

Charter Review Committee (CRC)
Town of Groton, Groton, MA 01450 978-448-1111

Meeting Minutes - November 4, 2015
At Town Hall

All Present: Jane Allen, Robert Collins, John Giger (Finance Comm), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair [for CRC], Finance Comm), Stuart Schulman (BOS)

Recorder: Stephen Legge

Visitors: Judy Anderson, Ellen Baxendale, Peter Cunningham (BOS), Russell Harris, Barry Pease (Finance Comm), Art Prest (Finance Comm), Connie Sartini

Call to Order: Chairman Manugian called the meeting to order at 7:00 PM.

Approval of Meeting Minutes:

It was moved and seconded to approve the minutes of Wednesday, October 28, 2015. The minutes were approved, as amended by Mr. Manugian and Mr. Robertson, unanimously, with Misters Collins and Schulman abstaining.

Ms. Allen requested that motions in the minutes, as well as action items, be bolded for better visibility.

Announcements:

Mr. Manugian requested the committee reserve time at approximately 9:00 PM to discuss the schedule for future meetings.

Mr. Manugian stated, in reference to proposed language changes in the Charter, several questions be asked to determine the validity of the change:

- Where does it go in the charter?
- How does it differ from what we do now?
- What does it make better?
- Are there transitional considerations?
- What is the downside?

Committee Discussion of Information Technology Submission:

Submission #79: Information Technology (IT) Department:

Mr. Collins: This submission requires a change to the Charter establishing an IT department and associated language in Article 5. Mr. Pease proposes a new Section 5-5. Refer to Mr. Collins' letter dated Oct. 8, 2015 for proposed language to be used in establishing this department.

Ms. Allen asked, what about keeping computers running? In her mind this is a very important role, if not the most important, but it is not mentioned.

Mr. Robertson: Keeping up with computer systems infrastructure and providing service to all departments may be needed in the description of roles.

Mr. Giger wants a description of the IT director's job. He feels this may be more important than the department description.

Mr. Manugian feels this is micro-managing and no change should be made to the Charter.

Mr. Schulman: Keeping electronic records and making them accessible, would be good language to use.

Mr. Robertson: It is not our job to dictate what the IT department's role and responsibility is. The town's management should be doing this

Mr. Collins added, his proposed language is very general in nature and is only one sentence long.

Mr. Robertson argued the IT function is an important one and is worth inserting into the Charter. He referred to other departments specifically called out in the Charter.

Mr. Manugian said he was not concerned that the Charter be consistent about listing departments, rather each change should be weighed for its benefit to the town.

Mr. McCoy noted that the IT roles and goals for the Town are already listed on the Town's website.

Ms. Allen: Future tight budgets could endanger funding of IT. Being in the Charter could protect the essential nature of this function under such conditions.

Mr. Giger added the purpose of putting IT in the Charter is to ensure it would not be a victim of a tight budget.

Mr. Collins: There is a reason to define an IT department's role in our Charter: IT is not defined in state statutes.

Ms. Allen moved the following change be made to the Charter: The Town will have an Information Technology Department to manage systems and facilitate access to information. Mr. Giger seconded.

Mr. Collins: The language is not sufficiently specific.

Mr. Robertson: this issue is too complicated – don't put it in the Charter.

Mr. McCoy wants to make sure information remains available and transparent.

Mr. Robertson feels the most important function is to keep systems running.

Mr. Schulman: We don't need to "keep the lights on" in the Charter, so why would we need to dictate the means for preserving Town information and keeping it accessible?

Mr. Robertson: Day-to-day availability and connection is needed.

Mr. McCoy: Likes Mr. Collins' language; add who the position reports to.

Visitor Mr. Pease: IT can be a strategic consideration for the town, not just day-to-day operational support. IT can give more services to more people at a lower cost. Effectiveness and efficiency are vital considerations for our town. We need an IT department.

Visitor Mr. Cunningham: Agrees a department is needed. No need for a specific job description. Put something very general in the Charter.

At Mr. Prest's request, Mr. Collins language was re-read.

Mr. Manugian: Keeping systems running is not in there. Mr. Collins: There is no need to say – it is pretty obvious.

Visitor Ms. Baxendale said the public should have access to information, but she feels there is no need to put an IT department in the Charter.

