 Unless recalled in accordance with Article Five, Section 4 of this Charter, a vacancy in the office of Town Clerk, Town Treasurer-Collector or Constable shall be filled in accordance with the provisions of general law.

## **ARTICLE FOUR THE TOWN ADMINISTRATOR**

### **Section 1 Appointment and Qualifications**

4-1-1 The Town Council, by a majority vote of its full membership, shall appoint a Town Administrator who shall administer and implement the directives and policies adopted by the Town Council. The Council shall fix the Administrator's compensation within the limits of an appropriation adopted for that purpose. The salary, benefits, and terms and conditions of employment and the procedures for dismissal shall be negotiated between the Town Council and the Administrator.

4-1-2 In seeking candidates for the Administrator's post, the Town Council shall advertise in appropriate professional journals and other suitable publications as seemed necessary. The Town Administrator need not be a resident of the Town at the time of appointment but shall establish residence within the Town within one year following appointment, unless the Town Council shall waive such residency requirement. If a resident of the Town, the successful candidate shall have held no elective town office for a period of one year prior to appointment.

4-1-3 The Administrator shall be appointed on the basis of educational, executive and administrative qualifications and experience, including at least a bachelor's degree in an appropriate field of study from an accredited four-year college or university. Professional experience shall consist of at least three (3) years of full-

time compensated service in town or town administration or related administrative activity.

## **Section 2 Powers and Duties**

4-2-1 The Town Administrator shall be the chief executive and administrative officer of the Town and shall be responsible to the Council for the effective administration of all Town affairs placed in his charge by or under this Charter.

4-2-2 The Administrator shall not hold any other elective or appointive Town office, but may be appointed by the Council to serve on committees, both standing and ad hoc. The Administrator shall devote full-time to the duties of the office and shall not engage in any other business or occupation without the advance written authorization of the Council.

4-2-3 The Administrator shall: (a) attend all meetings of the Council except when excused and have the right to speak but not to vote; (b) keep the Council fully informed regarding Town and departmental operations, fiscal affairs, general problems and administrative actions and submit appropriate periodic reports; (c) keep the Council fully informed as to the long-range needs of the Town, the practices and governmental trends of other communities and the laws and regulations of the Commonwealth and make such recommendations to the Council as deemed necessary and appropriate; (d) prepare, assemble and present to the Council the annual Town operating and capital budgets and cooperate with the Finance Committee in all financial matters; (e) serve as general ombudsman for the Town; (f) maintain an inventory of all town real and personal property; (g) be responsible for all aspects of the personnel system, (h) serve as chief procurement officer; (i) be responsible for the maintenance of all buildings and property owned or leased by the Town, except that under the jurisdiction of the School Committee; and (j) perform such other duties as may be required by this Charter, bylaw or order of the Council.

4-2-4 The Administrator may, with the approval of the Council within the departments and agencies under his jurisdiction, establish, reorganize or consolidate any department, board commission or office.

4-2-5 Subject to ratification by the Town Council, the Administrator may appoint, on the basis of merit and fitness alone: (a) a Fire Chief, a Police Chief, a Director of Public Works, a Town Comptroller, a Town Counsel, a Library Director, and 3 registrars of voters; (b) 5

members of a board of library trustees, 9 members of a Council on Aging, 7 members of a Conservation Commission, 7 members of an Historic Commission and 3 members of a Zoning Board of Appeals, the members of which shall serve for 3-year overlapping terms within their respective board, council or commission; (c) 5 members of a Housing Authority, 4 of whom shall serve for 5-year overlapping terms and 1 of whom shall be appointed under the authority of the Commonwealth; and (d) members of such other boards, commissions and committees as are authorized by the General Laws, this Charter or bylaws and for whom appointment is not otherwise provided.

4-2-6 The Town Administrator may appoint a Treasurer-Collector, on the basis of merit and fitness alone, subject to the following process:

- (a) Interview of potential candidates and selection of final candidate or appointment will occur in consultation with, but not limited to, at least one member of the Town Council (as determined by the Chair of the Town Council), at least one member of the Finance Committee (as determined by the Chair of the Finance Committee), and the Comptroller,

- (b) Final appointment is subject to ratification by the Town Council.

### **Section 3 Removal of the Town Administrator**

4-3-1 Final removal of any Town Administrator shall be effected by a majority vote of the full Town Council at an open Council meeting.

### **Section 4 Acting Town Administrator**

4-4-1 The Town Administrator may designate a qualified person to serve as Acting Town Administrator and to perform the duties of the office for up to 21 days on account of the temporary absence or unavailability of the Town Administrator.

4-4-2 The Town Council may designate a qualified person to serve as Acting Town Administrator and to perform the duties of the office during the period of any vacancy caused by the Administrator's absence, or unavailability for more than 21 days, or because of the illness, suspension, removal or resignation of the Town Administrator. The appointment shall be for not more than 180 days, but such appointment may be extended for 2 additional 90-day periods by vote of the Council.

