

Alignment Memorandum 5: Restrictions on Holding Elected or Appointed Office

Sean Casey/July 25, 2025

Background: There are topics that are touched on in more than one section or article of the draft charter. For example, town elections are covered in Article 10 (*Elections*), Section 4.1 (*Select Board*), Section 6.9 (previously Section 5.9, *Town Clerk*), and Section 7.2 (previously Section 6.2, *Board of Registrars of Voters*). A change in verbiage in any of these articles/sections potentially impacts other articles or sections.

Similarly, in Articles 6 and 7 especially, there are a number of similar sentences across multiple sections. For example, all of the sections in Article 6 begin with a sentence on the board/committee/commission/official's composition. Of the 11 sections in Article 6, nine are composed of members elected to three-year terms. Therefore, the "composition" sentence in each section should use identical/very similar verbiage, unless there is a reason not to (for example the number of members may be different).

To assist in the Committee's review of Draft B, there will be a series of short alignment memorandums that highlight areas where editing a specific sentence in a specific section may create alignment issues elsewhere in the draft charter, or where editing will better align language across sections.

In the Composition subsections of Sections in Articles 6 and 7 (previously 5 and 6), often the 2nd or 3rd sentence covers restrictions to being a member of the board/committee/commission being discussed. These typically, but not universally, cover being a paid employee of a department the board/committee/commission oversees. Other restrictions, such as being a resident or registered voter, are covered in Article 5 (previously article 8). The reason and legal basis for the restrictions vary significantly. See the annotations in Draft B for specific details.

Who?	Draft B Location	Language
Town Moderator	3.2.2	The Town Moderator shall not hold another position of the town that is compensated and eligible for employment benefits during the Town Moderator's term of office.
Select Board	4.1.2	A Select Board member shall not hold another position of the town that is compensated and eligible for employment benefits during the member's term of office.
Town Administrator	4.2.3	The Town Administrator shall devote full time to the duties of the office and shall not hold any other elective or appointed office (except ex officio positions); nor shall the Town Administrator engage in any other business unless the Select Board approves such action in advance in writing.
Abbot Library Board	6.1.2	A Library Trustee shall not hold another position of the town under direct Trustee control or responsibility that is compensated and eligible for employment benefits during the Trustee's term of office.
Board of Assessors		<i>Nothing in current draft</i>
Board of Health	6.3.2	A member of the Board of Health shall not hold another position of the town under direct Board control or responsibility that is compensated and eligible for employment benefits during the board member's term of office.
Cemetery Commission	6.4.2	A Cemetery Commissioner shall not hold another position of the town under direct Commission control or responsibility that is compensated and eligible for employment benefits during the Commissioner's term of office.
Housing Authority Board		<i>Nothing in current draft</i>

Municipal Light Commission	6.6.2	A Municipal Light Commissioner shall not hold another position of the town under direct Commission control or responsibility that is compensated and eligible for employment benefits during the Commissioner's term of office.
Recreation and Parks Commission	6.7.2	A Recreation and Parks Commissioner shall not hold another position of the town under direct Commission control or responsibility that is compensated and eligible for employment benefits during the Commissioner's term of office.
School Committee	6.8.2	A School Committee member shall not hold another position of the town under direct School Committee authority or responsibility that is compensated and eligible for employment benefits during the committee member's term of office.
Town Clerk		<i>Nothing in current draft</i>
Planning Board		<i>Nothing in current draft</i>
Water and Sewer Commission	6.11.2	A Water and Sewer Commissioner shall not hold another position of the town under direct Commission authority or responsibility that is compensated and eligible for employment benefits during the Commissioner's term of office.
Board of Appeals		<i>Nothing in current draft</i>
Board of Registrars of Voters	7.2.4	Appointed registrars shall hold no other office in the town, either by election or by direct appointment by the Select Board. Nor may an appointed registrar hold any office by election or appointment under the governments of the United States or of the Commonwealth.
Capital Planning Committee	7.3.3	Members appointed to the three resident seats shall not hold a position of the town that is compensated and eligible for employment benefits, nor serve on an elected or appointed town board, commission, or committee responsible for the expenditure of town funds.
Compensation Committee		<i>Nothing in current draft</i>
Conservation Commission		<i>Nothing in current draft</i>
Council on Aging Board	7.5.1.5	A Council on Aging Board member shall not hold another position of the town under direct Council on Aging control or responsibility that is compensated and eligible for employment benefits during the Board member's term of office.
Design Review Board	7.6.3	The member appointed by the Select Board for a three-year term shall be a resident and shall own a property in the district or serves on a downtown business organization as enumerated in the laws of the town.
Finance Committee	7.7.2	Members of the FinCom shall not hold any other elected or appointed town office.
Harbors and Waters Board		<i>Nothing in current draft</i>
Old and Historic Districts Commission	7.9.2	Commission members and alternate members shall reside in an historic district established under the laws of the Commonwealth and laws of the town; provided, however, that the Select Board may appoint not more than one member who resides outside of an historic district.