



## TOWN OF GROTON

173 Main Street  
Groton, Massachusetts 01450-1237  
Tel: (978) 448-1111  
Fax: (978) 448-1115

### Charter Review Committee

Peter S. Cunningham, *Chair*  
Rebecca Weksner, *Vice Chair*  
Mark W. Haddad, *Clerk*  
Robert Collins, *Member*  
Kristen Frank, *Member*  
Brenden Mahoney, *Member*  
Michael Sulprizio, *Member*

### CHARTER REVIEW COMMITTEE MEETING

THURSDAY, MARCH 6, 2025

#### AGENDA

SELECT BOARD MEETING ROOM

2nd FLOOR

GROTON TOWN HALL

4:30 P.M.

- I. Review Agenda for the Public
- II. Continue Review of Proposed Changes to the Groton Charter
  - Park Commission – Appointed vs. Elected
- III. Review Red-Lined Version of Charter for Accuracy
- IV. Prepare/Discuss for March 27, 2025 Public Hearing
- V. Approve Minutes – February 20, 2025
- VI. Adjournment

**Votes may be taken at any time during the meeting.** The listing of topics that the Chair reasonably anticipates will be discussed at the meeting is not intended as a guarantee of the topics that will be discussed. Not all topics listed may in fact be discussed, and other topics not listed may also be brought up for discussion to the extent permitted by law.

## **CHARTER (2022)**

**[HISTORY: Enacted by the General Court as Ch. 121 of the Acts of 2019.<sup>1</sup> Amendments noted where applicable.] [ 2022 Amendments enacted by the General Court as Chapter 41 of the Acts of 2022. ]**

### **ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY**

#### **Section 1.1: Incorporation**

The inhabitants of the town of Groton, within the corporate limits established by law, shall continue to be a body corporate and politic with perpetual succession under the name "town of Groton."

#### **Section 1.2: Short Title**

This instrument shall be known and cited as the Groton charter.

#### **Section 1.3: Powers of the Town**

It is the intent and purpose of the voters of the town, through the adoption of this charter, to secure for the town all of the powers possible under the constitution and laws of the commonwealth as fully and as completely as though each power were specifically and individually enumerated in this charter.

#### **Section 1.4: Division of Powers**

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a select board and a town manager. The legislative powers shall be exercised by an open town meeting.

#### **Section 1.5: Interpretation of Powers**

The powers reserved or granted to the town under this charter shall be construed liberally and interpreted broadly in the town's favor and the specific mention of any particular power shall not limit the general powers of the town under section 1.3.

#### **Section 1.6: Intergovernmental Relations**

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of the town's powers or functions.

#### **Section 1.7: Precedence of Charter Provisions**

All General Laws, special laws, by-laws, votes, rules and regulations of or pertaining to the town that are in force when the charter takes effect and that are not specifically or by

implication repealed directly or indirectly hereby shall continue in full force and effect until amended or repealed or until they expire by their own terms.

## **Section 1.8: Ethical Standards and Conduct**

Elected officers, appointed officials, employees and volunteers of the town shall demonstrate by their example, with their general conduct and in the performance of their duties and responsibilities the highest ethical standards so that the public may justifiably have trust and confidence in the integrity of the town's government. Such individuals shall recognize that they act always as agents for the public, that they hold their office or position for the benefit of the public, that the public interest is their primary concern and that they faithfully discharge the duties of their office regardless of personal considerations. Such an individual shall not use the individual's official position to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

## **Section 1.9: Definitions**

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Appointed official", an individual serving in appointed office who exercises the powers or duties of that office with authority derived from the General Laws, this charter, vote of town meeting or the town's by-laws.

"Charter", this charter and any amendments to it that may hereafter be adopted.

"Days", business days, not including Saturdays, Sundays and legal holidays; provided, however, that when the time set is not less than 7 days, every day shall be included.

"Department head", an individual having administrative authority over a town department.

"Elected officer", an individual serving in elected office who, in the exercise of the powers or duties of that office, exercises some portion of the sovereign power of the town.

"Emergency", a sudden, unexpected and unforeseen happening, occurrence, event or condition that necessitates immediate action.

"Local newspaper", a newspaper of general circulation in the town.

"Majority vote", a majority of those present and voting; provided, that a quorum is present when the vote is taken.

"Multiple-member body", a town body consisting of not less than 2 persons, whether called a board, commission, committee, subcommittee or otherwise and however elected, appointed or otherwise constituted.

"Publish", posting a document on the Town website in a prominent and accessible location, with hard copies made available upon request.

"Quorum", except for a town meeting and unless otherwise required by law or this charter, a majority of the members of a multiple member body then in office, not including any vacancies that may then exist.

"Town agency", a board, commission, committee, department or office of the town government.

"Town bulletin board", a bulletin board in the town hall on which official notices are posted and boards at other town buildings or facilities that may be designated by the town clerk as town bulletin boards.

"Town meeting", the open town meeting established in article 2, whether annual or special.

"Voters", registered voters of the town.

"Warrant", a document required to warn and notify residents and inhabitants of the town, who are qualified to vote in town affairs, to meet at a specific place to act on published articles relating to the governance of the town.

## **ARTICLE 2: LEGISLATIVE BRANCH**

### **Section 2.1: Town Meeting**

The legislative powers of the town shall be exercised by a town meeting open to all voters. The annual town meeting shall meet in regular session twice in each calendar year. The first meeting, which shall be the spring town meeting, shall be held in March, April or May on a date fixed by by-law and shall be primarily concerned with the determination of matters involving the expenditure of town funds including, but not limited to, the adoption of an annual operating budget for all town agencies, electing officers and determining all other matters to be decided by ballot of the voters. The second meeting, which shall be the fall town meeting, shall be held in the last 4 months of the calendar year on a date fixed by by-law; provided, however, that the fall town meeting shall not include the election of officers.

### **Section 2.2: Presiding Officer**

2.2.1 The moderator elected pursuant to section 3.4 shall preside at all sessions of the annual and special town meetings. The moderator at all town meetings shall regulate the proceedings, decide all questions of order and make public declaration of all votes and may exercise such additional powers and duties as may be authorized by law, this charter, by-law or other vote of the town meeting.

2.2.2 The moderator shall appoint a deputy moderator at the spring town meeting, subject to ratification of the town meeting, to serve at any session of an annual or special town meeting in the event of the moderator's absence or disability. The deputy moderator may also temporarily serve when the moderator has a conflict of interest or when the appearance of a conflict of interest arises, as determined by the moderator, with regard to a particular article or matter under consideration.

2.2.3 In the absence of the moderator and the deputy moderator at any session of a town meeting, the town clerk shall open the meeting and preside over the election of an acting moderator; provided, however, that if the moderator, the deputy moderator and the town clerk are absent, the presiding officer shall be determined as provided for by law.

### **Section 2.3: The Town Report**

The select board shall publish an annual town report and make it available not less than 14 days before the spring town meeting; provided, however, that failure to comply with this section shall not prevent the town meeting from proceeding.

#### **Section 2.4: Special Town Meetings**

A special town meeting shall be held at the call of a majority of the full select board in order to transact the legislative business of the town in an orderly manner. A special town meeting shall also be held on the petition of not less than 200 voters or 20 per cent of the total number of voters, whichever is less.