## **ARTICLE SIX FINANCIAL PROVISIONS AND PROCEDURES**

### **Section 1 Applicability of General Law**

6-1-1 In all matters concerning finances and financial procedures of the Town, the provisions of general law shall apply, together with such other requirements as are provided by this Charter and bylaw.

### **Section 2 Finance Committee**

6-2-1 A Finance Committee of 9 members shall be appointed by the Town Council for staggered 3-year terms. The Finance Committee shall elect from its membership for one-year terms of office, a Chairman, a Vice-Chairman, and a Clerk. The Town Comptroller and the Town Treasurer-Collector shall have ex-officio membership, without voting rights, on the Committee. No elected or appointed Town officer, or compensated Town employee who serves in more than part-time employments, shall serve on the Committee. Committee members shall serve without compensation.

6-2-2 For its initial appointment of a Finance Committee, the Town Council shall appoint 3 members for 3-year terms, 3 members for 2-year terms and 3 members for 1-year terms and thereafter the Town Council shall annually appoint 3 members for 1-year terms. Vacancies on the Finance Committee shall be filled promptly by the Council for the unexpired term.

6-2-3 The Finance Committee shall carry out its duties in accordance with the provisions of general law, this Charter and bylaw, and it shall have regular and free access and inspection rights to all books and accounts of any Town department or office. The Committee shall carefully examine all budget and appropriations proposals and shall issue its recommendations thereon prior to consideration, debate and vote by the Town Council.

### **Section 3 Submission of Budget and Budget Message**

6-3-1 Within the period provided by general law, the Town Administrator shall submit to the Town Council and file copies with the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and support documents.

#### **Section 4 Budget Message**

6-4-1 The budget message shall explain the budget for all Town agencies in both fiscal and programmatic terms. It shall: (a) outline proposed financial policies of the Town for the ensuing fiscal year; (b) describe important features of the budget; (c) indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons of such variations; (d) summarize the Town's debt position; and (e) include such other materials as the Town Administrator may deem desirable or the Finance Committee may require.

#### **Section 5 Budget Proposal**

6-5-1 The proposed budget shall provide a complete financial plan for all Town funds and activities, including the proposed School Department budget for the ensuing year. Except for the school budget or as may be required by law, the proposed budget shall be in such form as the Town Administrator deems desirable.

6-5-2 In submitting the proposed budget, the Town Administrator shall utilize modern fiscal principles so as to afford maximum information and financial control. The budget shall detail all estimated revenue from the property tax levy and other sources and all proposed expenditures, including debt service for the previous, current and ensuing years, and shall indicate separately proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, purpose and position, together with proposed financing methods.

#### **Section 6 Action on the Proposed Budget**

6-6-1 The Town Council shall conduct at least two (2) public hearings on the Town Administrator's proposed budget, and it shall publish, in one (1) or more newspapers of general circulation in the Town, a general summary of the budget and a notice stating: (a) the times and places where copies of the budget shall be available for inspection, and (b) the dates, times and places, not less than fourteen (14) days after such publication, when the public hearings on the budget proposal shall be conducted. The Finance Committee shall issue printed recommendations and make copies available at the time of the public hearings.

6-6-2 The Town Council shall adopt the budget, with or without amendments, prior to the close of the current fiscal year. Adoption of

the budget shall constitute appropriation of the amounts specified therein.

### **Section 7 Capital Improvements Program**

6-7-1 The Town Administrator shall submit to the Town Council and file copies with the Finance Committee of a 5-year capital improvements program, which shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years, together with supporting data; (c) cost estimates, method of financing and recommended time schedules; and (d) the estimated annual cost of operating and maintaining any facility to be constructed or acquired.

6-7-2 Information requirements described above may be revised and extended annually with respect to capital improvements in the process of construction or acquisition. A capital improvement shall be defined by the Finance Committee, in consultation with the Town Administrator and other Town officials, such definition to be changed from time to time as necessary to reflect current economic conditions.

### **Section 8 Emergency Appropriations**

6-8-1 The Town Council shall have the power to enact emergency appropriations orders to meet a public emergency affecting life, health, property or the public peace. Any such emergency order shall be so declared in an emergency preamble thereto, separately voted on and receiving the affirmative vote of at least two-thirds (2/3) of the full Council membership.

## **ARTICLE SEVEN GENERAL PROVISIONS**

### **Section 1 Charter Amendment**

7-1-1 This Charter may be replaced, revised or amended in accordance with the provisions of the Constitution of the Commonwealth and general law.

### **Section 2 Specific Provisions to Prevail**

7-2-1 To the extent that any specific provision of this Charter shall conflict with any general provision thereof, the specific provision shall prevail.