



Marblehead
Town Charter
Committee

Sean Casey
May 27, 2025

Draft Marblehead Town Charter

How we got to a Draft A
(and $\frac{3}{4}$ the way to Draft B)

For Reference, as We Go...Current Draft A Structure

- PREAMBLE
- ARTICLE 1 EXISTENCE AND AUTHORITY
- ARTICLE 2 ADMINISTRATIVE ORGANIZATION OF MARBLEHEAD TOWN GOVERNMENT
- ARTICLE 3 TOWN MEETING (Legislative)
- ARTICLE 4 SELECT BOARD (Executive)
- ARTICLE 5 ELECTED BOARDS, COMMITTEES, COMMISSIONS AND OFFICIALS
- ARTICLE 6 APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES
- ARTICLE 7 APPOINTMENTS, VACANCIES, RESIGNATIONS, REMOVALS, AND RECALLS
- ARTICLE 8 ESTABLISHMENT AND OPERATION OF TOWN BOARDS, COMMITTEES, AND COMMISSIONS
- ARTICLE 9 FINANCES AND FISCAL PROCEDURES
- ARTICLE 10 ELECTIONS
- ARTICLE 11 GENERAL PROVISIONS



**Marblehead
Town Charter
Committee**

Draft A Charter
Structure

What is a Town Charter?

- *A charter is the foundation of a local government and functions as the municipal equivalent of a state or federal constitution, setting forth guiding principles for governance...*
- *...a charter specifies the most fundamental relationships between a government and its community.*
- *It establishes the framework for how a local government operates in terms of its structure, responsibilities, functions, and processes.*

National Civic League



Marblehead
Town Charter
Committee

Town Charter
Basics

Are Towns Required to Have a Town Charter?

- A charter is neither required, nor necessary for a municipality to operate in the Commonwealth of Massachusetts
- Towns in Massachusetts operate under a series of laws of the Commonwealth and laws of the town (with or without a charter)
 - Constitution and General Laws of the Commonwealth
 - Special Acts of the Commonwealth
 - Bylaws of the town
 - Vote of Town Meeting
 - Actions and decisions of Select Board and other elected or appointed bodies



**Marblehead
Town Charter
Committee**

Town Charter
Basics

Why Have a Charter? Why Now?

- Marblehead has been self-governing for 376 years without a charter
- There are two fundamental reasons a town, such as Marblehead, might want to consider a charter
 1. To align, organize, and make sense of 400 years of incremental law-making under both state law and local law

...a patchwork of bylaws, special acts and provisions that have accumulated over the centuries.

Marblehead Current
 2. To make changes across the town's *structure, responsibilities, functions, and processes* in a comprehensive and integrated manner



Marblehead
Town Charter
Committee

Purpose and
Need

Why Have a Charter? Why Now?

- Select Board expectations regarding a charter

- *...the lack of a ratified charter has led to ambiguities and inefficiencies that the town can no longer afford*

Select Board Chair Erin Noonan

- *It's a significant undertaking but also an exciting opportunity to create a roadmap for a more effective, responsive and forward-thinking government*

Select Board Member Moses Grader

- *I think of how valuable it will be, not just for town officials but for residents, to have a single, clear, understandable document that lays everything out*

Select Board Member Alexa Singer



Marblehead
Town Charter
Committee

Purpose and
Need

General Direction to Date...

- The charter committee has drafted a charter that fundamentally codifies how Marblehead currently operates
 - There are no proposed changes to elected or appointed bodies or their existing structure, duties, and responsibilities
 - There are no proposed changes to core governmental processes
- Draft A, published in January 2025 was the committee's first draft of a comprehensive charter
 - To date, the committee has reviewed and refined Articles 1-7, with no significant substantive changes



Marblehead
Town Charter
Committee

A Single, Clear, Understandable Document...

- A single, clear, understandable document that presents the framework for how Marblehead's government operates in terms of its structure, responsibilities, functions, and processes...
- Is necessary as a prerequisite to any forward-looking efforts to improve or optimize government
- Is a much bigger challenge than you might think...



Marblehead
Town Charter
Committee

A Single, Clear,
Understandable
Document...