#### **Section 2.5: Warrants**

Every town meeting shall be called by a warrant issued by the select board that shall state the time and place at which the meeting is to convene and, by separate articles, shall identify the subject matters to be acted upon. The publication of the warrant for every town meeting shall be in accordance with the General Laws and by-laws governing such matters.

#### **Section 2.6: Initiation of Warrant Articles**

2.6.1 Initiation - Subject to section 2.6.3, the select board shall receive petitions addressed to it that request the submission of any matter to the town meeting and that are filed by: (i) a department head; (ii) a multiple-member body acting by a majority of its members then in office; (iii) any 10 voters for a session of the annual town meeting; or (iv) any 100 voters for a special town meeting.

2.6.2 Inclusion on the Warrant - Spring and Fall Session of the Town Meeting - When a spring or fall session of the town meeting is to be called, notice shall be given by posting attested copies of the warrant in not less than 2 public places in the town and by publishing notice of the meeting in a local newspaper not less than 14 days before the day appointed for the meeting. The select board shall include in the warrant the subject matter of all petitions received by the board not less than 60 days before the date fixed by by-law for the session of the spring or fall session of the town meeting to convene. Unless specified otherwise in this charter, the content, scheduling and notice requirements for a spring or fall session of the town meeting shall be the same as provided for an annual town meeting pursuant to section 10 of chapter 39 of the General Laws.

2.6.3 Inclusion on the Warrant - Special Town Meeting - If a special town meeting is to be called, notice shall be given by posting attested copies of the warrant in not less than 2 public places in the town and by publishing notice of the meeting in a local newspaper not less than 14 days before the day appointed for the meeting. The select board shall include in the warrant the subject matter of all petitions received by the board not less than 20 days before the day appointed for the meeting. Unless specified otherwise in this charter, the content, scheduling and notice requirements for a special town meeting shall be the same as provided for a special town meeting pursuant to section 10 of chapter 39 of the General Laws.

#### **Section 2.7: Availability of Town Officials at Town Meetings; Conflicting Meetings**

2.7.1 Every chairperson of each multiple-member body and every department head shall attend all sessions of town meetings. If a chairperson of a multiple-member body or department head shall be absent from a town meeting due to illness or other reasonable

cause, that person shall designate a deputy to attend the meeting and represent the multiple-member body or department. If a person designated to attend a town meeting under this section is not a voter, the person may, notwithstanding the person's voter status, address the meeting to fulfill the objectives of this section.

2.7.2 A meeting of a multiple-member body or town agency shall not be convened or be in session during a session of any town meeting except as part of the town meeting.

## **Section 2.8: Clerk of the Meeting**

The town clerk shall serve as clerk of the town meeting, give public notice of all adjourned sessions of the town meeting, record its proceedings and perform such additional duties in connection therewith as may be provided by law, this charter, by-law or town meeting vote.

## **Section 2.9: Rules of Procedure**

The town meeting may, by by-law, establish, amend, revise or repeal rules to govern the conduct of all town meetings.

## **Section 2.10: General Powers and Duties**

The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town that are not otherwise provided for by law, this charter or by-law.

## **Section 2.11: Report to the Voters**

There shall be published for every town meeting a copy of the warrant, together with its articles, and a report to the voters that shall contain the explanation and relevant data submitted by the proponents of each article; provided, however, that the town manager may direct that voluminous supporting material necessary for consideration of particular articles be made reasonably available for inspection at public locations before the town meeting in lieu of inclusion in the written report to the voters. The written report for each town meeting shall include: (i) the written report of the planning board setting forth its findings and recommendations as to all zoning articles; (ii) the written report of the finance committee, which shall set forth its findings, conclusions and recommendations and its reasons therefor regarding all of the monetary articles in the warrant; and (iii) with respect to each warrant article, in addition to the reports of the planning board and the finance committee, the written report of a proponent or sponsor of a warrant article and of a multiple-member body or town agency that is required to review, recommend or sponsor the warrant article by law, appointment or otherwise.

The report for the town meeting shall also include, as an appendix, the capital improvement plan defined in section 6.6 setting forth the proposed capital outlay program for the ensuing fiscal year for the information and guidance of town meeting. The select board shall have the opportunity to include in the report its conclusions and recommendations, including its reasons therefore, regarding articles in the warrant that relate to its general superintendence over the administration of town affairs.

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~~articles be made reasonably available for inspection at public locations before the town meeting in lieu of inclusion in the written report to the voters. The written report for each spring town meeting shall include: (i) the written report of the planning board setting forth its findings and recommendations as to all zoning articles; (ii) the written report of the finance committee, which shall set forth its findings, conclusions and recommendations and its reasons therefor regarding all of the monetary articles in the warrant; and (iii) with respect to each warrant article, in addition to the reports of the planning board and the finance committee, the written report of a proponent or sponsor of a warrant article and of a multiple-member body or town agency that is required to review, recommend or sponsor the warrant article by law, appointment or otherwise.~~

~~The report for the spring town meeting shall also include, as an appendix, the capital improvement plan defined in section 6.6 setting forth a five-year capital outlay program for the information and guidance of town meeting. The select board shall have the opportunity to include in the report its conclusions and recommendations, including its reasons therefor, regarding articles in the warrant that relate to its general superintendence over the administration of town affairs.~~

The report shall be made available to residents of the town by a method determined by the select board not later than 7 days before the date on which the opening session of the spring town meeting is to be held; provided, however, that the failure to make the report available shall not prohibit a town meeting from acting upon any matters set forth in the warrant and shall not affect the validity of the proceedings at a town meeting.

### **ARTICLE 3: ELECTED OFFICERS**

#### **Section 3.1: General**

3.1.1 Elective Town Offices - The town offices that the voters shall fill by ballot shall be: (i) the town moderator; (ii) the members of the select board; (iii) the town's component of the Groton-Dunstable Regional School Committee; (iv) the commissioners of trust funds; (v) the elected members of the Groton Housing Authority; (vi) the members of the planning board, public library board of trustees, Groton electric light commission, Groton water commission, Groton sewer commission, park commission, board of health and board of assessors; and (vii) other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement that shall also be filled by ballot at a town election.

3.1.2 Town Election - The annual election by ballot of elective town officers and voting on any questions required by law to be placed upon the official ballot shall be held on a date fixed by by-law.

3.1.3 Eligibility - A voter shall be eligible to hold an elective town office unless prohibited by law.~~., provided, however, that a select board member shall not simultaneously hold another elected position.~~

3.1.4 Compensation - Elected officers shall receive the compensation for their services that may be appropriated at the spring town meeting for such purpose.

3.1.5 Availability - Notwithstanding a town officer's election by the voters, a town officer under this section shall be subject to the call of the select board or the town manager at all reasonable times for consultation, conference and discussion on any matter related to the officer's respective office. Similarly, multiple-member bodies or other appointees shall be

subject to the call of the select board or the town manager at all reasonable times for discussion on any matter related to their respective offices.

### 3.1.6 Filling of Vacancies

3.1.6.1 Moderator - If there is a failure to elect a town moderator or if a vacancy occurs in the office of town moderator, the select board shall appoint a suitable person to serve until the next town election.

3.1.6.2 Elected Multiple-Member Body - If there is a failure to elect a member of a multiple-member body or if a vacancy occurs in the membership of an elected multiple-member body, the remaining members of the multiple-member body shall give notice of the vacancy to the select board and to the public. The select board and the remaining members of the multiple-member body shall, at least 1 week after notice of the date on which the vote is to be taken, fill the vacancy until the next town election by a joint vote. The affirmative votes of the majority of the persons entitled to vote on the vacancy shall be necessary for the election.

