

ARTICLE XII TRANSITIONAL PROVISIONS

12-1 EFFECTIVE DATE

This Charter shall take effect July 1, 2006. Prior to that date, the Selectmen shall prepare for the transition to the new form of government.

12-2 EFFECT ON INCUMBENT OFFICE HOLDERS

Those Selectmen whose terms have not expired as of June 30, 2006, shall continue in office as Councilors until the expiration of their terms and until their successors are elected and certified.

The persons holding the following offices as of June 30, 2006 shall continue in those offices until the expiration of their terms and their successors are elected and certified: Moderator, Treasurer, Town Clerk/Tax Collector, Supervisors of the Checklist, Library Trustees, Trustees of the Trust Fund, and members of the Ethics Committee.

12-3 SPECIAL ELECTION

The Town shall conduct a special election on the second Tuesday of June 2006 to elect Town Councilors for the following terms: One (1) for a term to run from July 1, 2006 to the regular Town election in April 2008, and One (1) for a term to run from July 1, 2006 to the regular Town election in April 2009. Both shall serve until their successors are elected and certified as provided in Article 3-7 of this Charter.

All election officers holding office prior to and at the time of the special election held under this Charter shall conduct such election and shall have all the powers granted to them under New Hampshire State Law for such purposes and shall have all the powers that are granted to their successors under this Charter which are necessary to conduct properly such election.

12-4 ABOLITION OF CERTAIN BOARDS AND OFFICIALS

The following Town agencies shall be abolished effective on the dates listed herein:

- (1) The Board of Selectmen, June 30, 2006, and
- (2) The Municipal Budget Committee, June 30, 2006 established under RSA 32, and
- (3) The Historic District Commission, June 30, 2006.

12-5 CONTINUATION OF GOVERNMENT

All members of the Town government, elected or appointed, except those abolished by this Charter, shall continue to perform their duties until the expiration of their current term, and until successors to their respective positions are duly appointed, elected and certified, or their duties have been transferred. The Board of Selectmen and the successor Town Council shall take whatever measures are necessary to effectuate an orderly transition and shall take whatever actions are necessary to enable such transitions in office to comply with the provisions of this Charter.

The Administrative Code, in effect on the date of the adoption of this Charter, shall remain in effect until such time as the Town Council shall adopt a proposed Administrative Code as defined by the process in Article 7-10.

12-6 CONTINUATION AND COMPENSATION OF PERSONNEL

Until expressly changed after the effective date of this Charter, the compensation of all officers, department heads, and employees of the Town shall be the same as that in effect on July 1, 2006.

Any person holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the Charter for the performance of the said duties by another person or agency as long as the service rendered is suitable; provided, however, that no person in the service or employment of the Town shall forfeit their pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practical.

Removal of personnel for such issues as inefficiency, poor performance, violation of policies and procedures, or other disciplinary reasons, in effect at the time of the adoption of this Charter, shall not be prohibited, provided that the continued or interim policies and/or contracts are followed.

12-7 TRANSFER OF RECORDS AND PROPERTY

All records, property, and equipment of any Town agency, the powers and duties of which are assigned in whole or part to another Town agency, shall be transferred forthwith to the Town agency to which such powers and duties are assigned.

12-8 EFFECT ON OBLIGATIONS, TAXES, AND OTHER LEGAL ACTS

All official bonds, recognizance, obligations, contracts, and other instruments entered into or executed by or to the Town before its adoption of this Charter; all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town shall be enforced and collected; all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter; and no legal act done by or in favor of the Town shall be rendered invalid by the adoption of the Charter.

12-9 CONFLICTS RESOLVED IN FAVOR OF THE CHARTER

To the extent that there is any conflict between the Charter and any continued code, ordinance, policy or procedure, the Charter shall prevail.