Ms. Allen offered to withdraw her motion. The Committee members had no objection to this.

Mr. Schulman moved language shall be inserted in the Charter in a new Section 5-5, "There shall be a Department of Information Technology which shall plan, manage, coordinate, maintain and make accessible the Town's information assets. Ms. Allen seconded.

There was no further discussion. The motion was approved 6-1, with Mr. Manugian voting no.

Committee Discussion of Records Custodian Submission:

Submission # 150: Records Custodian:

Mr. Manugian introduced the topic saying there could be a Charter change and possible draft of a suggested policy for the Town's records management. First, a Charter change will be discussed.

Mr. Collins: Add a definition to the Charter in Article 3 relating to the Town Clerk's responsibilities. Refer to Mr. Collins' letter to the Committee dated October 28, 2015. Mr. Collins recommends the Town Clerk have all of the duties relating to custody of public records established by Chapter 66, Section 7 of the General Laws of the Commonwealth. He does not recommend a Charter change spelling out all of these duties specifically because there are so many of them. Mr. Collins also points out, importantly, that correspondence to and from municipal boards and members of the various committees, minutes of meetings and many other smaller things are not defined in the statutes to be the Town Clerk's responsibility. He makes a specific recommendation for a Charter change to note that municipal employees and those serving on boards are responsible for retaining these records under current state law.

Mr. Collins clarified that at the time these (old) laws were enacted they were meant to include official actions, declarations and such special items noteworthy of attention be held as records and made available in the Town Clerk's office. Therefore, present state law (the old laws) do not envision all the things we currently see as relevant, such as emails and more routine correspondence. It is too cumbersome at this time to believe the Town Clerk could be held responsible for custody and management of all records. But it may not be unreasonable to expect the Town Clerk could help find records, and may have some idea where such records might be.

Mr. Giger: Thinks this should be in the Charter, because the Town Clerk is not responsible for all town records. He believes the BOS should ultimately be responsible. Mr. Giger feels it may be impossible, or at least prohibitively expensive, to keep track of all town records - even at the committee level it is very difficult to keep track of everything.

Mr. Schulman: Concerning Chapter 66, Section 7, what about rights to redact or not make accessible certain records? Some records are specifically not accessible to the public (for example, gun permits).

Mr. Robertson: How do other towns deal with this? How do private companies deal with this?

Mr. Manugian: Mass general laws cover what is, or is not accessible. But they are weak laws which set a very low bar. They definitely do not cover everything.

Action Item #1: How do other (comparable) towns handle records management and access to the public?

Mr. Collins: The Secretary of the Commonwealth has a relatively new and comprehensive policy statement/guideline on handling of records. It is pretty good in his judgment. Mr. Collins does not believe this guideline should be in the Charter.

Mr. Schulman: Relating to Mr. Giger's statement the BOS should ultimately be responsible, he states there are a number of boards (elected mostly) over which the BOS has no authority (Planning Board is an example). No one is presently very responsible for records management. He thinks it would be very difficult for one person to be in charge of all this.

Mr. Giger: To Mr. Schulman's point, the Planning Board's records are retained and managed by the Town Planner. Someone at the top needs to pay attention to different areas being responsible for their own records, and to have this approach consistently applied.

Mr. Giger moved the duties of the Town Manager in Section 4-2 of the Charter shall be expanded to include over all records management administration for all of town government. Mr. Schulman seconded.

Mr. Collins proposed adding "in compliance with the Secretary of the Commonwealth's guidelines."

Mr. Manugian: Massachusetts is renowned for its weak laws on public records access and wouldn't want the Charter to rely on Massachusetts General Laws for records access.

Ms. Allen: Why the Town Manager and not the Town Clerk? Mr. Giger answered the Town Clerk is elected, but has no supervisory authority. The Town Manager has supervision of a great many town departments and employees.

Mr. Schulman: There is potential for overlap with the Town Clerk's duties.

Mr. Manugian: There are two parts to this issue - responding to public access requests and day-to-day storage and management of the records. We, as a town, must close the supervision gap on this issue. Committees report to the citizens of the Town, but at present have no specific or consistent records management policy. In fact, the Charter Review Committee doesn't have a records management policy either.

Mr. Cunningham: The Secretary of the Commonwealth's guideline is pretty important, pretty comprehensive and the most up-to-date available.