3.1.6.3 Select Board - If there is a failure to elect a select board member or if a vacancy occurs in the membership of the select board, the remaining select board members may call a special election to fill the vacancy or shall call the special election upon the written request of not less than 200 voters.

### 3.1.7 Recall Provision for Elected Officers

3.1.7.1 Application - An elected officer may be recalled if the recall election occurs more than 6 months before the end of the officer's elective term.

3.1.7.2 Recall Petition - Two per cent of the voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. Upon receiving the affidavit, the town clerk shall deliver to the voters making the affidavit copies of petition blanks demanding the recall. The petition blanks shall contain the following heading: "Initiating a recall is a serious process and should not be undertaken lightly." The blanks shall be issued by the town clerk with an official signature and official seal. The blanks shall be dated, addressed to the select board, contain the names of the first 10 signers of the affidavit, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit and demand the election of a successor to the office. A copy of the affidavit and recall petition shall be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be returned and filed with the town clerk not more than 45 days after the date of the filing of the affidavit and shall be signed by not less than 20 per cent of the voters as of the date the affidavit was filed with the town clerk.

The town clerk shall, within 1 business day of receipt of the petitions, submit the petitions to the registrars of voters in the town. The registrars shall, within 5 business days of the submission of the petitions, certify thereon the number of signatures that are names of voters.

3.1.7.3 Recall Election - If the petitions are certified by the registrars of voters to be sufficient, the town clerk shall submit the petitions with the certificate to the select board. Upon receipt of the certificate, the select board shall immediately give written notice of the petition and certificate by certified mail to the officer whose recall is sought. If the officer does not resign the office within 5 days after delivery of the notice, the select board shall



immediately order an election to be held on a date fixed by them not less than 64 days nor more than 90 days after the date that the election is called; provided, however, that if another town election is to occur no more than 100 days after the date the election is called, the select board shall postpone the holding of the recall election to the date of the other election. If the officer resigns after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

3.1.7.4 Nomination of Candidates - An officer whose recall is sought may be a candidate to succeed to the office if the vote on the recall is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the laws relating to elections unless otherwise provided in this section.

3.1.7.5 Office Holder - The incumbent shall continue to perform the duties of the office during the recall procedure. If the incumbent is not removed, the incumbent shall continue in the office for the remainder of the unexpired term, subject to recall as before. If recalled at the recall election, the incumbent shall be removed.

3.1.7.6 Ballot Proposition - Ballots used in a recall election shall contain the following propositions in the order indicated:

Shall the town of Groton recall (name of officer) Yes No

Below the propositions shall appear the word "Candidates", the directions to the voters required by section 42 of chapter 54 of the General Laws and, below the directions, the names of candidates nominated in accordance with the laws relating to elections. If a majority of the votes cast on the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the recall question is in the negative, the ballots for the candidates shall not be counted.

3.1.7.7 Repeat of Recall Election - A recall shall not be filed against an officer subjected to a recall election and not recalled thereby until not less than 6 months after the election at which the recall was submitted to the voters.

3.1.7.8 Office Holder Recalled - A person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against the person shall not be appointed to a town office within 2 years after the date of the recall vote or resignation.

#### Section 3.2: Select Board

3.2.1 Composition, Term of Office - There shall be a select board consisting of 5 members elected for terms of 3 years each, arranged so that the terms of office of as nearly an equal number of members as possible shall expire each year. ~~A select board member shall not hold another position of the town that is compensated and eligible for medical benefits during the member's term of office.~~

3.2.2 Powers and Duties - The executive powers of the town shall be vested in the select board, which shall be the chief executive office of the town. The select board shall possess all of the executive powers that a select board may possess and exercise, except those powers and duties assigned by this charter, by-law or town meeting vote to the town manager. The select board shall:

- (i) serve as the principal goal-setting and policy-making town agency for matters within its statutory authority and for those matters for which the town meeting has directed the board to act;
- (ii) be responsible for the formulation and promulgation of policy to be followed by all town agencies serving under it;
- (iii) in conjunction with other elected officers and multiple-member bodies, develop and promulgate policy guidelines designed to bring all town agencies into harmony;
- (iv) award and execute all contracts for services and supplies for all departments and agencies of the town, other than the Groton-Dunstable Regional School Committee; provided, however, that the select board, at its sole discretion, may delegate this authority to any department head or agency by a vote of the board at a posted meeting; and

(v) One Member of the Select Board and the Town Manager shall sign all payroll and expense warrants.  
~~sign all payroll and expense warrants; provided, however, that the select board, at its sole discretion, may delegate this authority for a period of not more than 30 days to a select board member and the town manager or a select board member and the acting town manager by a vote of the board at a posted meeting.~~

3.2.3 Licensing Authority - The select board shall be the licensing board of the town and may issue licenses, make reasonable rules and regulations regarding the issuance of licenses and attach to a license the conditions and restrictions that it deems to be in the public interest; provided, however, that such rules, regulations, conditions and restrictions shall not be incompatible with applicable law. The select board shall enforce the laws relating to all businesses for which it issues licenses. The select board may delegate its licensing authority unless specifically prohibited by law.

3.2.4 Appointing Authority - The select board shall appoint the town manager, town counsel, a zoning board of appeals, board of registrars, conservation commission, council on aging, housing partnership, local cultural council and other committees as required by law, by-law or town meeting vote.

~~The select board shall appoint the town manager, town counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a police chief, fire chief and town clerk consistent with clause (v) of section 4.2; provided, however, that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws. The select board shall appoint a conservation commission, council on aging, housing partnership, local cultural council and other committees as required by law, by-law or town meeting vote. [Amended by Chapter 41 of the Acts of 2022]~~

3.2.5 Investigations - The select board may investigate the affairs of the town and the conduct of any town agency, including any doubtful claims against the town. Copies of the full text of the report on the results of any such investigation shall be placed on file in the office of the select board, the office of the town clerk and the public library and a report summarizing the results of the investigation shall be printed in the next annual town report.

3.2.6 Day to Day Business - Except in the case of an emergency, this section shall not authorize a select board member or a majority of its members to become involved in the day-to-day administration of a town board, department or agency.

### Section 3.3: Regional School Committee

3.3.1 The Groton-Dunstable Regional School District provides public education, pre-kindergarten to high school, inclusive, and related services to the towns of Groton and Dunstable under the terms of a regional agreement between the towns. Pursuant to the regional agreement, there is a Groton- Dunstable Regional School Committee consisting of 7 members elected for 3- year terms, the terms being arranged so that the terms of office of as nearly an equal number of members as possible shall expire each year. The number of members elected by each town is governed by the terms of the regional agreement, as it may be amended.

3.3.2 The Groton-Dunstable Regional School Committee shall have all of the powers and duties that are given to regional school committees under the constitution, laws and regulations of the commonwealth and such additional powers and duties as may be authorized by the regional agreement, by-law or other vote of the town meetings of both the towns of Groton and Dunstable.

### Section 3.4: Town Moderator

3.4.1 Term of Office - There shall be a moderator elected for a 3-year term.

3.4.2 Powers and Duties - The moderator shall be the presiding officer of the town meeting, pursuant to section 2.2, and regulate its proceeding and perform other duties as may be provided by law, this charter, by-law or town meeting vote.

