

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

Meeting Minutes - January 6, 2016
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, Peter Cunningham (BOS), Joshua Degen (BOS), Anna Eliot (BOS), Mark Haddad (Town Manager), Russell Harris, John Petropoulos (BOS), Becky Pine, Connie Sartini

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

Announcements:

Mr. Manugian told the Committee and visitors present he had been contacted since the last meeting by two people who were concerned that they might be attacked for expressing their opinions in public. This was based upon their viewing of an argument that started during the last meeting between two visitors and was continued in the hallway outside the meeting.

Mr. Manugian warned there would be no goading, losing tempers or other inappropriate behavior at Charter Review Committee meetings. He also stated that if a person left the meeting and felt threatened in the hall outside, they should come back into the meeting and request assistance.

Mr. Manugian announced the main agenda item tonight would be for the public to make further presentations of submissions on the topic of the roles and responsibilities of the town Manager.

Discussion of Tie Vote at Last Meeting (December 30, 2015):

Mr. Manugian mentioned the tie vote at the end of the December 30th meeting in which the Town Manager's oversight by the BOS had been discussed under Submission # 31 presented by Russell Harris. The Committee had moved to amend Mr. Harris's proposed changes to the Charter. Then the amendment was amended. It is the amendment of the amendment which was

voted a tie at 3-3 (one member absent). Discussion ensued about what to do in the event of such a tie, without a full Committee. Options entertained were to consider it a failure (according to Robert's Rules); have the Chair vote or not vote, have the Chair vote only to break a tie; and to table and vote the issue at the following meeting.

Mr. Schulman moved that in the event of a future tie vote, of less than the full committee, the motion will be postponed until the next meeting. Ms. Allen seconded. The motion was approved 6-0 with Mr. Manugian abstaining since the motion affected the powers of the Chair.

Discussion on the Town Manager's Appointment, Qualifications and Review Procedure (Submissions # 28, 34, 59, 68, 95, 120 and 165):

Submission # 28 (Page 66 in the Submissions by Applicable Charter Section Summary), submitted by Russell Harris, refers to the behavior of the Town Manager, and proposes the following change in Charter Section 4-1 (adding a part (n)), "Being appointed rather than elected, having administrative duties rather than political duties, the Town Manager shall, within reason, refrain from words and actions that could be seen as interfering with the political process of the town, especially with regard to elections."

Mr. Harris compared this proposal with the Hatch Act which, on the federal level, limits the political activity of federal government employees. He stated that the level of acceptable activity on the part of the Town Manager should be a judgment call by the BOS.

Mr. McCoy said there are two components to this – the Town Manager engaging in political behavior and the possible infringement on his First Amendment rights. The BOS does have political power in the town and the Town Manager has administrative power. They should be kept separate.

Mr. Giger: Is Mr. Harris advocating the Town Manager cannot file public information requests?

Mr. Harris: The biggest issue is the Town Manager called for an investigation of two selectmen just before an election. Election interference should be out of bounds.

Mr. Collins: The town Manager's job is to clarify budget matters at the Town Meeting. Should there be a Charter restriction on his conduct at Town Meeting? While it may seem reasonable, especially if he lived out of town, what if the Town Manager was a Groton resident? Would this be an undue limitation on his rights as a citizen?

Visitor Ms. Pine: State law talks to these points (no further clarification of this comment).

Mr. Cunningham: For capital projects, is it appropriate for the Town Manager to advocate for them?

Submission # 34 (Page 31 in the Charter Section Summary), submitted by Barry Pease and read by Mr. McCoy, corrects an inaccurate reference to a section of the Charter in the first clause of the first sentence in Section 4-1(a). Mr. Pease advances several more suggestions about how to improve the Charter wording to promote the BOS reviewing of the Town Manager's performance and being proactive getting him/her the training needed to become more effective.

Submission # 59 (Page 66 in the Charter Section Summary), presented by Mr. Manugian, proposes adding rules and/or guidelines establishing what should be included in the publically available portions of the Town Manager's performance review.

Submission # 68 (Page 66 in the Charter Section Summary). Russell Harris proposes the Town Manager's performance review should include a "customer satisfaction" component. Information on the satisfaction of taxpayers and other affected constituencies should be collected and reported. He states this is common in the public sector.

Ms. Allen asked how do you do this? Mr. Harris answered by surveys of town employees. Reference was made to a "360 degree" evaluation.

Mr. Collins: Requiring a survey is expensive.

Mr. McCoy: Is feedback to be self-identified or is anonymity acceptable? Mr. Harris said the town should accept anonymous feedback.

Submission # 95 (Page 68 in the Charter Section Summary). John Giger proposes a change to the Charter in Section 4-1(c) which makes the Town Manager's performance evaluation process more clear, specific and understandable. He also advocates specifying what information will be made available to the public. He comments that many terms employed in the existing language are vague and ambiguous.

Mr. Manugian asked if this proposal differs in any tangible way from the earlier proposals just presented. Mr. Giger said, no.

Mr. Schulman: BOS policy documents cover this subject pretty thoroughly.

Visitor Mr. Haddad said the documents are available in the Selectmen's office. They could be put on the Town's website.

Submission # 120 (Page 68 in the Charter Section Summary). Connie Sartini proposes several changes in Section 4-1 having to do with the Town Manager's appointment, qualifications and performance review process. She suggests qualifications include "highest moral and ethical

standards” and a prohibition against engaging in political activity and holding another elected or appointed office.

Mr. Schulman: Should we also change language gender references to his/her or make it generic?

Submission # 165 (Page 68 in the Charter Section Summary), submitted by Bob and Becky Pine. The Pines believe the citizens of Groton should have the opportunity to participate in evaluating the performance of the Town Manager, and should not be required to provide their name in connection with the comments.

Mr. Collins: There is what is known in legal circles as the “hearsay” rule. A comment without an attributed source or reported by a third party is called hearsay. How valid is feedback if the Town Manager cannot hear who gave it and have the opportunity to provide his/her own side.

Mr. McCoy notes some Selectmen have reached out and solicited public comment. He also feels people need to stand up and own their comments.

The Town Manager’s Removal and Suspension (Submissions # 60, 122, and 139):

Submission # 60 (Page 83 in the Charter Section Summary), submitted by Michael Manugian. In Charter Section 4-3, Mr. Manugian wants to change the requirement for removal or suspension of the Town Manager from a 4-1 vote to a simple majority vote.

Submission # 122 (Page 83 in the Charter Section Summary), submitted by Connie Sartini. Ms. Sartini also proposed to change Charter language in Section 4-3 to require a simple majority for suspension or removal of the Town Manager. She points out the Town of Concord has this provision in their charter. Ms. Sartini also proposes to specifically define the grounds for suspension or removal.

Mr. Degen suggested Charter Review Committee members read the Town Manager’s contract because it contains some of the criteria under discussion. He said Mr. Haddad would provide copies to the members.

Submission # 139 (Page 83 in the Charter Section Summary), submitted by Jane Allen. In Charter Section 4-3(2), the Town Manager is entitled to a public hearing regarding efforts to suspend or remove him/her from office. Ms. Allen asks if he/she is also entitled to an executive session hearing under these circumstances.

Mr. Collins suggested the wording for this change be “in addition to the public hearing” instead of “either/or”.

Mr. McCoy asked what would be the purpose of asking for an executive session. Mr. Schulman answered it could be for the employee's own protection. Mr. Haddad offered the Mass General Laws already cover employees' rights to executive sessions.

Mr. Collins thought the Charter, by not mentioning executive session rights, might be contrary to Mass General Laws.

Vacancy in the Office of the Town Manager (Submission # 101):

Submission # 101 (Page 84 in the Charter Section Summary), submitted by John Giger. Section 4-4(b) of the Charter provides for the appointment of a "capable officer of the town" to fill in for the Town Manager in an absence equal to or greater than seven days. Mr. Giger states the term "officer of the town" needs to be defined - at present the term is ambiguous.