Structure of the Laws of Marblehead

- The laws of the Commonwealth have **EXTENSIVE** rules about municipalities self-governing themselves:
 - What towns and cities have to do (and how to do it)
 - What towns and cities cannot do
 - What towns and cities may do if they want to (but don't have to)
 - What towns and cities may do within certain parameters
 - And sometimes only with State approval
 - What towns and cities may do, if the Commonwealth agrees via an act of the state legislature



**Marblehead
Town Charter
Committee**

Structure of the
Laws of
Marblehead

Structure of the Laws of Marblehead

- General Laws: *Session Laws or sections of Session Laws that are permanent in nature and of general application.*

194th General Court, Commonwealth of Massachusetts

- Special Acts: *Massachusetts Laws that are not codified into the General Laws are called Special Acts and include matters affecting an individual or a particular city or town.*

194th General Court, Commonwealth of Massachusetts

- Bylaws: *Cities and towns are permitted by the state legislature to pass laws and regulations in order to govern local matters, to provide administrative procedures, and to prohibit certain activities. These are called ordinances and by-laws, and they apply only to the city or town in which they are adopted.*

Mass.gov



**Marblehead
Town Charter
Committee**

Structure of the
Laws of
Marblehead

Structure of the Laws of Marblehead

- The illustrative case of the Harbors and Waters Board
 - The Harbors and Waters Board has significant powers and authorities, including:
 - Supervising the harbormaster
 - Overseeing an enterprise fund over \$1 million
 - Set procedures, controls, rules and regulations for the use of Marblehead Harbor
 - Designate fines for violations of such



**Marblehead
Town Charter
Committee**

A Single, Clear,
Understandable
Document...

The Illustrative Case of the Harbors and Waters Board

- From the town's website

Harbors & Waters Board

[View Contact Info ▼](#)

What We Do:

The Harbors & Waters Board, which is appointed by the Select Board, recommends and implements programs for the efficient and equitable utilization of Marblehead waters, one of the busiest harbor complexes in New England.



**Marblehead
Town Charter
Committee**

A Single, Clear,
Understandable
Document...

The Illustrative Case of the Harbors and Waters Board

- The Harbors and Waters Board appears twice in town bylaws

Section	Text
General Bylaws Chapter 190, Waterways §190-3, Harbormaster	Under the supervision and control of the Harbors and Waters Board, which is appointed by the Select Board, the Harbormaster shall have the authority to enforce all lawful regulations of this By-Law...
General Bylaws Chapter 190, Waterways §190-7, Abandoned Property	No person shall deposit, place, discard, store, leave or abandon, or cause or permit to be deposited, placed, discarded, stored, left or abandoned, any vessel, or part thereof, boat trailer, cradle, jack stand or other property, on any property of the Town under the jurisdiction of the Harbors and Waters Board, without the express written authorization of the Harbormaster.



**Marblehead
Town Charter
Committee**

A Single, Clear,
Understandable
Document...

The Illustrative Case of the Harbors and Waters Board

- However, there are Special Acts of the Commonwealth in an Appendix to the town’s bylaws

Appendix

- ☒ Chapter A271 **General Laws and Special Acts Accepted by Town** (§ A271-1)
- ☐ Chapter A272 **Province and State Laws**

- ☒ § A271-1 **List of general laws and special acts.**

The following is a chronological list of general laws and special acts accepted by the Town of Marblehead. For a complete description of the action, consult municipal records.

Date	Accepted
	Chapter 107, Acts of 1780, Resolve appointing a committee to repair to Marblehead and view the situation of the inhabitants of that place, and staying all requisitions in the meantime, excepting for men
	Chapter 140, Acts of 1780, Resolve for raising guards at the several posts on the sea coast



Marblehead
Town Charter
Committee

A Single, Clear,
Understandable
Document...

The Illustrative Case of the Harbors and Waters Board

- 313 Special Acts and General Laws have been accepted by Marblehead since 1780

STM, Art. 3

11-13-1986

MGL c. 40, § 39K, authorizing the Town to establish an enterprise fund for the Harbors and Waters Board

ATM, Art. 10

7-27-1988

Chapter 228, Acts of 1988, establishing Marblehead Harbors and Waters Board



**Marblehead
Town Charter
Committee**

A Single, Clear,
Understandable
Document...

The Illustrative Case of the Harbors and Waters Board

- 313 Special Acts and General Laws have been adopted by Marblehead since 1780



Marblehead
Town Charter
Committee

A Single, Clear,
Understandable
Document...