3.4.3 Appointments - The moderator shall make appointments provided for by law, this charter or by-law.

3.4.4 Deputy Moderator - At the opening of the spring town meeting, the moderator shall appoint a voter to serve as deputy moderator pursuant to section 2.2.

### Section 3.5: Groton Housing Authority

3.5.1 Composition, Term of Office - There shall be a Groton Housing Authority that shall have the membership and terms of office prescribed in the General Laws.

3.5.2 Powers and Duties - The Groton Housing Authority shall conduct studies of the housing needs of the community and shall provide programs to make available housing for low- income families and elderly persons. The Groton Housing Authority shall have such other powers and duties as are assigned to housing authorities by law.

### Section 3.6: Planning Board

3.6.1 Composition, Term of Office - There shall be a planning board that shall consist of 7 members, each elected for a 3-year term. The terms shall be arranged so that the terms of as nearly an equal number of members as possible shall expire each year.

3.6.2 Powers and Duties - The planning board shall have the powers and duties given to planning boards under the constitution and laws of the commonwealth and such

additional powers and duties as may be authorized by this charter, by-law or town meeting vote.

### Section 3.7: Groton Electric Light Commission

3.7.1 Composition, Term of Office - There shall be a Groton electric light commission that shall consist of 3 members, each serving for a 3-year term. The terms shall be arranged that the term of 1 member shall expire each year.

3.7.2 Powers and Duties - The Groton electric light commission shall set the policy direction of the Groton electric light department, which provides electric power to the town, consistent with chapter 164 of the General Laws; provided, however, that if a provision of this charter shall conflict with said chapter 164, said chapter 164 shall govern.

### Section 3.8: Library Board of Trustees

3.8.1 Composition, Term of Office - There shall be a board of trustees of the public library that shall consist of 6 members, each serving for a 3-year term. The terms shall be arranged so that the terms of 2 members shall expire each year.

3.8.2 Powers and Duties - The trustees of the public library shall establish written policies governing library activities and services, engage in ongoing planning that assesses the needs and the role of the library in the community, ensure that the library meets the community's needs, work on preparation of the annual library budget and its adoption by the town, monitor and oversee maintenance of the buildings and grounds and regularly review facility needs, hire and evaluate the library director and work with the human resources director on job classifications for all staff, promote the library and act as library advocates in the community, study and support legislation that will benefit the library and the larger community and have such other powers and duties as provided for by law, this charter and by-law.

3.8.3 Appointments - The trustees of the public library shall appoint the library director and such other appointments as provided for by law, this charter or by-law.

### Section 3.9: Board of Assessors

**[Section 3.9 renumbered from Section 3.10 by Chapter 41 of the Acts of 2022]**

3.9.1 Composition, Term of Office and Eligibility for Office - There shall be a board of assessors that shall consist of 3 members elected for 3-year terms. An employee in the assessors' office shall not simultaneously hold an elected position as a member of the board of assessors.

3.9.2 Powers and Duties - The board of assessors shall have the powers and duties given to boards of assessors under the constitution and laws of the commonwealth and directives of the commissioner of revenue and such additional powers and duties as may be authorized by this charter, by-law or town meeting vote that are not in conflict with laws of the commonwealth and regulations and directives of the department of revenue except as otherwise provided in this charter.

### Section 3.10: Other Elected Officers

**[Section 3.10 renumbered from Section 3.11 by Chapter 41 of the Acts of 2022]**

Powers and Duties - All other elected officers shall have the powers and duties that have been conferred upon their offices by law, this charter, by-law or town meeting vote.

## ARTICLE 4: TOWN MANAGER

### Section 4.1: Appointment, Qualifications and Review Procedure

4.1.1 The select board shall, by an affirmative vote of the majority of the full board, appoint or reappoint a town manager for a term of not more than 3 years and fix the compensation of the town manager within the amount annually appropriated for that purpose. If a vacancy shall occur in the office of town manager, the select board shall appoint a town manager screening committee to identify qualified candidates for the position. The office of the town manager shall not be subject to the town's salary administration plan. The town manager shall be appointed solely on the basis of the town manager's executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of the office. The town manager shall not have served in an elective office in the town government for at least 1 year before being appointed. The town may establish additional qualifications for the town manager by by-law as necessary or appropriate.

4.1.2 The position of town manager shall be a full-time position. The town manager shall devote the town manager's best efforts to the office and shall not hold another public office, elective or appointive, or engage in any business or occupation during the town manager's term unless the action is fully disclosed and approved by the select board in advance and in writing.

4.1.3 The select board shall provide for an annual review of the job performance of the town manager that shall, at least in summary form, be a public record in accordance with the personnel by-laws or accepted evaluation process.

### Section 4.2: Powers and Duties

The town manager shall be the chief administrator of the town and shall be responsible to the select board for the proper administration of all town affairs placed in the town manager's charge by this charter. The powers and duties of the town manager shall include, but not be limited to:

(i) ~~(i) \_\_\_\_\_ Managing, supervising, and being responsible for the efficient and coordinated administration of all town functions as may be authorized by this Charter, by-law, town meeting vote or the select board, including all appointed officials, employees, department heads and their respective departments~~ managing, supervising and being responsible for the efficient and coordinated administration of all town functions under the town manager's control as may be authorized by this charter, by-law, town meeting vote or the select board, including all department heads and their respective departments;

(ii) \_\_\_\_\_ unless otherwise required by law, this charter or by-law, managing and coordinating the administrative activities of all town agencies; provided, however, that elected officers or their representatives shall be required to meet with the town manager at reasonable times to effect coordination and cooperation among all town agencies;

(iii) \_\_\_\_\_ appointing and removing a police chief, fire chief and town clerk, provided, however, that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws, and

~~appointing and removing department heads, officers and subordinates and employees and other appointed members of town government for whom no other method of appointment or removal is provided in this charter or by-law; appoint a police chief, fire chief and town clerk; provided, however, that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws; provided, however, that an appointment made by the town manager shall be confirmed by the select board not more than 15 days after the date on which the town manager files notice of the action with the select board; and provided further, that failure by the select board to confirm an appointment in that 15-day period shall constitute rejection of the appointment;~~

~~appointing and removing department heads, other employees and paid members of town government for whom another method of appointment or removal is not provided in this charter or by by-law; provided, however, that an appointment made by the town manager shall be confirmed by the select board not more than 15 days after the date on which the town manager files notice of the action with the select board; and provided further, that failure by the select board to confirm an appointment in that 15-day period shall constitute rejection of the appointment;~~

~~(iv) — nominating for appointment or removal volunteer members of town government for whom another method of appointment or removal is not provided for in this charter or by by-law; provided, however, that a nomination for appointment or removal made by the town manager shall be confirmed by the select board not more than 15 days after the date on which the town manager files notice of the action with the select board; and provided further, that failure by the select board to confirm a nomination in not more than 15 days shall constitute rejection of the nomination;~~

~~(v) — if a vacancy occurs in the office of police chief, fire chief or town clerk, selecting and presenting not less than 2 qualified candidates to the select board for appointment by the board to the office pursuant to section 3.2.4; **[Amended by Chapter 41 of the Acts of 2022]**~~

~~(viiv) — acting as a negotiator for all collective bargaining agreements to which the select board is a party, subject to ratification by the select board;~~

(vii) conducting or reviewing annual performance evaluations of all employees subject to the town manager's or the select board's appointment and consulting with elected and appointed boards to contribute to the preparation of the evaluations of department heads associated with the boards;

(viii) fixing the compensation of all employees appointed by the town manager within the limits established by the overall approved budget, the personnel by-laws, the town's wage and classification schedule and collective bargaining or other agreements;

(ixvii) attending all regular and special meetings of the select board unless excused at the town manager's request and having a voice, but not a vote, in all discussions;

(xviii) attending all sessions of the town meeting and answering all questions directed to the town manager that are related to the office of the town manager or concerning which the town manager possesses the relevant information;

(xiix) assuring that all laws, this charter, by-laws, town meeting votes and directives of the select board that require enforcement by the town manager or employees subject to the town manager's direction and supervision are faithfully carried out;

- (xii) preparing and submitting annual operating budgets and capital improvement programs pursuant to article 6;
- (xiii) coordinating the preparation of the town's annual report;
- (xiv) overseeing the preservation, management and administration of all town records so as to facilitate access to them; and
- (xv) performing such duties as necessary or as may be assigned by this charter, by-law, town meeting vote or the select board.

