

## **CHAPTER 3 ELECTED TOWN OFFICERS, BOARDS AND COMMITTEES**

### **3.1. SELECTMEN**

The Board of Selectmen shall consist of three members, one elected each year for a term of three years. In addition to those powers and duties given in Chapter 353 of the Acts of 1987 (Act Providing for a Town Manager, a copy of which appears as Appendix B in these by-laws as Appendix B), the Board of Selectmen shall have the following powers and duties.

- 3.1.1. The Board of Selectmen shall exercise general supervision over all matters affecting the interests or welfare of the Town and shall enforce these by-laws and may take such action in regard thereto, including the use of all remedies and penalties permitted by law or these by-laws, as they believe are in the best interests of the Town.
- 3.1.2. No person shall hold, at one time, the offices of Board of Selectmen and Assessor.
- 3.1.3. The Board of Selectmen shall serve as a committee established pursuant to M.G.L. c. 83, sec. 1 with all the powers and authority usually conferred upon a Board of Sewer Commissioners.
- 3.1.4. The Board of Selectmen shall cause a biennial audit of the Town's financial records to be accomplished by and carry the report thereon of an independent accountant or accounting firm.
- 3.1.5. The Board of Selectmen shall appoint a member of the bar in good standing to serve as Town Counsel at their pleasure. The Board of Selectmen may also employ special counsel from time to time whenever, in their judgment, the necessity arises. No town department or official shall request the services of Town Counsel, as such, without first obtaining the consent and approval of the Board of Selectmen.
- 3.1.6. The Board of Selectmen shall conduct an annual written Performance review of the Town Manager.

### **3.2. ASSESSORS**

- 3.2.1. The Board of Assessors shall consist of three members, one elected each year for a term of three years. The duties of the Assessors shall be such as are stated in M.G.L. c. 41, sec. 29, as from time to time amended, and M.G.L. c. 59, sec. 38, as from time to time amended.

**3.3. MODERATOR**

- 3.3.1. The Moderator shall hold no other Town Office. The Moderator's term of office shall be one year. In addition to presiding at all Annual and Special Town Meetings, the Moderator shall make those appointments referred to in Chapter 5.1. of these by-laws and appointments as required by State statute and/or by Town Meeting actions.

**3.4. TOWN CLERK**

- 3.4.1. The Town Clerk's term of office shall be three years. The duties of the Clerk shall be such as are stated in M.G.L. c. 41, sec. 15, as from time to time amended.
- 3.4.2. The Town Clerk shall furnish all boards and committees and officers with a copy of all votes affecting them.
- 3.4.3. All deeds and instruments which convey any interest in real property to the Town (title documents) shall, when returned to the Town, be filed with the Town Clerk's office. The Town Clerk shall be custodian of all title documents and shall maintain an index, by grantor and location, for all title documents on file with the Town Clerk's office.

**3.5. SCHOOL COMMITTEE**

- 3.5.1. The School Committee shall consist of five members all for three-year staggered terms, two elected the following year, and one elected the third year. The duties of the School Committee shall be such as are stated in M.G.L. c. 71, secs. 35-67, as from time to time amended.

**3.6. LIBRARY TRUSTEES**

- 3.6.1. The Board of Library Trustees shall consist of six trustees, two to be elected each year, all for a three-year terms. The duties of the Library Trustees shall be such as are stated in M.G.L. c. 78, sec. 10 as from time to time amended.

**3.7. PLANNING BOARD**

- 3.7.1. The Planning Board shall consist of seven members, all for five-year staggered terms.
- 3.7.2. The duties of the Board shall be such as are stated in M.G.L. c. 41, secs. 81-A through 81-GG, as from time to time amended.

**3.8. HOUSING AUTHORITY**

- 3.8.1. The Duxbury Housing Authority shall consist of five members, four to be elected, and one to be appointed by the Governor, all for five-year staggered terms. The duties of the Housing Authority shall be such as are stated in M.G.L. c. 121B, sec. 26 as from time to time amended.

**3.9. VACANCIES**

- 3.9.1. Vacancies in any and all offices enumerated in Chapter 3, including those vacancies resulting from failure to elect, are provided for under M.G.L. c. 121B and M.G.L. c. 41, secs. 10, 11 and 81-A.

**3.10. TERM OF OFFICE**

- 3.10.1. The term of office of any elected officer shall commence immediately following his or her election and swearing-in, except that the office of Town Clerk shall commence on the seventh day succeeding his or her election.

**3.11. RESIDENTS AS ELECTED OFFICERS**

- 3.11.1. All elected officers shall be registered voters of the Town of Duxbury.