

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

Meeting Minutes - September 21, 2016
At Town Hall

All Present: Jane Allen, Robert Collins, John Giger (Secretary), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair), Stuart Schulman

Recorder: Stephen Legge

Visitor: Judy Anderson

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

Approval of Meeting Minutes:

The draft meeting minutes of September 14, 2016 were considered. Mr. Manugian asked about the order of the appendices mentioned on Page 4. The order listed in the minutes was correct.

Mr. Schulman moved to accept the minutes of September 14th. Mr. Robertson seconded. The minutes were approved 6 – 0 with Mr. Collins abstaining due to absence from the meeting.

Administrative Issues:

Mr. Manugian announced the Committee had reached a major milestone - there were no more submissions to be discussed in this meeting. All 216 submissions had been decided by the Committee.

Mr. Manugian asked if there were any further (new) reconsiderations requested by the Committee. None were requested.

Discussion of the Draft Revised Charter – Mr. McCoy’s Questions:

Mr. Giger had completed his new draft (Version 0.6, Release Date 9/21/2016; 34 pages), with the assistance of Mr. McCoy, for the Committee’s review at this meeting. This version reflected all changes resulting from decisions of the Committee to date.

Chairman Manugian congratulated Mr. Giger for the tremendous amount of detailed work he has done as Clerk of the Committee, and for consistently meeting his deadlines for committee reviews.

Mr. McCoy passed out a list of substantive questions, raised on September 19th, needing decision by the Committee (one page). These were discussed as follows.

References to the Town Manager search committee in Section 4-5 should be changed to “Town Manager Screening Committee”.

The title of Section 6-9, “Transparency of Financial Holdings” was discussed briefly. **Mr. Schulman moved to leave it as it was.** Mr. McCoy seconded. By unanimous vote it was decided to leave the title as it was.

It was decided to delete the language in the second paragraph of Section 6-7, from Line 1044 to 1052, as it is presently marked.

In Section 7-6, Line 1113, Mr. Manugian moved to replace the words “Special Committee” with “Charter Review Committee”. Mr. Collins seconded. The motion was approved unanimously.

There were also a few questions about terms being capitalized.

Mr. McCoy moved to capitalize “Charter” when it referred to the Groton Charter. Mr. Collins seconded. The motion was approved unanimously.

Mr. Manugian moved to capitalize the words “Article” and “Section” when they referred to a specific portion of the Charter. Mr. Collins seconded. The motion was approved unanimously.

Mr. Manugian moved to capitalize the words “Special” and “Annual” when they referred to specific town meetings. Ms. Allen seconded. The motion was approved unanimously.

Mr. Manugian moved to capitalize the words “Groton Public Library” when they appeared in the Charter. Mr. Collins seconded. The motion was approved unanimously.

Discussion of the Draft Revised Charter – New Numbering System:

Mr. Giger passed out a seven-page draft model of the Charter’s new numbering system, approved at an earlier meeting, proposed fonts and a heading structure for articles and sections.

It was agreed to have fonts as proposed. It was agreed to have indents as proposed with one exception. All indents except for the Article headings should be moved one indent to the right. This would have the effect of providing more space in the document for content and reduce numbers of pages.

Ms. Allen noted that some subsections had titles and some did not. The Committee agreed that this was appropriate, depending on the subsection.

Others noted that Mr. Giger’s model contained some compressed lines (less spacing between lines). Compare Section 2.1 and 2.2.1. This will be corrected in the final version.

Mr. McCoy asked if we need the “.0” in an article number.

Mr. Manugian moved to remove the “.0” in Article numbers. Mr. McCoy seconded. The motion was approved unanimously.

Mr. Schulman suggested replacing two different fonts (Arial and Times New Roman) with one of them. The Committee agreed to leave the two fonts as proposed by Mr. Giger.

The Committee unanimously agreed to accept all of Mr. Giger's changes, except as specifically amended above.

Discussion of the Draft Revised Charter, Version 0.6 – Page by Page:

Cover Page:

It was agreed to add "Groton" in front of the title, "Town Charter".

"Chairmen" should be "Chair".

"Vice Chairman" should be "Vice-Chair".

"Collings" should be "Collins".

There was some discussion about whether or not the Committee members' names should be on the title page. The Committee agreed to leave the names as presented in the draft.

Table of Contents, Page ii:

Section 3-10: Personnel Board should be deleted because it is duplicated elsewhere in the Charter. Section 3-11 becomes 3-10.

Section 5-5: Department of Information Technology should be added.

Section 6-8, Roles and Responsibilities (of the Finance Committee) should be changed to 6-1.3.

Font size for the TOC is 10. The Committee agreed to make it 12 point for better readability.

General Comments:

Mr. Manugian suggested no font in the revised Charter should be no less than 12 point for readability.

Mr. McCoy suggested all remaining footnotes (most will be taken out of the final version) should be moved to the end of the Charter in a "Notes" section. The Committee agreed.

Mr. McCoy asked if line numbers on blank lines between paragraphs could be eliminated. They will be in the final draft.

Page 2, Line 134: Make the section title "Definitions" and begin text on the next line.

Line 137: add a comma after "Charter" and delete the comma after "to it".

Page 3: definitions of "Department Head" and "Elected Officer" are needed.

Action Item #1: Mr. Collins will develop language for new definitions needed in Section 1-9.

Page 4, Line 210: replace "ass" with "as".

Page 5, Line 243: ok as changed.