#### Section 4.3: Removal and Suspension

4.3.1 The select board may, by the affirmative vote of 4 of its members, terminate and remove or suspend the town manager from office in accordance with the procedure under this section.

4.3.1.1 The select board shall adopt a preliminary resolution of removal which shall state the reason for removal, by the affirmative vote of 4 members. The preliminary resolution may provide for the suspension of the town manager for not more than 45 days. A copy of the preliminary resolution shall be delivered to the town manager not more than 48 hours after its adoption.

4.3.1.2 Not more than 7 days after receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for it with the select board. The hearing shall be held at a meeting of the select board not more than 20 days, but not less than 3 days, after the request has been filed. The town manager may file a written statement with the select board responding to the reason stated in the preliminary resolution of removal; provided, however, that the statement shall be received at the office of the select board more than 48 hours before the public hearing.

4.3.1.3 If the town manager has not requested a hearing pursuant to paragraph 4.3.1.2, the select board may, by the affirmative vote of 4 of its members, adopt a final resolution of removal not less than 10 days, but not more than 21 days, after the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager has requested a public hearing pursuant to paragraph 4.3.1.2, the select board may, by the affirmative vote of 4 of its members, adopt a final resolution of removal not more than 21 days after the close of the hearing unless the parties agree to a longer period. Failure to adopt a final resolution of removal within the time allowed in this section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of the time, resume the duties of the office.

4.3.1.4 Any action by the select board to terminate and remove or suspend the town manager shall be conducted pursuant to sections 18 to 25, inclusive, of chapter 30A of the General Laws.

4.3.2 The action of the select board in terminating and removing or suspending the town manager shall be final.

#### Section 4.4: Vacancy in the Office of the Town Manager

4.4.1 Permanent Vacancy - The select board shall fill a permanent vacancy in the office of the town manager pursuant to section 4.1.1 as soon as possible after a vacancy occurs. Pending the appointment of a town manager or the filling of a vacancy in the office of the town manager, the select board shall, within 14 days, appoint a person capable of temporarily performing the duties of the town manager until a permanent replacement is appointed.

4.4.2 Temporary Absence or Disability - The town manager may designate, by letter filed with the town clerk and select board, a capable person to perform the duties of town manager during a temporary absence or disability for a period of not less than 7 days. If the town manager fails to make such a designation or if the person so designated is unable to serve, the select board may designate some other capable person to perform the duties of the town manager. If the absence or disability lasts more than 30 days, a designation by the town manager shall be subject to approval by the select board.

4.4.3 Powers and Duties - The powers and duties of the acting town manager under paragraphs 4.4.1 and 4.4.2 shall be limited to matters not permitting of delay and shall include authority to make temporary, emergency appointments or designations to town offices or employment; provided, however, that an acting town manager shall not make permanent appointments or designations unless authorized by the select board.

#### Section 4.5: Screening Committee

4.5.1 If a vacancy shall occur in the office of town manager, a screening committee shall be established to solicit, receive and evaluate applications for the position of town manager. The screening committee shall consist of 7 persons, 3 of whom shall be designated by the select board, of which only 1 may be a select board member, 2 of whom shall be designated by the finance committee, of which only 1 may be a member of the finance committee, and 2 of whom shall be designated by the town moderator. A person chosen by an appointing authority may be a member of the appointing authority's agency; provided, however, that there shall not be more than 1 select board member and not more than 1 member of the finance committee on the screening committee. **[Amended by Chapter 41 of the Acts of 2022]**

4.5.2 Not more than 21 days after the notice of the vacancy or pending vacancy in the office of town manager, the town clerk shall call and convene a meeting of the screening committee. The screening committee shall meet to organize and plan a process to advertise the vacancy or pending vacancy and to solicit by other means candidates for the office. The committee shall proceed to meet, notwithstanding the failure of any town appointing authority to designate a representative to it.

4.5.3 The screening committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials and provide for interviews to be conducted with the number of candidates as it deems necessary, desirable or expedient.

4.5.4 Not more than 90 days after the date on which the screening committee meets to organize, the committee shall submit to the select board the names of not less than 3 persons and not more than 5 persons that the screening committee believes to be best suited to perform the duties of the town manager. The select board shall, not more than 60 days after the date of receipt of the list of nominees, choose 1 candidate from the list to fill the position of town manager or reject the nominees and direct that the committee resume its search.



4.5.5 Upon the appointment of a town manager, the screening committee shall be discharged.

## **ARTICLE 5: ADMINISTRATIVE ORGANIZATION**

### **Section 5.1: Organization of Town Agencies**

The organization of the town into operating agencies for the provision of services and administration of government may be accomplished by any method consistent with law and this charter, including the adoption of by-laws, appropriation of funds or adoption of rules and regulations by appropriate entities. The town manager may, with the approval of the select board and consistent with law and this charter, establish, reorganize, consolidate or abolish any department or position under the town manager's direction and supervision.

### **Section 5.2: Merit Principle**

All appointments and promotions of employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competency and suitability.

### **Section 5.3: Department of Finance**

5.3.1 There shall be a department of finance in the town that shall report to the town manager. There shall be within the department an appointed town accountant, an appointed treasurer-collector and an appointed principal ~~assistant~~ -assessor. The department shall be responsible for the performance of all the fiscal and financial activities of the town. The town manager shall serve as the finance director; provided, however, that the town manager may, at the town manager's discretion, appoint another person to serve as the finance director. The appointment shall be subject to confirmation by the select board in accordance with ~~clause subsection~~ (iii) of section 4.2.

5.3.2 The town manager and the department of finance shall assume all of the powers, duties and responsibilities related to municipal finance activities and the coordination of those activities with the activities of all other town agencies. The department of finance shall have such additional powers, duties and responsibilities with respect to municipal finance as the town may provide by by-law.

5.3.3 The department of finance shall assure that complete and full records of the financial and administrative activities of the town are maintained and shall render written reports, which shall include a full accounting of all town administrative and financial operations, to the select board and the finance committee at least once each calendar quarter. The quarterly reports shall be rendered not more than 30 days after the end of the calendar quarter to which they apply and shall be made available to the public in accordance with the requirements of section 10 of chapter 66 of the General Laws. Additional reports shall be rendered to the select board at the board's request.

5.3.4 The town manager and the department of finance shall collaborate with the finance committee to prepare, maintain and present to the select board and the town meeting a 5- year financial plan for the town.