Mr. McCoy asked if the definition of a town officer in Section 1-9(l) is a sufficient definition.

Mr. Haddad explained he can appoint anyone for an absence of less than seven days. It is usually the Town Clerk, however. If the absence is seven days or more the BOS can appoint whom they wish.

The Town Manager's Screening Committee (Submissions # 53 and 54):

Submission # 53 (Page 84 in the Charter Section Summary), submitted by Michael Manugian. Section 4-5 of the Charter establishes a procedure for designating members of a seven-person screening committee for the purpose of filling a Town Manager vacancy. Mr. Manugian advocates a change in the procedure by limiting the BOS and Finance Committee participation on the Charter Review Committee to no more than one member from each, for the purpose of broadening citizen participation and limiting the influence of the BOS and Finance Committee.

Mr. Schulman stated he is a citizen as well as a Selectman and, as such, has the same rights as any other citizen.

Mr. Haddad commented the BOS makes the final decision about who is to be the new Town Manager. Mr. Manugian explained that the screening committee had received approximately 50 resumes for the Town Manager position and from these had selected six for final presentation to the BOS. Even though the BOS made the final decision, the committee determined who the candidates for selection would be.

Submission # 54 (Page 84 in the Charter Section Summary), submitted by Michael Manugian. In Charter Section 4-5 (refer to above on Submission # 53) the BOS have 45 days to approve a new Town Manager from screening committee candidates. During the previous Town Manager selection process, the BOS was unable to complete their review and make a decision within the prescribed 45 days. Mr. Manugian feels this is not enough time and proposes 60 days.

The Town Manager - General (Submissions # 26, 137 and 142):

Submission # 26 (Page 64 in the Charter Section Summary), submitted by Janet Shea, read by Mr. Manugian. Ms. Shea does not want a “strong town manager” added to the Charter. In some places this terminology is used to describe a position with greater authority and powers. Ms. Shea wants the BOS in charge with the Town Manager answering to them.

Submission # 137 (Page 64 in the Charter Section Summary), submitted by Jane Allen. Ms. Allen, while acknowledging the term “strong town manager” does not appear in our Charter, thinks it worthwhile to debate the merits and drawbacks of such an idea.

Mr. Manugian commented the word strong in this context really has little meaning. It is more meaningful to talk about the position’s actual responsibilities.

Submission # 142 (Page 29 in the Charter Section Summary), submitted by Becky Pine. Ms. Pine is unclear as to why the Town Manager should have the authority for personnel decisions in the Water and Sewer Departments when we elect commissioners to oversee the departments.

Visitor Mr. Petropoulos: Last week a decision was made by the Charter Review Committee to make no changes to authorities and reporting relationships in the Water Department. This does not, in his view, preclude the possibility of changing something later if there is good reason to do so.

Mr. Giger: Are there any employees in the Sewer Department? Mr. Haddad answered the Sewer Department pays 1/3 of the Water Department’s business manager compensation and most of an administrative assistant.

This completed the public presentations scheduled for the evening, at 8:43 PM.

Administrative Business:

Mr. Manugian reminded members there would be no meeting next Wednesday, January 13th.

Mr. Manugian asked the Committee for any comments on content or format of a new copy of the Charter with changes decided by the Committee to date incorporated into its language (changes are marked), developed by Mr. Giger. He has also, separately, developed a list of all changes approved by the Committee to date. The intent is to put these documents on the website as soon as possible after discussion.

Mr. Collins asked to what date are the Charter changes included so far. Mr. Giger responded, approximately three weeks ago. Collins suggested the revision date for the document be placed at the bottom of each page to eliminate confusion over time about which version is being looked at. Mr. Manugian suggested two dates be put on each page,. One would be at the bottom the revision issue date as suggested by Mr. Collins. The second would be at the beginning of the document and indicate the date of the latest Charter Review Meeting from which all changes have been incorporated into the document. All agreed.

Mr. Schulman proposed that as time goes by and many revision copies come to exist, we should only publish the original Charter version and the latest update on the website, to minimize confusion. All agreed.

Mr. Giger explained he labels new paragraphs in the Charter with “1/2 numbers” when inserted between existing paragraphs. This is in lieu of renumbering existing paragraphs, which would also make things more confusing at this stage. When the work of the Committee is nearly finished, all paragraphs would be renumbered sequentially and without fractions.

Mr. McCoy asked if the Committee should review the online Charter revisions for accuracy. Mr. Manugian said no, there is enough work for members as it is. All of the Charter wording would be reviewed for accuracy at the end of the review process after all changes had been proposed.

There was additional discussion about writing a preamble for the Charter revisions explaining what they are and how they are presented.

Mr. Manugian said the next two meetings should be dedicated to Committee discussion and decisions about submitted issues presented to date. It is important to not get too far ahead on the presentations of new issues before the older ones have been dealt with.

Approval of Meeting Minutes:

The minutes of Wednesday, December 9, 2015 were discussed. A remark attributed to Mr. Collins was resolved. Mr. Manugian announced Judy Schuster of APEX, who had presented her submissions at an earlier meeting, had sent in a memo containing suggested changes to the minutes of that meeting. A short discussion ensued about how to treat such comments and whether to incorporate them into the minutes. Mr. Manugian suggested the memo be attached to

the minutes as an addendum, but the minutes themselves would not be changed. The Committee agreed with this idea by consensus.

Mr. Schulman moved the minutes of December 9, 2015 be accepted. Mr. Robertson seconded. The motion was approved unanimously.

The minutes of December 30th were discussed. Mr. McCoy's suggestion to change the characterization of the 3-3 tie vote near the end of the meeting from a defeated motion to a deferral for future discussion was accepted (see Tie Vote discussion on Page 1 of these minutes).

Mr. Schulman moved the minutes of December 30, 2015 be accepted. Mr. Robertson seconded. The motion was approved by a vote of 6-0 with Mr. Collins abstaining because of absence from that meeting.

Other Administrative Business:

Mr. Manugian announced 48% of all submissions remain to be presented after this meeting.

The Committee agreed by consensus it will not be presenting a warrant article for charter changes at the Spring 2016 Town Meeting. Mr. Schulman proposed a presentation be made to citizens at that meeting to characterize the status of deliberations to date.

Mr. Manugian summarized outstanding action items, most of which would be discussed in the next meeting. They are 1) Mr. Giger will report on his research on the Town's practice of waiving construction permit fees; 2) the Personnel Board appointment process will be discussed at the end of a full discussion on the Board itself; 3) answers on the outstanding capital project ballot issues from the Department of Revenue, the Attorney General's office and the Town Counsel will be reviewed; and 4) Mr. Collins will present language changes on Submission #105.

Mr. Giger passed out to the Committee a 16-page pdf document addressing the fee waivers. This will be considered during the fee waiver discussion at the next meeting.

Mr. Manugian announced Mr. Giger had done a magnificent job to date on tracking and handling the Committee's documents and performing research. There was applause from Committee members and the audience.

The meeting was adjourned with unanimous consent at 9:10 PM.

**** The next meeting is scheduled for Wednesday, January 20th, at 7:00 PM. ****

Exhibits:

- A. ToG Charter 2016 Draft Changes Version_Test2.pdf
- B. ToG 2016 Draft Change History Master jrg1a.pdf
- C. ToG Fees and Waivers jrg1x.pdf
- D. E-mail from Judy Schuster dates January 6, 2016, Subject: Dec 9 Charter Review Minutes – School Questions

Exhibit A to Charter Review Committee 01-06-16 Meeting Minutes

DRAFT For Discussion Only - Subject to Revision **DRAFT**

File ID: ToG Charter 2016 Draft Changes Version_Test2.docx

RESERVED FOR PREAMBLE

A message to describe the context in which the Draft 2016 Charter Document is being made available. This message is in the process of being developed.