Mr. Manugian: Does the public now have access to emails? If yes, they are not very available. Mr. Manugian is not advocating making the Secretary's guidelines requirements at this point in time, but feels we need something. Mr. Collins: Our best move is to recognize the Secretary's guideline; it is the highest level good quality source on this matter. It is the only logical standard.

Mr. Robertson: We need a person or group to review this and make a recommendation.

Mr. Manugian: Shall we consider "there shall be a committee for establishing a policy on town records custody" put in the Charter.

Mr. Giger commented this is an administrative function.

Mr. Manugian: Most committees do not report to the BOS or Town Manager. They may be appointed by either, but do not report to those who appoint them. He feels an elected body should develop this policy, not an appointed officer, like the Town Manager.

Mr. McCoy: Would the committee have a one-shot job? Should it be a standing committee? If not, then should it be in the Charter? Mr. Giger: Records management is not a one-shot deal. Decisions about how long to keep records, when to destroy them, and who is responsible to see it done has duration. Today, little or none of it is being done.

Mr. Manugian: It is not yet clear what the best solution is to these issues. What change should we suggest for the Charter? How do we get closure on this?

Mr. Schulman: It may be premature to put any change in the Charter. Bring it to the BOS - let's all talk about it. The BOS can appoint a committee. The committee can write a policy with good language. We may not need a Charter change.

Mr. Collins likes Mr. Giger's motion on the floor. Let's add something to the Town manager's job description.

Visitor Mr. Prest likes Mr. Giger's motion and Mr. Collins's additional reference to the Secretary's guideline. Also, a committee created in the Charter could make policy and give Town committees and employees consistent direction, while an expansion of Town Manager's authority could bring day-to-day records management into compliance with policy.

Visitor Mr. Harris: There is an Archives Committee for the Town. What does it do? It reports to the Town Manager.

Visitor Mr. Pease: Regarding emails as records, if an employee or board member does not have a town email account, he believes they do not have to give up their emails if they pay for their own server.

Mr. Cunningham: Mr. Pease's information is very interesting and contrary to his understanding of the Secretary's guidelines. The policy should be anybody conducting town business should do so with a town email account.

Mr. Giger: As information, the Archive Committee has seven positions. There are presently two members and five vacancies on the committee.

Mr. Giger's motion on the table was voted. It was approved unanimously.

Action Item #2: Mr. Collins will develop appropriate language for this motion to amend the Charter.

In connection with the topic under discussion, Mr. Manugian wrote a Records Custody Policy draft for discussion by the committee and possible passing on to the BOS. Is the Committee willing?

Mr. Robertson: Is it the intent to list all records?

Mr. Manugian answered the list is woefully inadequate for now. He would like to compile a list of records of interest from Committee members, then forward a working draft to the BOS titled "Proposed Town of Groton Records Policy". Mr. Manugian feels strongly about this because the more information available to people in town, the more likely it will be that people will make more informed decisions about town government.

Mr. McCoy is concerned about forcing people to have a town email. Also, he said more information does not always constitute better information. Mr. Manugian said this is just a draft. The BOS can work the issues and have a fuller discussion.

Mr. Robertson moved the Committee present the document to the BOS. Ms. Allen seconded. The Committee voted unanimously to present the proposal to the Board of Selectmen.

Mr. Manugian asked how do we do this - by email, or get on the agenda and present. Mr. Schulman and Cunningham said go ahead, either way.

Discussion of Meeting Scheduling:

At 9:04 PM, Mr. Manugian changed the topic to scheduling for the next several meetings. The next two meetings are set for November 18th and then December 2nd.

Mr. Schulman emphasized this work of the Committee is hard and complex. It should not be rushed, but done right.

Mr. Manugian said the topic, setting budget guidelines, encompasses the following submissions - # 30, 32, 67, 75, 78, 78 (part 2), 104, 121, 126, 128, and 156.

The Committee agreed that the next meeting should be devoted to finishing the discussion of finance and budget issues already presented. During the next meeting the Committee would also create a detailed agenda for one or more subsequent meetings.