TM, Art. 10

7-27-1988

Chapter 228, Acts of 1988, establishing Marblehead Harbors and Waters Board

7-27-1988

Chapter 228, Acts of 1988, establishing Marblehead Harbors and Waters Board

Chapter 228. AN ACT ESTABLISHING THE MARBLEHEAD HARBORS AND WATERS BOARD. Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Marblehead a harbors and waters board hereinafter referred to as the board. The board shall consist of five regular members and not more than three alternate members, all of whom shall be appointed by a majority vote of the board of selectmen. Such members shall to the extent possible be versed in the policy and direction of the harbors and waters of Marblehead. Members shall serve for a one year term. Members shall be appointed annually. Any vacancy occurring shall be filled for the remainder of the unexpired term. The board shall designate one member as chairperson and one member as secretary for terms of one year and may reappoint such persons as chairperson and secretary. Three members shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by vote of the board. Alternate members shall substitute for absent regular members at meetings of the board and shall have all the powers of and for all purposes be considered as regular members when substituting for regular members. The members shall serve without compensation.

SECTION 2. The board is hereby authorized and empowered:

The Harbors and Waters Board is the Norm

- There are special acts regarding the following, some with additional information in town bylaws, others, without:
 - Municipal Light Commission
 - Recreation and Park Commission
 - Marblehead Housing Authority
 - Old and Historic District Commission
 - Board of Health



**Marblehead
Town Charter
Committee**

A Single, Clear,
Understandable
Document...

The Harbors and Waters Board is the Norm

- There is nothing (or almost nothing) in town bylaws or Special Acts of the Commonwealth regarding:
 - Town Administrator
 - Board of Registrars of Voters
 - How the town budget is developed



**Marblehead
Town Charter
Committee**

A Single, Clear,
Understandable
Document...

Structure of the Draft Charter



Marblehead Town Charter Committee

Structure of the Draft Charter

Marblehead Town Charter

Article 6: Appointed Boards, Committees, and
Commissions, Section 6.8: Harbors and Waters Board

ARTICLE 6: APPOINTED BOARDS, COMMITTEES, AND COMMISSIONS

Section 6.8: Harbors and Waters Board

Annotated Version

Version 1.0/January 23, 2025

Composition

1. There shall be a Harbors and Waters Board (the Board) consisting of five members and no more than three alternate members appointed by the Select Board for one-year terms.

Composition first sentence language is formatted to match other composition first sentences in Article 5 of this charter. See language in Section 1 of the Special Acts, in the notes below regarding composition. "No more than three..." is verbatim from the Special Acts.

2. The Board's chair shall appoint an alternate member to substitute for an absent regular member at board meetings. The substitute shall have all the powers and authorities of the regular member.

The Special Act that created the H&W Board, included specific language about the use of alternative members. See language in Section 1 of the special [Acts below](#) in the Notes.

Powers, Duties, and Responsibilities

3. The Board shall have the powers, duties, and responsibilities given to it under special acts of the Commonwealth, and shall have such additional powers, duties and responsibilities as may be authorized by this Charter, by Town By-Law or by Town Meeting vote.

There is a sentence [similar to this one](#) as the first sentence in the "Powers, Duties, and Responsibilities" subsection of all sections in Articles 5 (elected bodies) and 6 (appointed bodies), as well as the sections on the Town Moderator and the Select Board. Its intent is to broadly state where these powers, duties, and responsibilities come from. Many charters have language like this; and some of the language in our draft sections is adapted from the town charter of Longmeadow. We have incorporated suggestions from the Collins Center on how best to reference these other bodies of law; and this language is currently being reviewed by Town Counsel. Therefore, we request no edits be made to this sentence at this time.

4. The Board shall establish, and from time-to-time revise, procedures, controls, rules and regulations regarding the harbors and waters of Marblehead, consistent with the general laws and special acts of the Commonwealth, and Town By-Laws.

This sentence and the one that follow are from the Special Acts, Section 2 (b). See below for full Act.