5.3.5 Town Accountant - The town accountant shall be appointed by the town manager for a term of not more than 3 years, subject to confirmation by the select board pursuant to ~~clause subsection~~ (iii) of section 4.2. The town accountant shall have all of the

powers and duties vested in the office of town accountant by law, this charter, by-law or town meeting vote.

5.3.6 Treasurer-Collector - The treasurer-collector shall be appointed by the town manager for a term of not more than 3 years, subject to confirmation by the select board pursuant to ~~clause-subsection~~ (iii) of section 4.2. The treasurer- collector shall have all the powers and duties vested in the office of treasurer-collector by law, this charter, by-law or town meeting vote.

5.3.7 Principal ~~Assistant~~-Assessor - The principal ~~assistant~~-assessor shall be appointed by the town manager for a term of not more than 3 years, subject to confirmation by the select board pursuant to subsection (iii) of section 4.2. The principal assistant assessor shall have all of the powers and duties vested in the office of principal assistant assessor by this charter, by-law or town meeting vote and in the office of assistant assessor by law.

#### Section 5.4: Department of Public Works

5.4.1 There shall be a department of public works that shall be under the direction of a director. The director shall be appointed by the town manager, subject to confirmation by the select board pursuant to ~~clause-subsection~~ (iii) of section 4.2. The director shall serve as and perform the duties of a highway surveyor as set forth in the General Laws.

5.4.2 The principal functions of the department of public works shall include:

- (i) construction, maintenance, repair and cleaning of town roads, sidewalks, storm drains, bridges, dikes and other public way related structures;
- (ii) maintenance, repair and cleaning of all buildings owned or leased by the town, except those of the regional school district;
- (iii) maintenance of the old cemetery, parks, parking areas and recreational and beach facilities, except those of the regional school district;
- (iv) snow removal, including the salting and sanding of roads, except those of the regional school district;
- (v) supervision of the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of the same;
- (vi) supervision, care and replacement of trees;
- (vii) providing for, or causing to be provided for, the maintenance and repair of certain town-owned vehicles; and
- (viii) such other functions as may be prescribed by the town manager.

5.4.3 Powers and Duties - The department of public works shall work in close coordination with the necessary town boards and departments to enable the effective and efficient performance of its duties pursuant to the General Laws, this charter, the by-laws or by vote of the town meeting.

#### Section 5.5: Information Technology

There shall be a department of information technology that shall plan, coordinate and maintain the town's information assets.

#### Section 5.6: Personnel Board

5.6.1 Composition, Term of Office - There shall be a personnel board that shall consist of 3 members appointed by the select board. Members shall serve for 3-year terms; provided, however, that the terms shall be arranged in such a manner that the term of office of 1 member shall expire each year.

5.6.2 Powers and Duties - The personnel board shall function as an advisory board to the human resources director, town manager and select board in the management of human resources for the town.

### **ARTICLE 6: FINANCE AND FISCAL PROCEDURES**

#### Section 6.1: Fiscal Year

The fiscal year of the town shall begin on July 1 and shall end on June 30 unless another period is required by the General Laws.

#### Section 6.2: Finance Committee

6.2.1 Composition, Term of Office - There shall be a finance committee that shall consist of 7 voters appointed by a 3-person committee that shall consist of the chair of the select board, the chair of the finance committee and the town moderator; provided, however, that if the chair of the finance committee is being considered for reappointment, the finance committee shall select another member who is not being considered for reappointment. Members of the finance committee shall serve 3-year terms; provided, however, that the terms shall be so arranged that the terms of office of as nearly an equal number of members as possible shall expire each year. The finance committee shall appoint a chair and a deputy chair to run meetings and present the finance committee's recommendations during the town budget process.

#### 6.2.2 Roles and Responsibilities

The finance committee shall:

- (i) serve as the advisors to the town meeting, the select board, the town manager and the department of finance on all matters pertaining to the budget, including budgeting strategy and goals and the balancing of revenues and expenditures;
- (ii) together with the select board, town manager and department of finance, develop a budget strategy and set financial goals for each fiscal year;
- (iii) present the finance committee's annual budget at the spring town meeting;
- (iv) consult with the select board and the town manager prior to collective bargaining to develop a strategy aligning with the town's long-term budgetary strategy and goals;

(v) review the preliminary results of collective bargaining to ensure alignment with long-term budgetary strategy and goals; and

(vi) perform any other duties as may be required by law. Section 6.3: Annual Review of Financial Policies

Annually, the select board and the finance committee shall review and update the town's overall financial management policy. When reviewing and updating the policy, the select board and the finance committee shall seek input from the town manager, the department of finance and other advisors.

#### Section 6.4: The Budget

6.4.1 Budget Process - The select board, the town manager, the department of finance and the finance committee shall meet annually not later than ~~October 31~~November 30 to determine the budgetary goals for the subsequent fiscal year. The town manager shall, after that meeting but not later than ~~December 31~~January 31, submit to the finance committee and the select board a proposed budget for the next fiscal year that shall be accompanied by a budget message, a summary and supporting documents that follow the agreed-upon budget goals. The proposed budget shall be balanced.

6.4.2 Proposed Budget - The proposed budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Unless otherwise required by the General Laws, the proposed budget shall be in the form that the town manager, the select board and the finance committee shall deem desirable. In the presentation of the proposed budget, the town manager shall furnish information in a complete, clear and concise manner and in accordance with best practices of financial reporting and control. The proposed budget shall show, in detail, all estimated income from the proposed property tax levy and all other sources and all proposed expenditures, including debt service, for the following year. The proposed budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

(i) proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the proposed method for financing each such expenditure; and

(ii) proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method for financing each such capital expenditure.

6.4.3 Budget Summary - The summary of the proposed budget shall identify deviations from the current operating budget and outline the reasons for these changes. The town manager shall cause a summary of the operating budget to be published in a local newspaper and placed on the town's website contemporaneously with the submission to the finance committee. The publication shall indicate the times and places at which copies of the proposed budget with the accompanying documentation shall be available for examination by the public.

6.4.4 Budget Message - The budget message of the town manager shall: (i) explain the budget for all town agencies, both in fiscal terms and in terms of work programs; (ii) outline proposed financial policies of the town for the ensuing fiscal year; (iii) describe important features of the budget; (iv) indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes;

(v) summarize the town's debt position; and (vi) include any other material that the town manager deems desirable or that the select board may reasonably require.