CHARTER

[HISTORY: Adopted by the Special Town Meeting of the Town of Groton 10-22-2007 by Art. 8; enacted by the General Court as Ch. 81 of the Acts of 2008. Amendments noted where applicable.]

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 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 herein.

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 board of selectmen 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 its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-3.

Section 1-6: Intergovernmental Relations

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

Section 1-7: Precedence of Charter Provisions

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

Section 1-8: Ethical Standards

Elected and appointed officers, employees and volunteers of the town are expected to demonstrate, by their example, with their general conduct and in the performance of their duties and responsibilities, the highest ethical standards to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and appointed officers, employees and volunteers of the town are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officials, employees and volunteers of the town shall not use their official positions 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 have the following meanings unless the context clearly requires otherwise:

- (a) "Charter", this charter and any amendments to it, which may hereafter be adopted.
- (b) "Days", business days, not including Saturdays, Sundays and legal holidays; provided, however, that when the time set is at least 7 days, every day shall be included.
- (c) "Emergency", a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) "Local newspaper", a newspaper of general circulation in the town of Groton.
- (e) "Majority vote", a majority of those present and voting, provided that a quorum is present when the vote is taken.
- (f) "Multiple member body", any town body, consisting of at least 2 persons, whether called a board, commission, committee, subcommittee or otherwise and however elected, appointed or otherwise constituted.
- (g) "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 which might then exist.
- (h) "Town", the town of Groton.
- (i) "Town agency", any board, commission, committee, department, division or office of the town government.
- (j) "Town Bulletin Board", bulletin boards in the town hall on which office notices are

posted and those at other town buildings or facilities which may be designated as town bulletin boards.

- (k) "Town Meeting", the open town meeting established in article 2, whether annual or special.
- (l) "Town Officer", a person having charge of an office or department of the town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the town.
- (m) "Voters", registered voters of the town.
- (n) "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 registered voters of the town.

The town meeting shall meet in regular session twice in each calendar year. The first such meeting, referred to herein as the "spring town meeting", shall be held during 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, and for the purpose of electing officers and for the determination of all other matters to be decided by ballot of the voters. The spring town meeting shall be deemed to be the annual town meeting. The second such meeting, referred to herein as the "fall town meeting," shall be held during the last 4 months of the calendar year on a date fixed by by-law, and shall be deemed to be an annual town meeting for all purposes of the General Laws; provided, however, that the fall town meeting shall not include the election of officers.

Section 2-2: Presiding Officer

The moderator, elected as provided in section 3-4, shall preside at all sessions of annual and special town meetings. He shall, at the first session of the spring town meeting, appoint a deputy moderator, subject to ratification by the town meeting, to serve at any session of an annual or special town meeting in the event of his absence or disability. The deputy moderator may also temporarily serve when the moderator has a conflict or the appearance of conflict arises, as determined by the moderator, with regard to a particular article or matter under consideration.

The moderator, at all town meetings, shall regulate the proceedings, decide all questions of order, 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.

Section 2-3: The Town Report

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

Section 2-4: Special Town Meetings

Special town meetings shall be held at the call of a majority of the full board of selectmen in order to transact the legislative business of the town in an orderly manner. Special town meetings shall also be held on the petition of the lesser of at least 200 voters or 20 per cent of the total number of voters.

Section 2-5: Warrants

Every town meeting shall be called by a warrant issued by the board of selectmen, which shall state the time and place at which the meeting is to convene and, by separate articles, 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

- (a) Initiation - Subject to paragraph (c), the board of selectmen shall receive petitions addressed to it which request the submission of any matter to the town meeting and which are filed by: (1) any town officer; (2) any multiple member body acting by a majority of its members then in office; or (3) any 10 voters for a session of the spring or fall town meeting and (4) any 100 voters for a special town meeting.
- (b) Referral - Following receipt of any petition containing a proposed warrant article, the board of selectmen shall deliver a copy of the proposal to the chairman of the finance committee and shall distribute copies of the proposal as may be required by law or by-law.
- (c) Inclusion on the Warrant - Spring and Fall Town Meeting - Whenever a spring or fall town meeting is to be called, notice shall be given by posting attested copies of the warrant in at least 2 public places in the town and by publishing notice of the meeting in a local newspaper at least 14 days before the day appointed for the meeting. The board of selectmen shall include in the warrant, for a session of the spring and fall town meeting, the subject matters of all petitions which have been received by it at least 60 days before the date fixed by by-law for such session to convene. Unless specified otherwise in this charter, the content, scheduling and notice requirements for a spring or fall town meeting shall be as provided for in section 10 of chapter 39 of the General Laws for an annual town meeting.
- (d) Inclusion on the Warrant - Special Town Meeting - Whenever a special town meeting

is to be called, notice shall be given by posting attested copies of the warrant in at least 2 public places in the town and by publishing notice of the meeting in a local newspaper at least 14 days before the day appointed for the meeting. The board of selectmen shall include in the warrant for such special town meeting the subject matters of all petitions which have been received by it at least 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 as provided for in section 10 of chapter 39 of the General Laws for a special town meeting.

Section 2-7: Availability of Town Officials at Town Meetings; Conflicting Meetings

(a) Every town officer, chairperson of each multiple member body, and head of each department and division shall attend all sessions of town meetings.

In the event any town officer, chairperson of a multiple member body, or department or division 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 office, multiple member body, department or division. If any person designated to attend a town meeting under this section is not a voter, such person shall, nonetheless, have a right to address the meeting for the purpose of fulfilling the objectives of this section.

(b) No meeting of any multiple member body or town agency shall be convened or be in session during a session of any 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 the law, this charter, by-law or other 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 for which no other provision is made 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 which shall contain the explanation and relevant data submitted by the proponents of each article; provided, however, that, in the alternative, the town manager may direct that voluminous supporting material necessary for consideration of particular articles, in lieu of inclusion in the written report to the voters, be made reasonably available for inspection at public locations before the town meeting.

The written report for each spring town meeting shall be comprised of the following: (1) the written report of the planning board setting forth its findings and recommendations as to all zoning articles; (2) the written report of the finance committee, setting forth its findings, conclusions and recommendations, including the reasons therefor, regarding all of the monetary articles in the warrant; and (3) with respect to each warrant article, in addition to the reports of the planning board and the finance committee, the written report of any proponent or sponsor of the warrant article and of any 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 5-year capital outlay program for the information and guidance of town meeting. The board of selectmen shall have the opportunity to include in the report its conclusions and recommendations, including the 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 board of selectmen, not later than the seventh day 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 the 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

- (a) Elective Town Offices - The town offices to be filled by the voters shall be a town moderator, the board of selectmen, a town clerk, the Groton component of the regional school committee, the Groton housing authority, the planning board, the board of library trustees, the commissioners of the trust fund, the Groton electric light commission, the Groton water commission, the Groton sewer commission, the parks commission, the Groton board of health, Groton board of assessors and other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement which shall also be filled by ballot at town elections. **[Amended by Ch. 50, Acts of 2010¹]**
- (b) Town Election - The annual election by ballot of 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.

¹ Editor's Note: This Act also provided that the incumbents holding the offices of highway surveyor, tree warden, and constable upon the effective date of this Act shall retain the offices and continue to serve until the expiration of their elected terms of office or their resignation, whichever occurs first, but those positions shall thereafter be filled by appointment.