5. As enumerated in special acts of the Commonwealth and Town By-Laws, such procedures, controls, rules and regulations enacted by the Harbors and Waters Board may be revoked by the Select Board within 30 days of such an enactment.
6. The Board shall supervise the Harbormaster; and shall:

Marblehead Town Charter

Article 6: Appointed Boards, Committees, and
Commissions, Section 6.8: Harbors and Waters Board

- Work with the Harbormaster in enforcing waterways provisions in the Town By-Laws; and other procedures, controls, rules and regulations related to Marblehead waters; and
- Provide for the orderly placement or arrangement of existing and future moorings in the harbor in cooperation with the Harbormaster.

This is a combination of authorities related to the Harbormaster in the Special Act. See below for the full Act. The reference to the Board "supervising" the harbormaster is taken from town by-laws at: Part I, Chapter 190, § 190-3 states that the Harbormaster is under the "supervision and control" of the Board.

7. The Board shall be responsible, in conjunction with the Harbormaster, for operating the Harbor Enterprise fund.

This language is taken from the Town of Marblehead Budget Book 2024.

8. The Board shall review and make recommendations on proposed zoning changes for land bordering the harbors and waters of Marblehead.

This sentence is from the Special Acts, Section 2 (g). See below for full Act.

Appointing Powers

9. The Board shall advise the Select Board on the appointment of the Harbormaster and the Assistant Harbormasters

I do not see any appointment powers assigned to the Board. Harbormaster and assistant harbormasters are all appointed by the Select Board, per general laws of the Commonwealth (see note below)

Policy Role

10. The Board shall be the policy setting body for the care, use, and maintenance of Marblehead's harbors and waters as defined in special acts of the Commonwealth, and as enumerated in Town By-Laws.

Licenses and Permits

I do not see any licensing or permitting powers assigned to the Board. Let me know if you think I missed something.

NOTES

There is nothing in the general laws of the Commonwealth regarding harbor and water boards. Rather, its establishment was created via a special act of the Commonwealth in 1988 (it is beyond the ability of the town to create and empower such a body solely through Town By-Laws). The mechanics are as follows: an article at Town Meeting proposed the creation of the harbors and waters board. After it passed Town Meeting it went to the state legislature which passed a special act. The act then had to be "accepted" by the Town via a ballot question. Moreover, changes to the operation of the harbors and waters board would also require a special act. Below is the 1988 Special Act creating the board.

Structure of the Draft Charter



Marblehead
Town Charter
Committee

Structure of the
Draft Charter

Article	Sections/Content
Article 3: Town Meeting Section 3.2: Town Moderator	<ul style="list-style-type: none">• Town Moderator role, powers, duties and responsibilities
Article 4: Select Board (Executive)	<ul style="list-style-type: none">• Select Board• Town Administrator
Article 5: Elected Boards, Committees, Commissions and Officials	<ul style="list-style-type: none">• All elected boards, committees and commissions (10)• Town Clerk
Article 6: Appointed Boards, Committees, and Commissions	<ul style="list-style-type: none">• Nine of 35+ appointed boards, committees, and commission• A single section covering other boards, committees and commissions

Structure of the Draft Charter

- Two additional articles address issues related to Articles 3 through 6

Article	Sections/Content
Article 7: (Comings and Goings)	<ul style="list-style-type: none">• Appointments• Vacancies• Resignations• Removals• Recalls
Article 8: Establishment and Operation of Town Boards, Committees and Commissions	<ul style="list-style-type: none">• Standing and Ad Hoc Committees• Establishment of ...• Operation of ...• Ethical Standards and COI



Marblehead
Town Charter
Committee

Structure of the
Draft Charter

Structure of the Draft Charter

- Two additional articles and one additional section address key town processes

Article	Sections/Content
Article 3: Town Meeting Section 3.1: Town Meeting	<ul style="list-style-type: none">• All rules and procedures related to town meeting
Article 9: Finances and Fiscal Procedures	<ul style="list-style-type: none">• Annual town budget• Enterprise funds• Revolving funds• Independent audits
Article 10: Elections	<ul style="list-style-type: none">• Town elections• Candidates for town offices• Conduct of elections (all)