Discussion of School Budgeting Issues:

Visitor Mr. Pease: At the School Committee (SC) meeting last week it was mentioned the Department of Education said the SC can raise or reduce its assessment after it is rejected by the Town. Mr. Cunningham clarified, once the budget is certified, then subsequently rejected, the SC can raise or reduce its assessment or call for a “super meeting” which would include both towns participating in the regional agreement.

Mr. Prest said the SC must certify its budget at least 40 days before the Groton or Dunstable town meetings, whichever comes first. For people who want more involvement in the school budgeting process from the beginning, they already have that.

Mr. Manugian said we can check off the points raised in Submissions # 32, 78 (Parts 1 and 2) and 128. All of these issues are already covered in the current process.

The Committee agreed during its last meeting that the current budgeting process provides the School Committee with the ability to present whatever budget request it wishes and that there was no possibility of making this any stronger. Therefore, no Charter change was required for the School Committee relative to the budgeting process.

Discussion of Submission # 67:

Mr. Manugian: Should we add or not add the Finance Committee to the list of parties involved at the beginning of the budget process? This submission recommends that the Finance Committee to be involved in setting initial budget goals. Mr. Manugian asked what does the own Manager do if he is unable to meet the goals originally set forth. Mr. Manugian asked for a motion.

Mr. Robertson moved to accept in principle the wording in Submission #67. Mr. Collins seconded.

Visitor Mr. Harris said the committee is making a mistake by ignoring requests for reasonable budget parity between schools and town in increasing school budgets (referring to the earlier discussion). The Charter is an aspirational (Mr. Harris' word) document – a mission document for the Town.

Mr. Manugian answered, this was resolved last week. .

Mr. Manugian went on to the issue at hand – he is concerned that the December 31st budget draft is called the beginning of the process, but it doesn't seem to be the real beginning. It is a perception issue.

A vote was taken on the motion to accept #67. It was approved unanimously.

Action Item # 3: Mr. Collins offered to work on the language for this proposed Charter change.

Discussion of Submission # 75:

This submission proposes that all increases in town employees' salaries and increases in hours be approved by the BOS prior to any discussions with town employees by the Town Manager.

Mr. Schulman: The actual process is the BOS and Town Manager talk together before any meetings with town employees. Then the Town Manager negotiates increases, brings the results of discussions back and the BOS decides. The bottom line is the Town Manager is very limited in what he can do on his own. The human resources director, town accountant, executive assistant and one other town employee are the only employees not covered by union agreements.

Mr. Robertson moved submission # 75 be dismissed for Charter change and that there be no forwarding of the issue to another town body. Mr. Collins seconded. The motion was approved unanimously.

Discussion of Submission # 57:

This submission proposes that the Finance Committee should have the authority to help shape the Town Manager's budget presentation to Town Meeting, referred to in Charter Section 6-4.

Mr. Collins moved that the Committee authorize Mr. Collins to develop language to incorporate a Charter change consistent with Submission # 57. Mr. Roberts seconded.

Mr. Schulman is not sure a Charter change is needed here. A vote was taken and the motion passed unanimously.

Action Item #4: Mr. Collins to develop language for approved motion to incorporate a Charter change consistent with Submission # 57 (add Finance Committee, Section 6-4).

Discussion of Submission # 106:

This submission requires that the due date for the capital improvement plan coincide with the due date for the operating budget, as described in Section 6-2, and that the language be consistent.

Mr. Collins moved to accept Submission # 106 and develop language consistent with it to go into the Charter. Mr. Schulman seconded. The vote for approval was unanimous.

Action Item #5: Mr. Collins to develop language for approved motion to incorporate a Charter change consistent with Submission # 106.

Discussion of Submissions # 38 and 56:

Mr. Manugian stated Submission # 38, managing union contracts, had already been handled earlier.

Submission # 56 proposes the Finance Committee should have the authority, in Charter Section 6-3, to request material in the Town Manager's budget message to Town Meeting.

Mr. Robertson clarified that the two messages (by Town Manager and by the Finance Committee) are separate. There is really no need for the Finance Committee to be involved in the Town Manager's budget message. He added there is plenty of involvement at earlier stages.

Ms. Allen moved to dismiss Submission # 56 for Charter change. Mr. Robertson seconded. The motion was approved 5-2, with Misters Collins and McCoy voting no.

The meeting was adjourned with unanimous consent at 10:10 PM.