## Section 6.5: Action on the Budget

6.5.1 ~~The finance committee shall, upon receipt of the proposed budget from the town manager, consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each town agency in connection with the committee's review and consideration. The finance committee may require the town manager or any town agency to furnish the committee with such additional information as the committee may deem necessary to assist the committee in its review and consideration of the proposed budget.~~

~~Not less than 14 days before the opening of the spring town meeting, the finance committee shall file with the town clerk a report containing the committee's proposed budget and comments or recommendations regarding differences between the committee's proposed budget and the proposed budget submitted by the town manager. Not less than 14 days before the opening of the spring town meeting the report shall be made available to voters of the town by publication on the town's website and by leaving copies of the report in not less than 2 public places in the town. Copies of the report shall be made available to voters at the opening of the spring town meeting. The failure to file the report with the town clerk in a timely manner or to publicize the report by posting on the town's website or in 2 public places in the town shall not prohibit the town meeting from voting on the budget and shall not affect the validity of any vote taken on the budget at town meeting.~~

~~The finance committee shall, upon receipt of the proposed budget from the town manager, consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each town agency in connection with the committee's review and consideration. The finance committee may require the town manager or any town agency to furnish the committee with such additional information as the committee may deem necessary to assist the committee in its review and consideration of the proposed budget.~~

~~Not less than 14 days before the opening of the spring town meeting, the finance committee shall file with the town clerk a report containing the committee's proposed budget and comments or recommendations regarding differences between the committee's proposed budget and the proposed budget submitted by the town manager. Not less than 14 days before the opening of the spring town meeting the report shall be made available to voters of the town by publication on the town's website and by leaving copies of the report in not less than 3 public places in the town. Copies of the report shall be made available to voters at the opening of the spring town meeting. The failure to file the report with the town clerk in a timely manner or to publicize the report by posting on the town's website or in 3 public places in the town shall not prohibit the town meeting from voting on the budget and shall not affect the validity of any vote taken on the budget at town meeting.~~

6.5.2 The finance committee's proposed budget shall be presented to the town meeting by motion made by the committee; provided, however, the committee shall also present its comments and recommendations with respect to the budget. The town manager or the select board, or both, shall present their comments and recommendations with respect to the budget, if any, at the town meeting. The budget shall be voted upon in accordance with the by-laws.

## Section 6.6: Capital Improvement Plan

The town manager shall annually submit a capital improvement plan to the select board and the finance committee not later than ~~December 31~~January 31. The plan shall include: (i) a clear, concise and general summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the ensuing 5 years along with supporting information as to the need for each capital improvement; (iii) cost estimates, methods of financing and recommended time schedules for each improvement; and (iv) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

The information in the plan shall be revised annually by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

#### Section 6.7: Audits

The select board shall provide annually for an independent audit of all financial books and records of the town and whenever it deems an audit of the whole town or of any particular town agency to be necessary. An audit of the town's financial books and records shall be conducted by a certified public accountant or a firm of certified public accountants; provided, however, that the accountant or firm shall not have a direct or indirect interest in the affairs of the town.

#### Section 6.8: Transparency of Financial Holdings

Not later than 90 days after the end of each fiscal year, the town accountant shall prepare a summary of all town funds in accordance with customary financial reporting. The summary shall include a snapshot balance as of the first day of the fiscal year, a summary of additions and deletions during the preceding 12 months and a final year-end balance. The information in the summary shall be provided to the town manager and the town manager shall disseminate the information to the finance committee and the select board. The information shall be made available to members of the public upon request and on the town's website.

### **ARTICLE 7: GENERAL PROVISIONS**

#### Section 7.1: Charter Changes

This charter may be replaced, revised or amended in accordance with any procedures made available under the constitution and laws of the commonwealth.

#### Section 7.2: Severability

The provisions of this charter shall be severable. If a provision of this charter is held to be invalid, the other provisions shall remain in full force and effect and shall not be affected by the invalidity. If the application of any provision of this charter to a person or circumstance is held to be invalid, the application of any such provision to any other person or circumstances shall not be affected thereby.

#### Section 7.3: Specific Provisions to Prevail

To the extent that a specific provision of this charter shall conflict with a provision expressed in general terms, the specific provision shall prevail.

#### Section 7.4: Number and Gender

Words importing the singular number may extend and be applied to several persons or things. Words importing the plural number may include the singular. Words importing the feminine or masculine gender shall include any gender.

#### Section 7.5: Rules and Regulations

A copy of all rules and regulations adopted by a town agency shall be filed in the office of the town clerk and the rule or regulation shall become effective on the date of such filing unless otherwise provided for by law or by-law. Copies of all such rules and regulations shall be made available for review by any person upon request pursuant to chapter 66 of the General Laws.

#### Section 7.6: Periodic Charter Review

Not less than once in every 10-year period after the effective date of this charter, a charter review committee shall, by an affirmative vote of the majority of the full select board, be established to review this charter and report its recommendations to an annual town meeting concerning any proposed amendments that the committee may determine to be necessary or desirable. The charter review committee shall consist of 7 members, 3 of whom shall be appointed by the select board, 2 of whom shall be appointed by the finance committee, 1 of whom shall be appointed by the Groton-Dunstable Regional District school committee and 1 of whom shall be appointed by the town moderator. An appointed person may be a member of the agency from which they are appointed; provided, however, that the charter review committee shall not include more than 1 select board member, more than 1 member of the finance committee or more than 1 member of the Groton-Dunstable Regional School District school committee. The charter review committee shall meet to organize immediately after the full charter review committee has been appointed. The charter review committee shall hold a public hearing not more than 60 days after the date on which it meets to organize and shall hold at least 1 additional public hearing before filing its final report.

#### Section 7.7: Removals

7.7.1 Notwithstanding any general or special law to the contrary, an appointed official, appointed member of a multiple-member body or employee of the town not covered by the terms of a collective bargaining or other agreement addressing removal and, whether appointed for a fixed or an indefinite term, may be removed from office by the appointing authority.

7.7.2 When removing any such official, appointed member of a multiple-member body or employee of the town, the appointing authority shall act in accordance with the town's personnel by-laws or rules and regulations.

#### Section 7.8: Loss of Office

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A person appointed to serve as a member of a multiple-member body may be removed from office by the appointing authority if the person does not take the person's oath of office at the

beginning of the current appointment or if the person exhibits excessive absences from the properly-scheduled meetings of the multiple-member body.

#### Section 7.9: Notice of Vacancies

If a vacancy occurs in a town office, position or position of employment or, whenever by reason of a pending retirement or expiration of a fixed term, a vacancy can be anticipated, the appointing authority shall cause public notice of the vacancy to be posted on the town bulletin board for not less than 10 days. The notice shall contain a description of the duties of the office, position or position of employment and a listing of the necessary or desirable qualifications to fill the office, position or position of employment. A permanent appointment to fill the office, position or position of employment shall not be effective until 14 days after the date the notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions governed by a collective bargaining or other agreement.

#### Section 7.10: Waiver of Administrative Fees

Administrative fees, fines and penalties that may be charged by a town department shall not be waived unless the waiver is authorized by a written policy that is available to the public and adopted by that town department, official or board. A policy may be made on an individual basis or as part of a policy decision of uniform applicability.

### **ARTICLE 8: TRANSITIONAL PROVISIONS**

#### Section 8.1: Continuation of Government

All persons appointed or elected to positions at town agencies shall continue to perform their duties until they are reappointed or reelected, successors to their respective positions are duly appointed or elected or their duties have been transferred and assumed by another town agency in accordance with this charter.

#### Section 8.2: Continuation of Administrative Personnel

A person holding a town office or a position in the administrative service of the town or a person holding full-time employment under the town shall retain that person's office, position or position of employment and shall continue to perform the duties of that person's office, position or position of employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, that a person in the permanent full-time service of the town shall not forfeit their pay grade or time in the service of the town as a result of the adoption of this charter; provided further, that this section shall not provide a person holding an administrative office or position or a person serving in the employment of the town on the effective date of this charter with any greater rights or privileges with regard to that person's continued service or employment with the town than that person had before the effective date of this charter. Nothing in this paragraph shall impair the rights of any person under an individual employment contract or collective bargaining agreement.

#### Section 8.3: Transfer of Records and Property

All records, property and equipment of an office, department or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency, shall



be transferred immediately to the office, department or agency to which the powers and duties are assigned.