Marblehead
Town Charter
Committee

Structure of the
Draft Charter

Content of the Draft Charter



Marblehead
Town Charter
Committee

Content of the
Draft Charter

Percentage	Source of Content
80-85%	<ul style="list-style-type: none">• Directly based on existing law – either in the general laws and special acts of the Commonwealth or in town bylaws
10-15%	<ul style="list-style-type: none">• Based on existing town practices that are consistent with the laws of the Commonwealth or town bylaws (but are not directly covered in either)
>1%	<ul style="list-style-type: none">• New, and not currently covered in the laws of the Commonwealth, laws of the town, or as practiced in town, or is different from the laws of the town or as practiced in town (almost all in Article 7)
2-3%	<ul style="list-style-type: none">• Descriptive and aspirational language that is not legally enforceable

Content of the Draft Charter



Marblehead Town Charter Committee

Content of the Draft Charter

Marblehead Town Charter

Article 6: Appointed Boards, Committees, and
Commissions, Section 6.8: Harbors and Waters Board

ARTICLE 6: APPOINTED BOARDS, COMMITTEES, AND COMMISSIONS

Section 6.8: Harbors and Waters Board

Annotated Version

Version 1.0/January 23, 2025

Composition

1. There shall be a Harbors and Waters Board (the Board) consisting of five members and no more than three alternate members appointed by the Select Board for one-year terms.

Composition first sentence language is formatted to match other composition first sentences in Article 5 of this charter. See language in Section 1 of the Special Acts, in the notes below regarding composition. "No more than three..." is verbatim from the Special Acts.

2. The Board's chair shall appoint an alternate member to substitute for an absent regular member at board meetings. The substitute shall have all the powers and authorities of the regular member.

The Special Act that created the H&W Board, included specific language about the use of alternative members. See language in Section 1 of the special [Acts below](#) in the Notes.

Powers, Duties, and Responsibilities

3. The Board shall have the powers, duties, and responsibilities given to it under special acts of the Commonwealth, and shall have such additional powers, duties and responsibilities as may be authorized by this Charter, by Town By-Law or by Town Meeting vote.

There is a sentence similar to this one as the first sentence in the "Powers, Duties, and Responsibilities" subsection of all sections in Articles 5 (elected bodies) and 6 (appointed bodies), as well as the sections on the Town Moderator and the Select Board. Its intent is to broadly state where these powers, duties, and responsibilities come from. Many charters have language like this; and some of the language in our draft sections is adapted from the town charter of Longmeadow. We have incorporated suggestions from the Collins Center on how best to reference these other bodies of law; and this language is currently being reviewed by Town Counsel. Therefore, we request no edits be made to this sentence at this time.

4. The Board shall establish, and from time-to-time revise, procedures, controls, rules and regulations regarding the harbors and waters of Marblehead, consistent with the general laws and special acts of the Commonwealth, and Town By-Laws.

This sentence and the one that follow are from the Special Acts, Section 2 (b). See below for full Act.

5. As enumerated in special acts of the Commonwealth and Town By-Laws, such procedures, controls, rules and regulations enacted by the Harbors and Waters Board may be revoked by the Select Board within 30 days of such an enactment.
6. The Board shall supervise the Harbormaster; and shall:

Marblehead Town Charter

Article 6: Appointed Boards, Committees, and
Commissions, Section 6.8: Harbors and Waters Board

- Work with the Harbormaster in enforcing waterways provisions in the Town By-Laws; and other procedures, controls, rules and regulations related to Marblehead waters; and
- Provide for the orderly placement or arrangement of existing and future moorings in the harbor in cooperation with the Harbormaster.

This is a combination of authorities related to the Harbormaster in the Special Act. See below for the full Act. The reference to the Board "supervising" the harbormaster is taken from town by-laws at: Part I, Chapter 190, § 190-3 states that the Harbormaster is under the "supervision and control" of the Board.

7. The Board shall be responsible, in conjunction with the Harbormaster, for operating the Harbor Enterprise fund.

This language is taken from the Town of Marblehead Budget Book 2024.

8. The Board shall review and make recommendations on proposed zoning changes for land bordering the harbors and waters of Marblehead.

This sentence is from the Special Acts, Section 2 (g). See below for full Act.

Appointing Powers

9. The Board shall advise the Select Board on the appointment of the Harbormaster and the Assistant Harbormasters

I do not see any appointment powers assigned to the Board. Harbormaster and assistant harbormasters are all appointed by the Select Board, per general laws of the Commonwealth (see note below)

Policy Role

10. The Board shall be the policy setting body for the care, use, and maintenance of Marblehead's harbors and waters as defined in special acts of the Commonwealth, and as enumerated in Town By-Laws.