- (c) Eligibility - Any voter shall be eligible to hold any elective town office, unless specifically prohibited by law or by-law.
- (d) Compensation - Elected town officers shall receive such compensation for their services as may be appropriated at the spring town meeting for such purpose.
- (e) Coordination - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or of the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
- (f) Filling of Vacancies
 1. Moderator - If there is a failure to elect a town moderator, or if a vacancy occurs in the office of town moderator, the board of selectmen shall appoint a suitable person to serve until the next town election.
 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 to the board of selectmen and to the public of the vacancy in accordance with section 7-9. The board of selectmen and the remaining members of the multiple member body shall, not less than 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. Board of Selectmen - If there is a failure to elect a member of the board of selectmen, or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may call a special election to fill the vacancy or shall call the special election upon the written request of at least 200 voters.
- (g) Recall Provision for Elected Officers
 1. Application - Any holder of any elective town office may be recalled if the recall election occurs before 6 months from the end of his elective term.
 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. The town clerk shall thereupon 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 his signature and official seal. They shall be dated, addressed to the board of selectmen, contain the names of the first 10 signers of the affidavit and

the name of the person whose recall is sought, contain the grounds for recall as stated in the affidavit and shall 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 within 45 days following the date of the filing of the affidavit and shall be signed by at least 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, submit the petition to the registrar of voters in the town, and the registrar shall, within 5 business days, certify thereon the number of signatures that are names of voters.

3. Recall Election - If the petitions are certified by the registrar of voters to be sufficient, the town clerk shall submit the same with such certificate to the board of selectmen. Upon receipt of the certificate, the board of selectmen shall forthwith give written notice of the petition and certificate by certified mail to the officer whose recall is sought. If said officer does not resign his office within 5 days after delivery of such notice, the board of selectmen shall forthwith 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. However, if any other town election is to occur within 100 days after the date the election is called, the selectman shall postpone the holding of the recall election to the date of such other election. If said officer resigns after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
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 conduct of the recall election shall be in accordance with the laws relating to elections unless otherwise provided in this section.
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 deemed removed.
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.

7. Repeat of Recall Election - No recall shall be filed against an officer subjected to a recall election and not recalled thereby until at least 6 months after the election at which the recall was submitted to the voters.
8. Office Holder Recalled - No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against him, shall be appointed to any town office within 2 years after the date of such recall vote or such resignation.

Section 3-2: Board of Selectmen

- (a) Composition, Term of Office - There shall be a board of selectmen 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 is possible shall expire each year.
- (b) Powers and Duties - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall possess all of the executive powers that a board of selectmen may possess and exercise, except those powers and duties assigned by this charter, by-law or other town meeting vote to the town manager. The board of selectmen shall:
 1. serve as the chief policy making agency of the town;
 2. be responsible for the formulation and promulgation of policy to be followed by all town agencies serving under it;
 3. in conjunction with other elected town officers and multiple member bodies, develop and promulgate policy guidelines designed to bring all town agencies into harmony; and
 4. award and execute all contracts for services and supplies for all departments and agencies of the town, other than the school committee; provided, however, that the board of selectmen, at its sole discretion, may delegate this authority to any town officer or agency.

Other than in the case of an emergency, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency.

- (c) Licensing Authority - The board of selectmen shall be the licensing board of the town and may issue licenses, make reasonable rules and regulations regarding the issuance of licenses and attach such conditions and restrictions thereto as it deems to be in the public interest; provided, however, that such rules, regulations, conditions and

restrictions are not incompatible with applicable law. The board of selectmen shall enforce the laws relating to all businesses for which it issues licenses. The board of selectmen may delegate its licensing authority unless specifically prohibited by law.

- (d) Appointing Authority - The board of selectmen shall appoint the town manager, finance committee, town counsel, a zoning board of appeals, and a board of registrars. The board of selectmen shall also appoint, consistent with paragraph (d) of section 4-2, a police chief and a fire chief. The police chief shall serve under section 97A of chapter 41 of the General Laws. The fire chief shall serve under section 42 of chapter 48 of the General Laws. The board of selectmen shall also appoint a conservation commission, council on aging, housing partnership, local cultural council, and other committees as required by the General Laws. **[Amended by Ch. 50, Acts of 2010²]**
- (e) Investigations - The board of selectmen 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 board of selectmen, the office of the town clerk and in the town library and a report summarizing the results of the investigation shall be printed in the next annual town report.

Section 3-3: Regional School Committee

- (a) The Groton-Dunstable Regional School District provides public education, pre-K through high school, 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 terms of 3 years each, 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.
- (b) The Groton-Dunstable Regional School Committee shall have all of the powers and duties which are given to regional school committees under the constitution, laws and regulations of the commonwealth and 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

- (a) Term of Office - There shall be a town moderator elected for a term of 3 years.
- (b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, as provided in section 2-2, and shall regulate its proceedings and perform

² Editor's Note: This Act also provided that the incumbents holding the offices of highway surveyor, tree warden, and constable upon the effective date of this Act shall retain the offices and continue to serve until the expiration of their elected terms of office or their resignation, whichever occurs first, but those positions shall thereafter be filled by appointment.

other duties as may be provided by law, this charter, by-law or other town meeting vote.

- (c) Appointments - The town moderator shall make appointments provided for by law, this charter, or by-law.
- (d) Deputy Moderator - At the first session of the spring town meeting, the moderator shall, in accordance with section 2-2, appoint a voter to serve as deputy moderator. In the absence of the moderator and the duly ratified 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. In the absence of the moderator the deputy moderator and the town clerk, the presiding officer of the first session of a town meeting shall be determined as provided for by law.

Section 3-5: Groton Housing Authority

- (a) Composition, Term of Office - There shall be a Groton Housing Authority, which shall consist of 5 members, each serving for a term of 5 years. The terms shall be arranged in order that the term of 1 member shall expire each year. The voters shall elect 4 of these members and the fifth member shall be appointed as provided for by law.
- (b) 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 families of low income and for elderly persons of low income. The Groton Housing Authority shall have such other powers and duties as are assigned to housing authorities by law.

Section 3-6: Planning Board

- (a) Composition, Term of Office - There shall be a planning board consisting of 7 members, each elected for a term of 3 years. The terms shall be arranged in order that the terms of as nearly an equal number of members as possible shall expire each year.
- (b) Powers and Duties - The planning board shall have those powers and duties given to planning boards under the constitution and laws of the commonwealth and shall also have such additional powers and duties as may be authorized by this charter, by-law or other town meeting vote.

Section 3-7: Groton Electric Light Commission

- (a) Composition, Term of Office - There shall be a Groton Electric Light Commission, which shall consist of 3 members, each serving for a term of 3 years. The terms shall be arranged in order that the term of 1 member shall expire each year.
- (b) 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. If a provision of this charter shall conflict with said chapter 164, said chapter 164 shall govern.

Section 3-8: Trustees of the Groton Public Library

- (a) Composition, Term of Office - There shall be a board of trustees of the Groton public library, which shall consist of 6 members, each serving for a term of 3 years. The terms shall be arranged in order that the terms of 2 members shall expire each year.
- (b) Powers and Duties - The trustees of the Groton public library shall establish written policies governing library activities and services; engage in ongoing planning which 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 personnel board on job classifications for all staff; promote the library and act as library advocates in the community; study and support legislation which 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.
- (c) Appointments - The trustees of the Groton public library shall appoint the library director and such other appointments as provided for by law, this charter or by-law.

Section 3-9: Other Elected Officers

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 other town meeting vote.

ARTICLE 4: TOWN MANAGER

Section 4-1: Appointment, Qualifications and Review Procedure

- (a) Pursuant to section 8.5(e), the board of selectmen shall, by an affirmative vote of the majority of the full board, appoint or reappoint a town manager for a term not more than 3 years and fix the compensation of the town manager within the amount annually appropriated for this purpose. Whenever a vacancy shall occur in the office of town manager, the board of selectmen shall appoint a town manager search 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 his executive and administrative qualifications. He 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 his appointment. The town may, by by-law, establish additional qualifications for the town manager as deemed necessary or appropriate.
- (b) The position of town manager shall be a full-time position and the town manager shall devote his best efforts to the office and shall not hold any other public office, elective or appointive, nor engage in any business or occupation during his term unless the action is fully disclosed and approved by the board of selectmen in

advance, in writing.