**CHARTER REVIEW COMMITTEE MEETING  
MINUTES  
FEBRUARY 20, 2025**

**Present:** Peter Cunningham, Chair; Rebecca Weksner, Vice Chair; Mark Haddad, Clerk; Brenden Mahoney; Bob Collins (attending Virtually); Michael Sulprizio

**Members Absent:** Kristen Frank

**Also Present:** Rebecca Pine, Select Board Member; Matt Pisani, Select Board Member; Brian Edmonds, Park Commission Member (attending virtually); Anna Eliot, Park Commission Member; Dawn Dunbar, Town Clerk; Melisa Doig, HR Director; Tom Delaney, DPW Director; Brian Callahan, DPW Director-In-Training; Judy Anderson

Chair Cunningham called the meeting to order at 4:30 p.m. Chair Cunningham presented the Agenda for the meeting.

**Personnel Board Issue**

Chair Cunningham introduced the issue of whether or not to remove the Personnel Board from the Charter. Bud Robertson, current Personnel Board Member gave a history of the Personnel Board. He stated that the Personnel Board has run its course and is no longer being utilized. In addition, the HR Director is doing a good job managing the HR Function. He agreed that it should be removed from the Charter. Mr. Collins agreed and stated that it is superfluous given the fact that the Town has a full-time HR Director.

*Mr. Haddad moved to eliminate the Personnel Board from the Charter. Mr. Collins seconded the motion. Chair Cunningham called for a roll call vote: Sulprizio, aye; Weksner, aye; Cunningham, aye; Mahoney, aye; Haddad, aye; Collins aye; Unanimously passed.*

**Park Commission Issue**

Chair Cunningham introduced the issue of the Park Commission. He stated that he would like to finalize the recommendation on this issue at tonight's meeting. He stated that there was information received from two of the Park Commissioners, Mary Jennings and Rob Foley. Brian Edmonds, Chair of the Park Commission, stated that the Park Commission voted, by a vote of 4-1, that the Commission should remain elected. Anna Eliot, Park Commission Member, stated that she did not attend the meeting to speak, but offered her opinion on why it should remain elected, including the importance of public service. She stated that the State Statute states that the Park Commission is elected. Becky Pine, a member of the Select Board, stated that she believes the Commission is functioning well and believes it should remain elected.

Mr. Haddad had submitted a proposal to eliminate the Park Commission and have the Select Board take over the role of Park Commissioners. Mr. Haddad presented a memo the Charter Review Committee outlining his recommendation. He stated that the Committee should have some time to

review the memo and schedule this for a future meeting to discuss it so that the Committee will have time to review the Memo. That said, he stated that since it didn't appear that the Select Board or Park Commission was in favor of this, maybe it should be withdrawn. The Committee debated the issue. They had determined that the issue should be divided into two issues, elected vs. appointed and whether the DPW should take over the maintenance of the Parks. It was determined that the current Charter already allows the DPW to maintain the parks and no further action needs to be taken. Mr. Sulprizio believes that the issue has been discussed enough and that the Charter Review Committee should decide on whether or not the Park Commission should be elected or appointed. Dr. Weksner stated that she has yet to hear a rationale on why the Park Commission should remain elected. She questioned why it was so important for them to remain elected. Elected or Appointed, they would still be responsible to the public.

Mr. Collins suggested that the Committee be deliberate on this issue so that it will not hurt the other work that the Committee has been working on. Dr. Weksner asked Ms. Eliot to explain what the difference would be if the Park Commission was appointed versus elected. She wanted clarification on how the work would be done regardless of whether or not the Park Commission was appointed versus elected. Ms. Eliot felt a review of the statute was necessary to understand the difference. Dr. Weksner does not believe whether or not the Commission is elected or appointed has any bearing on their work. Her reading of the Statute states that it's what the Bylaw says, not how they get on the Committee.

*Mr. Haddad moved that the Park Commission remain elected. Mr. Collins seconded the motion. Chair Cunningham called for a roll call vote: Sulprizio, nay; Weksner, nay; Cunningham, aye; Mahoney, nay; Haddad, aye; Collins, aye; Vote Tied – Motion Defeated.*

The Charter Review Committee asked that this matter be brought back to the next meeting for a final determination.

Dr. Weksner stated that the Committee is working for the same goal, but the way things are being contorted is frustrating. She is concerned that people would come out to vote down the whole Charter over one issue. She hopes that the Town can see past small differences and see that the Committee is working in the best interest of the Town.

### **Appointment of Police Chief, Fire Chief and Town Clerk**

Chair Cunningham introduced the issue of the appointment of the Police Chief, Fire Chief and Town Clerk. Mr. Haddad presented a Policy that the Select Board adopted on the appointment process. The Select Board was in favor of having the Town Manager appoint these positions subject to the Policy. Based on this, he believes the Committee is ready to decide.

*Mr. Haddad moved that the Charter be amended to have the Town Manager appoint the Police Chief, Fire Chief and Town Clerk. Mr. Sulprizio seconded the motion. Chair Cunningham called for a roll call vote: Sulprizio, aye; Weksner, aye; Cunningham, aye; Mahoney, aye; Haddad, aye; Collins, aye; Unanimously passed.*

### **Select Board Serving on More than One Elected Board**

Mr. Collins presented the Board with a memo on this issue. He spoke with the Ethics Commission and there is no rational reason as to why the last Charter Review Committee added this prohibition. He recommended that this provision be removed from the Charter. Mr. Sulprizio agreed. Mr. Collins also believes that a paid employee receiving benefits should not be prohibited from being on the Select Board. He would like both provisions removed from the Charter.

Ms. Pine was in favor of allowing the Select Board to serve on more than one elected Board but was not in favor of allowing benefited employees from serving on the Select Board. The Charter Review Committee asked that the two issues be voted on separately. Matt Pisani, a member of the Select Board, does not see this as an issue and sees no reason why an employee cannot serve on the Select Board. Mr. Collins stated that while there may be times when an employee would have to recuse themselves from issues (if they served on the Select Board), there is no inherent conflict according to the Ethics Commission.

*Mr. Haddad moved that the provision in the Charter that prohibits a member of the Select Board from serving on another elected Board be removed. Mr. Collins seconded the motion. Chair Cunningham called for a roll call vote: Sulprizio, aye; Weksner, aye; Cunningham, aye; Mahoney, aye; Haddad, aye; Collins aye; Unanimously passed.*

*Mr. Haddad moved that the provision in the Charter that prohibits a paid town employee receiving benefits from serving on the Select Board be removed. Mr. Sulprizio seconded the motion. Chair Cunningham called for a roll call vote: Sulprizio, aye; Weksner, aye; Cunningham, nay; Mahoney, aye; Haddad, aye; Collins aye; Motioned passed 5 in Favor, 1 against.*

### **Next Meetings**

The Committee determined that the next meeting will be held on March 6, 2025 and that the next Public Hearing will be held on March 27, 2025.

### **Minutes**

*Mr. Haddad moved to approve the minutes from the January 16<sup>th</sup>. Dr. Weksner seconded the motion. The vote was unanimous to approve the minutes. Chair Cunningham called for a roll call vote: Sulprizio, aye; Weksner, aye; Cunningham, aye; Mahoney, aye; Haddad, aye; Collins aye; Unanimously passed.*

Being no further business, Chair Cunningham adjourned the meeting at 5:43 p.m.

Respectfully submitted,

Mark Haddad, Clerk