

SELECTMEN'S BUSINESS 1/27/03
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INTERDEPARTMENTAL COMMUNICATIONS

OFFICE OF THE TOWN CLERK

JAN 14 2003

DATE: January 13, 2003

cc: BOS

TO: Board of Selectmen
Town Manager

Subject: Vacancy Library Trustee

I received a letter from Francis M. Joyner, Jr., Trustee of the Acton Memorial Library, term expiring spring 2005. The letter informed me that He is no longer serving as an Elected Trustee and that the office is vacant. At the December 16, 2002 Library Trustee Meeting he was elected as a Corporate Trustee of the Library replacing Mr. Henry J. Hogan who resigned.

Pursuant to MGL c41 s11, Vacancies are filled by appointment only until the next Annual Town Election. Annual Town Election is April 1 2003. The last day to file nomination papers is February 11, 2003.

To have this vacant office voted on at the 2003 Annual Election the Board of Selectmen must file a notice directing the Town Clerk to add that vacant office to the annual ballot The term of office to be for the duration of the unexpired term.

Thank you



Edward Ellis
Town Clerk

Attachments

Letter, David Barratt, President Acton Memorial Library Trustee
Letter, Francis M Joyner, Jr.
MGL Chapter 41:11

If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectmen or selectman may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided, that such request is filed with them or him not less than one hundred days prior to the date of the next annual election. 13
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If there is a resignation of a town officer creating a vacancy at some later time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain and the board of selectmen may call a special election as provided in this section; provided, however, that no such election may be held prior to the effective date of the resignation creating such vacancy. 20
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No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election. 27
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41:11. Appointment to fill vacancy in town office.

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified. 1
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CLERK.

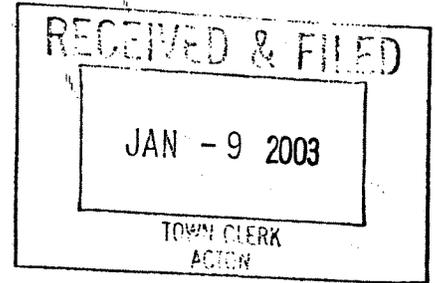
41:12. City clerks; tenure.

Section 12. In cities which accepted chapter three hundred and thirty-two of the acts of nineteen hundred and one, the term of office of the city clerk shall be three years from the date of his election or appointment, except that in cities required to elect a city clerk in December 1
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Francis M. Joyner, Jr.

8 Birch Ridge Road, Acton, MA 01720

January 9, 2003



Mr. Edward Ellis, Town Clerk
Town of Acton
Acton Town Hall
472 Main Street
Acton, MA 01720

Dear Mr. Ellis

This is to inform you that, at the regular monthly meeting of the Acton Memorial Library Board of Trustees on December 16, 2002, the Corporate Trustees present elected me as a Corporate Trustee, replacing Mr. Henry J. Hogan, who resigned as a Corporate Trustee effective February 25, 2002.

Thus the position of elected Trustee of the Acton Memorial Library, to which I was elected in the Spring of 2002 is now vacant; and an election to fill the remainder of my term, which would have run to the Spring of 2005, should be included on this years warrant.

Thank you.

Sincerely



F. M. Joyner, Jr.

Copy to: Mr.

David Barratt

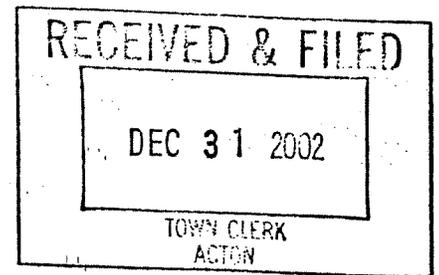
President, Acton Memorial Library Board of Trustees

Acton Memorial Library

486 Main Street
Acton, MA 01720
(978) 264-9641/9642
TDD 635-0072

December 31, 2002

Edward Ellis
Town Clerk
Acton Town Hall
482 Main Street
Acton, MA 01720



RE: Acton Memorial Library
Additional vacancy on Board of Trustees

Dear Mr. Ellis

Please be informed that Ray Shamel has resigned as trustee of the Acton Memorial Library Board of Trustees. The board voted to appoint Frank Joyner as a corporate member of the board. Previously he had been an elected member.

His appointment as corporate member of the board creates an opening to be filled by an elected member in addition to the seat for which I will run.

Please note the additional vacancy. If there are any questions, please contact me.

Sincerely,

David T. Barrat
David T. Barrat, President
Acton Memorial Library Board of Trustees

DTB:
cc: M. Rich, Director