**** The next meeting is scheduled for Wednesday, November 18, at 7:00 PM. ****

EXHIBITS:

- A. Proposed Town of Groton Records Policy (working draft) dated October 28, 2016
- B. Letter to Chairman Michael Manugian from Attorney Collins dated October 28, 2015
- C. Communication from Mike Bouchard, town clerk, received on November 04, 2015
- D. Letter to Chairman Michael Manugian from Attorney Collins dated November 04, 2015

WORKING DRAFT

Proposed Town of Groton Records Policy

"Whenever the people are well-informed, they can be trusted with their own government..." Thomas Jefferson to Richard Price, 1789

Supervisor of Records

The Town Clerk shall be designated the Town of Groton Supervisor of Records (Supervisor). The Supervisor shall have the following responsibilities:

- Determine the format of the on-line and physical Live Records Repository (Repository) and Records Archive (Archive).
- Verify that all applicable records of all Town Committees and Boards are submitted to the Repository and certified.
- Verify that all records in the Repository and Archive are accessible in accordance with this policy.
- Recommend changes to the policy in order to abide by additional requirements imposed by changes to MGLs and Federal Statute.

Live Records Repository

All town records will be maintained in the Repository for a period of no less than seven (7) calendar years from the date of submission to the Repository.

Paper documents will be scanned and made accessible in the Repository. The original documents shall be retained and archived.

Records Archive

All records which have aged out of the Repository will be moved to the Archive and remain there in perpetuity.

Access

All records in the Repository will be posted on the Town of Groton web site for immediate access by the public at no charge. This shall be designated as the On-line Repository. The Town of Groton will maintain one or more kiosk computers in Town Hall available to the public during all hours that the Town Hall is open to the public.

List of Records

All records listed in Appendix A must be submitted for inclusion in the Repository. The only exceptions are those records excluded by Federal statute and MGLs.

Email Accounts

The Town of Groton shall create an email account maintained by the Town Email Server for every Town Employee, Contractor, Elected Official, Appointed Official or Member of any Town Board. All such individuals shall use only their Town Email Account for correspondence concerning their town activity.

The use of paper mail, faxes and text messages shall be discouraged except where required by law.

Appendix A – List of Documents

Unless otherwise noted, all documents shall appear on the Town of Groton web site within 30 calendar days of appearance in a meeting. Completed minutes and associated documents must appear within 14 days of approval. If draft minutes are not approved within 30 days, they must be posted in draft form. They are to be removed when approved minutes are posted.

<i>Document</i>	<i>Date Due</i>	<i>Due days</i>	<i>Immed access</i>	<i>Overnight Download</i>	<i>Notes</i>
Draft meeting minutes of all town boards along with copies of all documents specifically read or presented during the meeting. Documents such as MGLs may be posted by reference.		14	yes		
Approved minutes and attachments		14	yes		Remove draft minutes when approved minutes posted
Legal notices and associated letters and documents.		14	yes		
Quarterly audit reports with associated management reports.		30	yes		
Annual town report.		14	yes		
Annual status of all town financial accounts and trust funds.		30	yes		
Benchmark reports.		30	yes		
Quarterly financial reports.		30	yes		
Email and attachments		14	yes		
Board meeting videos		14		yes	
Police reports		14	yes		
Gun ownership and license records					Public access is prohibited by MGL 66-10 (d)
All archive documents		30		yes	

Exhibit B to Charter Review Committee
11-04-15 Meeting Minutes

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28 October 2015

The Groton Charter Review Committee
Michael Manugian, Chairman
Town Hall
173 Main Street
Groton, MA 01450

Dear Committee Members:

I wish to offer the following as possible language dealing with Comments 150 and 79:

Comment 150 (Custodian of the Public Records):

Add a section to Article 3 as follows:

Town Clerk: The Town Clerk shall have all of the duties established by the General Laws, and shall be the custodian of the public records of the Town in accordance with the provisions of Chapter 66, Section 7 of the General Laws.

Comment 79 (Information Technology)

Add a section to Article 5 as follows:

Information Technology Department: There shall be a Department of Information Technology which shall plan, manage, coordinate and maintain the Town's website, electronic record-keeping and methods of electronic communication so as to ease citizen's access to municipal information and public records, and to provide such other functions and services as the Town Manager, Board of Selectmen, or Town Clerk deem advisable.