- (c) The board of selectmen shall provide for an annual review of the job performance of the town manager, which 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 board of selectmen for the proper administration of all town affairs placed in his charge by this charter. The powers and duties of the town manager shall include, but shall not be limited to, the following:

- (a) To manage, supervise and be responsible for the efficient and coordinated administration of all town functions under his control, as may be authorized by this charter, by-law, other town meeting vote or the board of selectmen, including all appointed officers and their respective departments.
- (b) Unless otherwise required by law, this charter or by-law, to manage and coordinate the administrative activities of all town agencies. For this purpose, elected officials or their representatives shall be required to meet with the town manager at reasonable times for the purpose of effecting coordination and cooperation among all town agencies.
- (c) To appoint and remove 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. Appointments made by the town manager shall be confirmed by the board of selectmen within 15 days of the date the town manager files notice of the action with the board of selectmen. Failure by the board of selectmen to confirm an appointment within 15 days shall constitute rejection of the appointment. **[Amended by Ch. 50, Acts of 2010³]**
- (d) Whenever a vacancy occurs in the office of police chief, fire chief or highway surveyor, to select and present at least 2 qualified candidates to the board of selectmen for appointment by the board to the office, as provided for in section 3.2(d).
- (e) To act as a negotiator for all collective bargaining agreements to which the board of selectmen is a party.
- (f) To conduct annual performance evaluations of all employees subject to his or the board of selectmen's appointment and consult with elected and appointed boards to

³ Editor's Note: This Act also provided that the incumbents holding the offices of highway surveyor, tree warden, and constable upon the effective date of this Act shall retain the offices and continue to serve until the expiration of their elected terms of office or their resignation, whichever occurs first, but those positions shall thereafter be filled by appointment.

contribute to the preparation of the evaluations of department heads associated with such boards.

- (g) To fix the compensation of town officers and employees appointed by him within the limits established by law, the personnel by-laws, the town's wage and classification schedule or collective bargaining or other agreements.
- (h) To attend all regular and special meetings of the board of selectmen, unless excused at his request, and have a voice, but no vote, in all discussions.
- (i) To attend all sessions of the town meeting and answer all questions directed to him which are related to the office of the town manager or concerning which he possesses the relevant information.
- (j) To see that all laws, this charter, by-laws and other town meeting votes, and directives of the board of selectmen that require enforcement by him or officers or employees subject to his direction and supervision, are faithfully carried out.
- (k) To prepare and submit annual operating budgets and capital improvement programs as provided in article 6.
- (l) To coordinate the preparation of the town's annual report.
- (m) To perform such duties as necessary or as may be assigned by this charter, by-law, town meeting vote or the board of selectmen.

Section 4-3: Removal and Suspension

- (a) The board of selectmen may, by the affirmative vote of 4 members of the board of selectmen, terminate and remove or suspend the town manager from office in accordance with the following procedure:
 1. The board of selectmen shall adopt a preliminary resolution of removal, which shall state the reason or reasons for removal, by the affirmative vote of 4 members. The preliminary resolution may suspend the town manager for a period not to exceed 45 days. A copy of the resolution shall be delivered to the town manager within 48 hours of its adoption.
 2. Within 7 days after receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such a hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than 20 nor earlier than 3 days after the request is filed. The town manager may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen if the same is received at the office of the board of selectmen more than 48 hours before the public hearing.
 3. If the town manager has not requested a public hearing pursuant to paragraph 2

above, the board of selectmen, by the affirmative vote of 4 members of the board of selectmen, may adopt a final resolution of removal not less than 10 nor 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 2 above, the board of selectmen, by the affirmative vote of 4 members of the board of selectmen, may adopt a final resolution of removal at any time after the hearing but not more than 21 days after the close of the hearing, unless the parties agree to a longer period of time. Failure to adopt a final resolution of removal within the time periods provided in this section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of said time, resume the duties of the office.

4. Any action by the board of selectmen to terminate, remove or suspend shall be conducted pursuant to section 23B of chapter 39 of the General Laws.
- (b) The action of the board of selectmen in terminating, removing or suspending the town manager shall be final.

Section 4-4: Vacancy in the Office of the Town Manager

- (a) Permanent Vacancy - The board of selectmen shall fill any permanent vacancy in the office of the town manager as soon as possible in accordance with section 4-1(a) of this charter. Pending the appointment of a town manager or filling of any vacancy, the board of selectmen shall, within a reasonable period of time, not to exceed 14 days, appoint some other capable person to temporarily perform the duties of the town manager until a permanent replacement is appointed.
- (b) Temporary Absence or Disability - The town manager may designate by letter filed with the town clerk and board of selectmen a capable officer of the town to perform the duties of town manager during a temporary absence or disability lasting 7 days or more. If the town manager fails to make such a designation, or if the person so designated is unable to serve, the board of selectmen may designate some other capable person to perform the duties of town manager. If the absence or disability exceeds 30 days, any designation by the town manager shall be subject to approval by the board of selectmen. **[Amended by Ch. 50, Acts of 2010]**
- (c) Powers and Duties - The powers and duties of the acting town manager, under (a) and (b) above, shall be limited to matters not permitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment, but not to make permanent appointments or designations unless authorized by the board of selectmen.

Section 4-5: Screening Committee **[Amended by Ch. 50, Acts of 2010]**

Whenever a vacancy shall occur in the office of town manager, a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of town manager. The screening committee shall consist of 7 persons who shall be chosen as follows: the board of selectmen shall designate 3 members, the finance

committee shall designate 2 members, and the town moderator and the town clerk shall each designate 1 member. Persons chosen by these agencies may, but need not, be members of the agency by which they are designated.

Not more than 21 days following the notice of the vacancy or pending vacancy, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate a representative or representatives thereto.

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 such number of candidates as it deems to be necessary, desirable or expedient.

Not more than 90 days after the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than 3 nor more than 5 persons whom it believes to be best suited to perform the duties of the office of town manager. The board of selectmen shall, within 45 days following the date of receipt of the list of nominees choose one candidate from the list to fill the position of town manager or reject such nominees and direct that the committee resume the search.

Upon the appointment of a town manager, the committee established hereunder shall be considered 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 adoption of by-laws, appropriation of funds or adoption of rules and regulations by appropriate entities. Further, the town manager may, with the approval of the board of selectmen 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 town officers and 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

(a) There shall be a department of finance in the town, reporting to the town manager, including an appointed town accountant, an appointed treasurer/collector and an appointed principal 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 board of selectmen in accordance with section 4-2(c).

- (b) The department of finance shall assume all of the powers, duties and responsibilities related to municipal finance activities which, before to the adoption of this charter, were performed by or under the authority of the town accountant, the tax collector, the town treasurer and the principal assessor and to the coordination of those activities with the activities of all other town agencies. The department of finance shall have additional powers, duties and responsibilities with respect to municipal finance related functions and activities, as the town may provide by by-law.
- (c) 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, comprising a full accounting of all town administrative and financial operations, to the board of selectmen, not less often than once per calendar quarter. The quarterly reports shall be rendered within 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 board of selectmen at their request.
- (d) ~~The department of finance shall prepare, maintain and present to the board of selectmen and town meeting a 5 year financial plan for the town.~~ The Department of Finance shall collaborate with the Finance Committee to prepare, maintain, and present to the Board of Selectmen and Town Meeting a five-year financial plan for the town.
- (e) Town Accountant - The town accountant shall be appointed by the town manager for a term not to exceed 3 years. The town accountant shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- (f) Treasurer/Collector - The treasurer/collector shall be appointed by the town manager for a term not to exceed 3 years. The treasurer/collector shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- (g) Principal Assessor - The principal assessor shall be appointed by the town manager for a term not to exceed 3 years. The principal assessor shall have all the powers and duties vested in this office by law, this charter, by-law or other town meeting vote.