Licenses and Permits

I do not see any licensing or permitting powers assigned to the Board. Let me know if you think I missed something.

NOTES

There is nothing in the general laws of the Commonwealth regarding harbor and water boards. Rather, its establishment was created via a special act of the Commonwealth in 1988 (it is beyond the ability of the town to create and empower such a body solely through Town By-Laws). The mechanics are as follows: an article at Town Meeting proposed the creation of the harbors and waters board. After it passed Town Meeting it went to the state legislature which passed a special act. The act then had to be "accepted" by the Town via a ballot question. Moreover, changes to the operation of the harbors and waters board would also require a special act. Below is the 1988 Special Act creating the board.

Content of the Draft Charter



Marblehead Town Charter Committee

Content of the Draft Charter

Marblehead Town Charter

Article 6: Appointed Boards, Committees, and
Commissions, Section 6.8: Harbors and Waters Board

7-27-1988

Chapter 228, Acts of 1988, establishing Marblehead Harbors and Waters Board

Chapter 228. AN ACT ESTABLISHING THE MARBLEHEAD HARBORS AND WATERS BOARD. Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Marblehead a harbors and waters board hereinafter referred to as the board. The board shall consist of five regular members and not more than three alternate members, all of whom shall be appointed by a majority vote of the board of selectmen. Such members shall to the extent possible be versed in the policy and direction of the harbors and waters of Marblehead. Members shall serve for a one year term. Members shall be appointed annually. Any vacancy occurring shall be filled for the remainder of the unexpired term. The board shall designate one member as chairperson and one member as secretary for terms of one year and may reappoint such persons as chairperson and secretary. Three members shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by vote of the board. Alternate members shall substitute for absent regular members at meetings of the board and shall have all the powers of and for all purposes be considered as regular members when substituting for regular members. The members shall serve without compensation.

SECTION 2. The board is hereby authorized and empowered:

(a) to develop a harbor management plan;

(b) to mandate procedures, controls, rules and regulations consistent with and pursuant to chapter twenty-one of the town of Marblehead by-laws; establish long-range plans for recreational boating, commercial fishing and water-dependent development projects; confirm the enforcement powers of town, state and federal authorities; recommend fees for town-operated facilities and designate fines for violations;

(c) to work with the harbormaster in enforcing chapter twenty-one of the by-laws of the town of Marblehead and the rules and regulations of the harbors and waters of Marblehead;

(d) to research, publicize and assist in the complementation of rules and regulations of the department of environmental quality engineering promulgated under the provisions of chapter ninety-one of the General Laws and licensing procedures of the army corps of engineers;

(e) to provide for the orderly placement or arrangement of existing and future moorings in the harbor in cooperation with the harbormaster;

(f) to act as liaison between the town of Marblehead and the United States Army corps of engineers, division of wetlands and waterways of the department of environmental quality engineering, and the Massachusetts office of coastal zone management;

(g) to review and make recommendations on proposed zoning changes for land bordering the harbors and waters of Marblehead. Such recommendations shall be forwarded in written form to the planning board;

(h) to meet at least once a month; and

(i) to prepare an annual budget.

SECTION 3. The geographic jurisdiction of the board is as follows: The waters between the shores of the town and a line dividing the town of Marblehead and the town of Swampscott, running from Phillips beach at the end of Seaview avenue, as defined by the Harbor and Land Commissioners under chapter one hundred and ninety-six of the acts of eighteen hundred and eighty-one, across Great Pig Rocks to a point southwesterly of the bell at Outer Breakers thence along a line northeasterly to a point southwesterly of Halfway Rock thence northwesterly to Satan Rock thence in line to Mid Channel Rock off Eagle Island to a point in the line dividing the town of Marblehead and the city of Salem as defined by the Harbor and Land Commissioners under chapter one hundred and ninety-six of the acts of eighteen hundred and eighty-one. Said point being in the water space between said town and city, said point being also in a straight line drawn from the mainland of said town of Marblehead near Peaches Point to Curtis Point in the city of Beverly, the distance between said point and the mainland near Peaches Point; thence turning and running in a general westerly, southwesterly, southerly and southwesterly direction along the said line

Marblehead Town Charter

Article 6: Appointed Boards, Committees, and
Commissions, Section 6.8: Harbors and Waters Board

dividing the town of Marblehead and the city of Salem as defined by said Harbor and Land Commissioners to a point at or near the mouth of the Forest River.