I wish to share some thoughts regarding the request that there be a Custodian of the Public Records (comment 150).

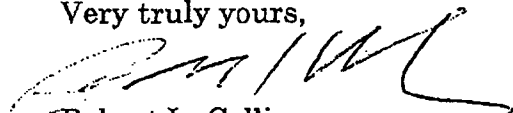
Chapter 66, Section 7 stipulates that the Town Clerk is the custodian of public records of the town unless the bylaws (or presumably the Charter) stipulates otherwise. It is established practice that the records maintained by the Town Clerk are those stipulated by statute; this would not include correspondence to and from municipal boards and members of the various boards and committees, minutes of meetings, and the many other minutia which finds its way into the various offices in the Town Hall.

The duties of the Town Clerk, and the many documents which a Town Clerk must maintain or provide attestations to encompass several hundred statutory provisions; a copy of the five pages of the index to the General Laws dealing with this subject is attached. I believe that it would be unduly complicated for these all to be spelled out in the definition of the Town Clerk and his or her duties.

I would also tend to believe that creating a new and separate position of Custodian of Public Records would be superfluous, and also confusing.

It might make sense to have a statement in the charter indicating that municipal employees (which term would include those serving on Boards) are responsible for the retention of municipal records in their possession as required by law and in accordance with guidelines published by the Secretary of the Commonwealth.

Very truly yours,



Robert L. Collins

RLC/jel

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RECEIVED
11/04/15

Exhibit C to Charter Review Committee
11-04-15 Meeting Minutes

To have ONE records custodian would probably entail:

- Custodian access to ALL manual and electronic records generated by and received by the Town.
- Be aware the types of records are unlimited. The State's Retention manual identifies 160 pages of records with retention schedules, with the caveat that "not all records are identified".
- Also be aware that some records are "exempted" by statute and that releasing them is also a violation of the public records law or some other enabling statute
- Access to all electronic records, including emails, pertaining to public business on town and personal computer and cloud accounts

A way to accomplish centralized records management:

- Obtain a high end document management system
- Require every public employee to enter all public records in the document management system (increased workload / personnel requirements?)
- Require every official who might have a public record on their personal system to enter the record into the document management system. Alternative could be to "force" use of a town electronic system and incorporate the above bullet. Is this enforceable?

I don't see the practicality of a centralized approach

- A way for a centralized approach where a person or group would have unlimited authority, access and control of documents and records.
- A justification for an inevitable expense associated with a centralized approach

I do see that all public employee and official are records custodians.....

- An official records custodian being the recipient of records requests and using "superior knowledge" under the law to direct the request to proper custodians
- An official records custodian educating public employees and officials
- An official records custodian coordinating responses for complex requests
- Individual records custodians responding to routine requests
- All records custodians managing retention cycles
- The above is what happens today.....

A new public records law is about to pass the Mass Legislature

- It's focus is higher penalties for non-compliance, mainly driven by recent state mis-steps with requests from the major Boston newspapers.
- This speaks (to me) for more and continued education and focus. I think the Town has done well with public records responses and records retention . You have read about a couple of situations. The newspaper did not help resolve these. The Mass Public Records Division and Town Counsel did help resolve, under the law. These exceptional cases create undue focus over the 99.5% of routinely resolved requests.

I need to ask

- What problem is being asked to be resolved?

Overview

The Massachusetts Public Records Law provides that every person has a right of access to public information.⁵ This right of access includes the right to inspect, copy or have copies of records provided upon the payment of a reasonable fee.⁶

The Massachusetts General Laws broadly define “public records” to include “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee” of any Massachusetts governmental entity.⁷ A “custodian” is defined as “the governmental officer or employee who in the normal course of his or her duties has access to or control of public records.”⁸ There are strictly and narrowly construed exemptions to this broad definition of “public records.”⁹ This guide will briefly review the application of these exemptions as well as explore some of the other issues that arise when a request is made for access to government records.

The Request

There are no strict rules that govern the manner in which requests for public information should be made. Requests may be made in person or in writing. Written requests may be made by mail, facsimile or email.¹⁰ A requester must provide the records custodian with a reasonable description of the desired information.¹¹ A records custodian is expected to use his or her superior knowledge of the records in his or her custody to assist the requester in obtaining the desired information.¹²

The Response

The records custodian must respond to requests as soon as practicable, without unreasonable delay and within ten calendar days.¹³ The response must be either an offer to provide the requested materials or a written denial.