Section 5-4: Department of Public Works [Added by Ch. 50, Acts of 2010]

5-4-1 There shall be a department of public works in the town under a director. The director shall be appointed by the town manager subject to confirmation by the

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board of selectmen in accordance with paragraph (c) of section 4-2. The director shall also 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:

- (a) the construction, maintenance, repair, and cleaning of public town roads, sidewalks, street lights, storm drains, bridges, dikes, and other public way related structures;
- (b) the maintenance, repair, and cleaning of all buildings owned or leased by the town except those of the regional school district;
- (c) the maintenance of the old cemetery, parks, parking areas, recreational and beach facilities, except those of the regional school district;
- (d) snow removal, including the salting and sanding of roads, except those of the regional school district;
- (e) supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of same;
- (f) the supervision, care and replacement of trees;
- (g) providing for, or causing to be provided for, the maintenance and repair of certain town-owned vehicles;
- (h) implementing the policies developed by the Groton water commission and the Groton sewer commission, performing functions required by the rules and regulations of the Groton municipal water and sewer systems, routine operation and maintenance and other functions related to the municipal water and sewer systems of the town; and
- (i) such other functions as may be prescribed by the town manager.

5-4-3 Powers and Duties. The department 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, by-law or vote of town meeting.

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 6-1.5 (Will be renumbered Section 6-2 and all following section 6 components increased by 1) The Board of Selectmen and the Finance Committee shall review and update the town's overall financial management policy annually, seeking input from the Town Manager, Department of Finance and other advisors.

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Section 6-2: Submission of Budget and Budget Message

~~Within the time fixed by by-law, but not later than December 31 of the year immediately preceding the year in which the next spring town meeting is to convene, the town manager, after consultation with the board of selectmen, shall submit to the finance committee a proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town manager shall simultaneously provide for the publication of a general summary of the proposed budget in a local newspaper and the town's website. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which the complete copies of the proposed operating budget are available for examination by the public.~~

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The Board of Selectmen, the Town Manager, the Department of Finance and the Finance Committee shall meet each year prior to October 31st to determine the budgetary goals for the subsequent fiscal year. The Town Manager, after such meeting(s), shall submit to the Finance Committee and the Board of Selectmen a proposed balanced operating budget, with an accompanying budget message, summary and supporting documents, which follows the agreed upon budget goals not later than December 31st of each year for the next fiscal year. 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 have the summary of the operating budget published in a local newspaper and placed on the Town's web site contemporaneously with the submission to the Finance Committee. This publication shall indicate the times and places at which copies of the proposed budget with the accompanying documentation are available for examination by the public.

Section 6-3: Budget Message

The budget message of the town manager shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include other material as the town manager deems desirable or the board of selectmen may reasonably require.

Section 6-4: The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. ~~Except as may otherwise be required by the General Laws, this charter or by law, it shall be in the form which the town manager deems desirable or the board of selectmen may require. Except as may otherwise be required by General Laws, it shall be in the form which the Town Manager, the~~

Board of Selectmen and the Finance deem desirable. In the presentation of the budget, the town manager shall utilize modern concepts of fiscal presentation so as to furnish information in a complete, clear and concise manner and in accordance with best practices of financial reporting and control. The 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 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 the following:

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

Section 6-5: Action on the Budget

The finance committee shall, upon receipt of the 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 its review and consideration. The finance committee may require the town manager, or any town agency, to furnish it with additional information as it may deem necessary to assist it in its review and consideration of the proposed budget. The finance committee shall file with the town clerk, at least 14 days before to the first session of spring town meeting, a report containing its proposed budget and its comments or recommendations regarding differences between its proposed budget and the budget submitted by the town manager. The report shall also be made available to voters of the town by publication on the town's website and by leaving copies of the report at least 3 public places in the town at least 14 days before the first session of spring town meeting. Additionally, copies of the report shall be made available to voters at the first session of spring town meeting. The failure to timely file the budget report with the town clerk 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 nor shall it affect the validity of any vote taken thereon at town meeting.

The finance committee's proposed annual town budget shall be presented to the town meeting by motions made by the finance committee, which shall also present its comments and recommendations with respect to the budget. The town manager or the board of selectmen, or both, shall also present their comments and recommendations, if any, at the town meeting with respect to the budget. The budget shall be voted upon in accordance with the by-laws.

Section 6-6: Capital Improvement Plan

~~The town manager shall submit a capital improvement plan to the board of selectmen and the finance committee at least 6 months before the start of the fiscal year. [The Town Manager shall submit a capital improvement plan to the Board of Selectmen and the~~

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Finance Committee prior to December 31st of each year. The plan shall include:

- (a) a clear, concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised 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 board of selectmen shall provide for an independent audit of all financial books and records of the town, annually and whenever it deems an audit of the whole town or of any particular town agency to be necessary. Audits of the town's financial books and records shall be conducted by a certified public accountant, or a firm of such accountants, having no direct or indirect interest in the affairs of the town.

Section 6-7: Place holder for membership

Section 6-8: Roles and Responsibilities

- (a) Serve as the advisors to Town Meeting, The Board of Selectmen, 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.
- (b) Together with the Board of Selectmen, the Town Manager, and the Department of Finance, develop a budget strategy and set financial goals for each fiscal year.
- (c) Present the Finance Committee's annual budget at the Spring Town Meeting in accordance with the process described in Article 6.
- (d) Consult with the Board of Selectmen, the Town Manager and the Department of Finance prior to collective bargaining to develop a strategy aligning with the town's with the town's long-term budgetary strategy and goals.
- (e) Review the preliminary results of collective bargaining to ensure alignment with long-term budgetary strategy and goals.

ARTICLE 7: GENERAL PROVISIONS

Commented [JG4]: Change Type: Modification. See Change History Tag: #20151230-A

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Commented [JG5]: Change Type: Added. See Change Tag #20151226-A

Commented [JG6]: Change Type Added. See Change Tag #20151226-B

Section 7-1: Charter Changes

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

Section 7-2: Severability

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

Section 7-3: Specific Provisions to Prevail

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions 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 gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

Section 7-5: Rules and Regulations

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk and any such 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 who requests such information pursuant to the public records law.

Section 7-6: Periodic Charter Review

At least once in every 10-year period after the effective date of this charter, a special committee consisting of 7 members shall, by an affirmative vote of the majority of the full board of selectmen, be established for the purpose of reviewing this charter and reporting its recommendations to the spring town meeting concerning any proposed amendments which the committee may determine to be necessary or desirable. The committee shall consist of 7 members who shall be appointed as follows: the board of selectmen shall designate 3 persons; the finance committee shall designate 2 persons; and the Groton-Dunstable regional school committee and the moderator shall each designate 1 person. Persons appointed may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith after the final adjournment of the spring town meeting. The committee shall hold a public hearing within 30 days after the date on which it meets to organize and at least 1 additional public hearing before filing its final report.

Section 7-7: Removals

(a) Notwithstanding the provisions of any general or special law to the contrary, any

appointed officer, 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.

- (b) The appointing authority, when removing any such officer, appointed member of a multiple member body or employee of the town, shall act in accordance with the town's personnel by-laws or rules and regulations.

Section 7-8: Loss of Office, Excessive Absence

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 exhibits excessive absences from the properly scheduled meetings of the multiple member body.

Section 7-9: Notice of Vacancies

Whenever a vacancy occurs in any 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 such vacancy to be posted on the town bulletin board for at least 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. No permanent appointment to fill such office, position, or position of employment shall 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 any collective bargaining or other agreement.