SECTION 4. The board of selectmen of said town may revoke any and all acts of the board by a majority vote taken within thirty days of such act. The board shall transmit to the administrative assistant of the board of selectmen the minutes of each meeting within fourteen days of the close of such meeting.

SECTION 5. The board shall at all meetings provide a period of time for members of the public to be heard.

Approved July 27, 1988.

MORE NOTES

Harbormaster is appointed by the Select Board per MGL, Part I Title XV Chapter 102 §19. Total text is:

Section 19. The mayor of a city, except Boston, or the selectmen of a town where a harbor is situated, unless otherwise specially provided, may, and for all harbors that have been improved by the expenditure of money by the commonwealth shall, appoint a harbor master and assistant harbor masters and fix their compensation, to be paid by their respective cities or towns. Said appointment shall remain in force unless the harbor master is removed for neglect of duty, negligence or conduct unbecoming a harbor master. Assistant harbor masters shall be appointed for terms of three years. Any appointment or re-appointment of assistant harbor masters shall be on the recommendation of the harbor master.

Baseline Charter and Potential Additions

- The draft charter the committee has been writing may be referred to as the “baseline charter”
 - It predominantly codifies Marblehead’s government as currently defined in law, and executed in practice
- There is one potential charter section that would introduce something new – not currently in the laws of the Commonwealth or laws of the town: recalls
 - The committee’s current approach is to consider a “new” section, such as recalls, as stand-alone, to be considered on its own merits at town meeting
 - There potentially may be additional add-on sections



Marblehead
Town Charter
Committee

Content of the Draft Charter

- Examples of descriptive and aspirational language that is not legally enforceable
 - *Town boards, committees, commissions, departments, officials, and senior-level Town employees shall proactively collaborate with regard to sharing of information and resources; the purchase, use, maintenance, and disposition of equipment and systems; preparation of the Town capital plan; development and implementation of Town-wide systems and policies; and development of the Town's annual budget.*
 - *Town Meeting is intended as an informed, thoughtful, and deliberative space for widespread and inclusive democratic participation. Citizens shall treat the Town Moderator, fellow participants, and other officials in a manner befitting neighbors, with respect, in good faith, and in recognition of their shared purpose of self-governance.*



Marblehead
Town Charter
Committee

Content of the
Draft Charter

What Changes with a Town Charter Being Adopted?

- The town charter would be a state law, via a Special Act of the state legislature
 - If there is an inconsistency between a bylaw and the charter, the charter trumps the bylaw
 - Any new bylaws cannot be contradictory to what is in the charter
- Changing the charter would be the same as changing any Special Act pertaining to Marblehead
 1. Vote of town meeting
 2. An Act of the Massachusetts legislature affirming town meeting vote
 3. Ballot vote to accept the act of the legislature



**Marblehead
Town Charter
Committee**

Implications of
Having a Town
Charter

Briefly...

- Since first organizing in May 2024, the Town Charter Committee has met with:
 - The Select Board, Town Moderator, Town Clerk
 - Nine of the 10 other elected boards, committees, and commissions
 - Ten appointed boards, committees and commissions
 - 14 senior town employees
- We continue to meet with key stakeholders and expect additional feedback on Draft B
- Draft B will be released June/July 2025



Marblehead
Town Charter
Committee

Draft A to Draft B...

- The Charter Committee has been through the bulk of the Draft A language
- While there has been significant editing, substantively, the core elements are unchanged from Draft A



Marblehead
Town Charter
Committee

Charter timeline

- **June 2024 – April 2025**: Gather input from department heads, town officials, boards, and residents, draft and review charter language
- **May 2025**: Report to Town Meeting, hold three public forums —input on draft charter language
- **June 2025 – March 2026**: Further revision, forums, legal review of charter language, final language submitted to Select Board for review
- **May 2026 Town Meeting**: Vote to approve Marblehead's charter
- **If approved by Town Meeting**: Charter is then submitted to state legislature for review of legal conformity with Mass General Laws
- **June 2027 town-wide election**:

Marblehead must vote to approve before charter becomes law



Marblehead
Town Charter
Committee