⁵ G. L. c. 66, § 10(a).

⁶ *Id.*

⁷ G. L. c. 4, § 7(26).

⁸ 950 CMR 32.03.

⁹ G. L. c. 4, § 7(26); see also *Attorney General v. Assistant Commissioner of the Real Property Department of Boston*, 380 Mass. 623, 625 (1980) (the statutory exemptions are to be strictly and narrowly construed).

¹⁰ G. L. c. 66, § 10(b); 950 CMR 32.05(3).

¹¹ 950 CMR 32.05(4).

¹² 950 CMR 32.05(4).

¹³ G. L. c. 66, § 10(a-b); 950 CMR 32.05(2).

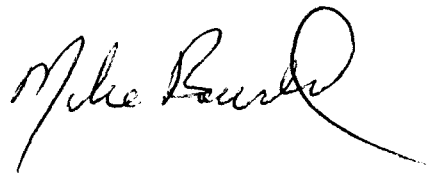
Article 3

Town Clerk – It's fine with me to insert a description of the town clerk in the charter under article 3.

I think your suggestion mirrors Article 3-9 in the charter

Attached is a printout from the town of Groton web site with a description of the clerk's role. As you point out, there is a lot role defined more under statute. Probably the most glaring omissions from the web site are the clerk's role in open meeting law and conflict of interest law.

I don't know why certain offices' definitions are included in the charter and others not. Perhaps there were specific issues at the time. Adding the clerk is not completing the list.

A handwritten signature in black ink, appearing to read "Mike Burd". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Related Official: Town Clerk**About****The Town Clerk:**

- serves as Chief Election Officer, Public Information and Legislative Administrator, and Local Registrar of Vital Records and Statistics
- ensures that appropriate notification and procedure are adhered to in the making of legislative policy by the Town and manages public access to information
- issues various licenses (i.e. marriage, and dog licenses)
- serves ex officio as a member of the Board of Registrars and is responsible for carrying out the functions of the Board in the preparation, publication, and circulation of lists of voters
- prepares the annual street listing of Groton residents and submits all bylaws passed by Town Meeting to the state Attorney General for approval

The Town Clerk is assisted by one or more paid Assistant Town Clerks

Contact

Email: TownClerk@townofgroton.org

Phone: 978-448-1100 | Fax: 978-448-2030

Office: Town Hall | 173 Main Street

Hours: M 8:00am - 7:00pm; T-TH 8:00am - 4:00pm; F 8:00am - 1:00pm

Employees

<u>Staff Member</u>	<u>Role</u>
Michael Bouchard	Town Clerk
Nancy Pierce	Assistant Town Clerk
Marlene Kenney	Assistant Town Clerk

Exhibit D to Charter Review Committee
11-04-15 Meeting Minutes

Robert L. Collins
Attorney At Law
P. O. Box 2081
Westford, Massachusetts 01886

Telephone (978) 448-3511
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Groton Office:
204 Gay Road
Groton, Massachusetts 01450

4 November 2015

The Groton Charter Review Committee
Michael Manugian, Chairman
Town Hall
173 Main Street
Groton, MA 01450

Dear Committee Members:

I wish to offer the following regarding the statutory provisions dealing with Finance Committees.

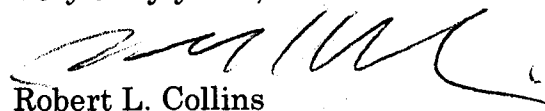
Chapter 39 Section 16 authorizes (and mandates) the creation of a committee which can be called the advisory, appropriation, finance, or prudential committee. This committee is intended to advise as to the financial matters of the town, but has authority to consider and make recommendations or reports regarding "any and all municipal questions."

Unless otherwise provided for by by-law or municipal charter, this committee would be responsible for submitting the municipal budget for approval at the Town Meeting.

This committee may be elected or appointed. Interestingly, the statute does not indicate how many members such a committee shall or may have, but stipulates that the term of office shall not exceed three years.

This statute was enacted in 1910, and subsequently amended in 1923, 1929, and in 1950.

Very truly yours,


Robert L. Collins