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 reappointed, reelected or until 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

Any person holding a town office or a position in the administrative service of the town, or any person holding full-time employment under the town, shall retain his office, position or employment, and shall continue to perform the duties of his 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, no person in the permanent full-time service of the town shall forfeit his 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 be deemed to provide any person holding an administrative office or position or person serving in the employment of the town on the effective date of this charter with any greater rights or privileges with regard to his continued service or employment with the

town than he had before the effective date of this charter. This provision shall not impair any individual employment contract or collective bargaining agreement.

Section 8-3: Transfer of Records and Property

All records, property and equipment of any 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 forthwith to the office, department or agency to which such powers and duties are assigned.

This document is maintained and edited by John Giger. Please report any suspected discrepancies to john.giger@cybergiger.com. When reporting discrepancies, please be as thorough as possible in identifying where in the document the suspected discrepancy exists.

Exhibit C to Charter Review Committee 01-06-16 Meeting Minutes

	A	B	C	D	E	F	
1	DRAFT	Town of Groton Fees, Fee Waivers and Appeals					
2		CAUTION: Thought to be complete for all Town "building" related fees; not exhaustive for all Town fees.					
3		Subject to Revision	Created by John Giger		File ID: ToG Fees and Waivers jrg1c.xlsx		
4	Categories/Entities	Board of Health	Board of Health	Planning Board	Planning Board	Building Commissioner	
5							
6	Fee Type	Admin/Permit	Project Review	Admin/Permit	Project Review	Admin/Permit	
7							
8	Fee Goes To	Town's Current Operating Budget (see note K)	MGL Allowed 593 Account	Town's Current Operating Budget	MGL Allowed 593 Account	Town's Current Operating Budget	
9							
10	Authority for Establishing Fee	CoG C. 278-2	MGL C. 44 § 53G and CoG C. 278-7	CoG C. 381-28	MGL C. 44 § 53G and CoG C 381-28	2009 International Residential Code, Section R108, R108, Fees and Town Manager	
11							
12	Exemptions and Authority	Yes, BoH <u>may</u> waiver admin fees for other Town Departments, CoG C. 2787-5. Waiver approval requires a motion approved by a majority of BoH in a meeting open to the public.	Yes, Initial Deposit Only, CoG 278-10 § B	Yes, GPB waives admin fees, by right, for other Town Departments, CoG C. 381-28 § C(3)	Yes, Initial Deposit Only, CoG C 381-30 § D(2)	Yes, fee waived for all Town departments as well as contractors and tradesmen doing work for the Town. (<i>Assumed eith not documented or not properly documents.</i>)	

DRAFT

For Discussion Only

	A	B	C	D	E	F
4	Categories/Entities	Board of Health	Board of Health	Planning Board	Planning Board	Building Commissioner
5						
13						
14	Fees Waiverable and Authority (Level 1)	Yes, by BoH, CoG C. 278-5	No, not applicable	Yes, by GPB, CoG, 381-28 § D	No, not applicable	Yes, Town Manager (see note H)
15						
16	Does waiver have to be approved in a meeting open to the public?	Yes, Waiver approval requires a motion approved by a majority of BoH in a meeting open to the public.	No, not applicable	Presumably yes, but requirement not documented (see note L)	No, not applicable	No
17						
18	Fees Waiverable and Authority (Level 2)	Undetermined	No, not applicable	Unknown (tentative)	No, not applicable	Yes, Board of Selectmen (Assumed but not documented, see note G)
19						
20	Appeal Available (Level 1)	No	Yes, BoH, Choice of Consultant Only, CoG C. 278-8 § A	No	Yes, BoS, Choice of Consultant Only, CoG C. 381-30 § B(1)	No
21						

DRAFT

For Discussion Only

	A	B	C	D	E	F
4	Categories/Entities	Board of Health	Board of Health	Planning Board	Planning Board	Building Commissioner
5						
22	Appeal Available (Level 2)	No	Yes, BoS, CoG C. 278-8 § B	No	No	No

DRAFT

For Discussion Only

	A	G	H	I	J	K
1	DRAFT					
2						
3		Subject to Revision				
4	Categories/Entities	Conservation Commission	Conservation Commission	Zoning Board of Appeals	Zoning Board of Appeals	Earth Removal Storm Water Advisory Committee
5						
6	Fee Type	Admin/Permit	Project Review	Admin/Permit	Project Review	Admin/Permit
7						
8	Fee Goes To	Town's Current Operating Budget	MGL Allowed 593 Account	Town's Current Operating Budget	MGL Allowed 593 Account	Town's Current Operating Budget
9						
10	Authority for Establishing Fee	CoG 344-15 § F and particularly CoG 344-15 § F(1)(h)	CoG 344-1	CoG C. 338-14 and CoG 381-28 § B(9)	CoG C 338-29	CoG C 352-3 § B ?? (see note J)
11						
12	Exemptions and Authority	Yes, fee waived for all Town departments. (Assumed but not documented.)	No Noted	Yes, fee waived for all Town departments. (Assumed but not documented.)	None noted	Yes, fee waived for all Town departments. (Assumed but not documented.)

DRAFT

For Discussion Only

	A	G	H	I	J	K
4	Categories/Entities	Conservation Commission	Conservation Commission	Zoning Board of Appeals	Zoning Board of Appeals	Earth Removal Storm Water Advisory Committee
5						
13						
14	Fees Waiverable and Authority (Level 1)	Yes, by ConCom (see note H)	No, Not applicable	Yes, by ZBA (see note H)	No, not applicable	Yes, by Earth Removal Stormwater Advisory Commitatee (see note H)
15						
16	Does waiver have to be approved in a meeting open to the public?	Presumably yes, but requirement not documented.	No, Not applicable	Presumably yes, but requirement not documented.	No, Not applicable	Presumably yes, but requirement not documented.
17						
18	Fees Waiverable and Authority (Level 2)	Undetermined	No, Not applicable	Undetermined	No, not applicable	Undetermined
19						
20	Appeal Available (Level 1)	No	Yes, BoS, Choice of Consultant Only, CoG C 344-5	No	Yes, BoS, Choice of Consultant Only, CoG C 338-30	Undetermined
21						

DRAFT

For Discussion Only

	A	G	H	I	J	K
4	Categories/Entities	Conservation Commission	Conservation Commission	Zoning Board of Appeals	Zoning Board of Appeals	Earth Removal Storm Water Advisory Committee
5						
22	Appeal Available (Level 2)	No	No	No	Yes, CoG C 338-39, in the case of a 40B application denial to the Housing Appeals Committee as provided in MGL C 40B § 22	Undetermined

DRAFT

For Discussion Only

	A	L	M	N	O	P
1	DRAFT					
2						
3		Subject to Revision				
4	Categories/Entities	Earth Removal & Storm Water Committee	Historic Districts Commission	Department of Public Works Roads & Ways & Transfer Station	Department of Public Works Roads & Ways & Transfer Station (see Note I)	Signs
5						
6	Fee Type	Project Review	Admin/Permit	Admin/Fee	Transfer Station	Admin/Fee
7						
8	Fee Goes To	Town Maintained Revolving Account	Town's Current Operating Budget	Town's Current Operating Budget	Town Maintained Revolving Account	Town's Current Operating Budget
9						
10	Authority for Establishing Fee	CoG C 352-3 § A	MGL C 40 § 22F and Town Charter, Section 4-2, Town Manager	MGL C 40 § 22F and Town Charter, Section 4-2, Town Manager	MGL C 40 § 22F and Town Charter, Section 4-2, Town Manager	CoG C 196-2 § C as amended by Article 15 at the Fall 2015 Town Meeting) Town Manager
11						
12	Exemptions and Authority	No applicable	Yes, fee waived for all Town departments. (Assumed but not documented.)	Yes, fee waived for all Town departments. (Assumed but not documented.)	Not applicable	Yes, fee waived for all Town departments. (Assumed but not documented.)

DRAFT

For Discussion Only

	A	L	M	N	O	P
4	Categories/Entities	Earth Removal & Storm Water Committee	Historic Districts Commission	Department of Public Works Roads & Ways & Transfer Station	Department of Public Works Roads & Ways & Transfer Station (see Note I)	Signs
5						
13						
14	Fees Waiverable and Authority (Level 1)	Not applicable	Yes, Town Manager (see note H)	Yes, Town Manager (see note H)	Not applicable	Yes, <i>Selectmen (Assumed but not documented)</i>
15						
16	Does waiver have to be approved in a meeting open to the public?	Not applicable	No	Apparently not.	No applicable	No
17						
18	Fees Waiverable and Authority (Level 2)	Undetermined	Yes, Board of Selectmen. <i>(Assumed but not documented, see note G)</i>	Yes, Board of Selectmen. <i>(Assumed but not documented, see note G)</i>	Undetermined	Undetermined
19						
20	Appeal Available (Level 1)	Undetermined	Undetermined	Undetermined	Undetermined	Undetermined
21						

DRAFT

For Discussion Only

	A	L	M	N	O	P
4	Categories/Entities	Earth Removal & Storm Water Committee	Historic Districts Commission	Department of Public Works Roads & Ways & Transfer Station	Department of Public Works Roads & Ways & Transfer Station (see Note I)	Signs
5						
22	Appeal Available (Level 2)	Undetermined	Undetermined	Undetermined	Undetermined	Undetermined

DRAFT

For Discussion Only

	A	Q	R	S	T	U
1	DRAFT					
2						
3		Subject to Revision				
4	Categories/Entities	Town Clerks Office	Fire Department (see Note I)	Fire Department (see Note I)	Police Department (see Note I)	Unknown Number of Other Town Entities Collecting Fees
5						➡➡➡➡➡➡
6	Fee Type	Administrative	Admin/Fees	Ambulance Svcs	Admin/Fees	
7						
8	Fee Goes To	Town's Current Operating Budget	Town's Current Operating Budget	Town Receipt Reserve Account	Town's Current Operating Budget	
9						
10	Authority for Establishing Fee	MGL C,262 § 34, CoG C. 139 and Town Clerk				
11						
12	Exemptions and Authority	None				

DRAFT

For Discussion Only

	A	Q	R	S	T	U
4	Categories/Entities	Town Clerks Office	Fire Department (see Note I)	Fire Department (see Note I)	Police Department (see Note I)	Unknown Number of Other Town Entities Collecting Fees
5						➡➡➡➡➡➡
13						
14	Fees Waiverable and Authority (Level 1)	Yes, Town Clerk				
15						
16	Does waiver have to be approved in a meeting open to the public?	Apparently not.				
17						
18	Fees Waiverable and Authority (Level 2)	Yes, Board of Selectmen. (Assumed but not documented)				
19						
20	Appeal Available (Level 1)	Undetermined				
21						

DRAFT

For Discussion Only

	A	Q	R	S	T	U
4	Categories/Entities	Town Clerks Office	Fire Department (see Note I)	Fire Department (see Note I)	Police Department (see Note I)	Unknown Number of Other Town Entities Collecting Fees
5						➡➡➡➡➡➡➡
22	Appeal Available (Level 2)	Undetermined				

DRAFT

For Discussion Only

Exhibit D to Charter Review Committee
01-06-16 Meeting Minutes

Note: On 01-06-16 the Charter Review Committee reviewed this message and neither agreed with nor disagreed with the content. jrg/01-06-16.

From: judy schuster <judyjschuster@gmail.com>
Sent: Wednesday, January 6, 2016 11:28
To: towncharterreviewcommittee@townofgroton.org; Marlena Gilbert; jkubick@gdrsd.org; Alison Manugian; jmckenzie@gdrsd.org; jsjoberg@gdrsd.org; Leslie Lathrop; pcronin@gdrsd.org; sjcronin@gdrsd.org
Subject: Dec 9 Charter Review Minutes - School questions

Hi Mike – I was reviewing the "draft" Dec 9 minutes with regard to the school submissions. I am concerned the minutes do not accurately reflect the exchange of views between the submission(s) owner and Charter Review Comm. Please see my comments **below**>>.

Charter RC Minutes – Dec 9, 2015 rev 20151216 Page 2 of 10 Submission # 127 states the Charter should include some details pertaining to the Regional Agreement between the two towns, in particular the frequency and manner of review. Submission # 128 refers to "sustainability" of the schools and mentions the lower rate of spending in recent years and in comparison to other towns, to which ours should be compared. Submission # 129 proposes the Charter identify and include the principal function, powers and duties of the regional school committee.

Ms. Schuster mentioned the town of Acton has incorporated a sentence in its charter mentioning that the town and regional school system (Acton Boxborough) should work together. Mr. Giger questioned which school committee was actually mentioned, town or regional, since the town only in the last 18 months completed a full regionalization of its schools.

>>Ms. Schuster read verbiage from Town of Acton Charter at meeting and should be included in minutes (see below). Ms. Schuster stated Acton Town Charter was reviewed in 2014. It was later clarified that the town had already added the elementary schools to the regional system prior to the Charter review.

Taken from the Town of Acton, MA Charter: SECTION 7 - 8 School and Town Administration

The town administration and school administration shall communicate and cooperate to the greatest degree possible in all areas where joint activity will produce economy and efficiency. – Charter Revised April 2014.

Mr. McCoy: The town has aspirations, but they are not mentioned in the Charter. Rather the Charter focuses on roles and responsibilities instead. Ms. Schuster responded the schools are not mentioned in the Charter in any positive fashion. Mr. McCoy continued, the current Charter is normative in nature – it describes the powers and nature of departments in the Town; it does not refer to hopes and dreams. Ms. Schuster mentioned they would just like to see wording referring to the town and school department working together. Mr. Robertson: That is already happening today. The Town and district work together. Why is this being questioned? For the last four years school spending has been significantly ahead of other Town spending.

>>Ms. Schuster quoted Attorney Lauren Goldberg, the Towns legal advisor, who provided guidance to the Review Comm in July 2015 that the Town Charter is a guide to the kind of government to which the Town would like to create. Attorney Goldberg advised to design the charter to fit the community. This is the goal of the school submissions.

>>Ms. Schuster agreed recently the town/schools have started working closer together. The Charter is an opportunity to formalize relationship between school and town.

Mr. Giger: The Charter does not govern the schools. The state has a regional school district contract, separately from the towns, with the schools. The Charter cannot legally govern the school district in any way. Mr. Schulman asked if the regional school agreement was required to periodically review their agreement with the state, and if so, how often? Action Item #1: Mr. Giger will get an answer to that question.

>>Ms. Schuster agreed – governing the schools is not the intent of the submissions and stated that even the Charter Review Comm and other depts. are also governed by the state and attorney general.

Visitor Ms. Sartini commented there are a number of unions in the town – are there opportunities for efficiency improvements if they worked together, or at least cooperatively? Ms. Schuster answered this goes beyond the scope of what they are trying to accomplish at this time.

>>Ms. Schuster explained there may be opportunities for economies of scale between town and schools but if it is not written in charter – it will not happen.

Ms. Allen said she had met with the school superintendent and the school committee just prior to this meeting. Neither party has indicated a burning desire to put anything in the Charter at this time. Ms. Allen added, however, it might be nice to put something in the Charter acknowledging the importance of the schools, but nothing more specific.

>>Ms. Allen stated there were limited SC members at this meeting.

>>Mr. Shulman stated he is not adverse to adding verbiage on the schools in the Charter.

Kindest regards,

Judy Schuster