Line 244: delete "; or" and replace "; and" with "; or".

Lines 242-45: Mr. Schulman suggested Section 2-6(a) would be easier to read as a bulleted list. The Committee agreed.

Page 6, Line 278: “o” should be “or”.

Pages 7 - 9: revisions are ok.

Page 10, Line 410: “Selectman” should be “Selectmen”.

Page 11: no revisions.

Page 12, Lines 470-78: Mr. McCoy moved to create a new Section 3-2(f), titled “Day to Day Business” for this language. Mr. Collins seconded. The motion was approved unanimously.

Pages 14-20: revisions are ok.

Page 21, Line 766: replace “contain” with “include”; add “of the” after “member”.
Line 767: replace “Selection” with “Selectmen”.

Page 22: revisions are ok.

Page 23, Line 830: add “The Town Manager and” at the beginning of the sentence.

Page 24, Line 853: ok as revised.
Line 848: replace “Words” with “Works”.

Page 25: Mr. Schulman expressed concern about the location of the Personnel Board in Section 5-6.

Action Item #2: Mr. Schulman will look in the Charter for a better place to put the Personnel Board. It is presently in Section 5-6.

Page 26: add under “Roles and Responsibilities” Paragraph (f) “Perform any other duties as may be required by law.” This was done to make it clear that the listing of specific responsibilities in this section of the Charter was not intend to exclude any other responsibilities granted to the Finance Committee by statute.

Page 27: revisions are ok.

Pages 28 -29, Lines 997-1004: there is a gap in the text. This will be removed in the final draft.

Page 30, Lines 1044-52: paragraph to be deleted – it is a repeat of Section 6-9.
Lines 1054-68: delete; paragraphs are repeats of roles and responsibilities on Page 26.

Page 31: revisions are ok.

Page 32, Line 1120: replace “1” with “one”; replace “contain” with “include”.
Line 1122: capitalize “regional”.
Line 1126: replace “1” with “one”.

Pages 33-34: revisions are ok.

This completes the review of Mr. Giger's draft Revised Charter, Revision 0.6.

Action Item #3: Mr. Giger will incorporate all recommended edits into a new draft revised Charter next week.

Mr. Giger agreed to create a version using the new numbering scheme for the following week.

Other Administrative Issues:

Chairman Manugian commended Mr. Robertson for his careful word-for word review of the draft revised Charter.

Mr. Manugian told the Committee he had spoken to the Town Moderator about making a presentation of the status of the Charter Review process on behalf of the Committee at the Fall Town meeting. The Moderator said there would be a three-minute slot for this presentation and it must be submitted in writing by Wednesday, October 12th. Mr. Manugian said we would discuss this in detail at next week's meeting.

Ms. Allen said she would be unable to attend the meeting next week.

The meeting was adjourned with unanimous consent at 9:18 PM.

**** The next meeting is scheduled for Wednesday, September 28th, at 7:00 PM. ****

Exhibits:

- A. Sample style guide for fonts, type color, and headings for Town of Groton Charter 2017, prepared by John Giger on 09-21-16.
- B. Release 0.6 of the Draft Proposed 2017 Town Charter, published on 09-21-16.
- C. Recommendations and Questions for the Committee from Michael McCoy, dated 09-19-16, from his review of 2017 Working Draft Charter, MMc Review Release, dated 09-16-16.

2017 WORKING DRAFT CHARTER

ARTICLE 1.0: 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

DRAFT - FOR DISCUSSION ONLY

effect until amended or rescinded by due course of law or until they expire by their own limitation.

Section 1.8: Ethical Standards and Conduct

Elected 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 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:

1.9.1: “Charter,” this charter and any amendments to it, which may hereafter be adopted.

1.9.2: “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.

1.9.3: “Emergency,” a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

1.9.4: “Local newspaper,” a newspaper of general circulation in the Town of Groton.

1.9.5: “Majority vote,” a majority of those present and voting, provided that a quorum is present when the vote is taken.

1.9.6: “Multiple member body,” any town body, consisting of at least 2 persons, whether called a board, commission, committee, sub-committee or otherwise and however elected, appointed or otherwise constituted.

1.9.7: “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.

DRAFT - FOR DISCUSSION ONLY

1.9.8: “Town,” the Town of Groton.

1.9.9: “Town agency,” any board, commission, committee, department, or office of the town government.

1.9.10: “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.

1.9.11: “Town Meeting,” the open Town Meeting established in article 2, whether Annual or Special.

1.9.12: “Voters,” registered voters of the town.

1.9.13: “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 2.0: 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

2.2.1: The Moderator, elected as provided in section 3-4, shall preside at all sessions of Annual and Special Town Meetings. 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.

DRAFT - FOR DISCUSSION ONLY

97 **2.2.2:** The Moderator shall, at the first session of the Spring Town Meeting,
98 appoint a Deputy Moderator, subject to ratification by the Town Meeting, to serve at
99 any session of an Annual or Special Town Meeting in the event of the Moderator's
100 absence or disability. The Deputy Moderator may also temporarily serve when the
101 Moderator has a conflict or the appearance of conflict arises, as determined by the
102 Moderator, with regard to a particular article or matter under consideration.

103 **2.2.3:** In the absence of the Moderator and the duly ratified Deputy Moderator
104 at any session of a Town Meeting, the Town clerk shall open the meeting and
105 preside over the election of an acting Moderator. In the absence of the Moderator,
106 the Deputy Moderator, and the Town clerk, the presiding officer of the first session of
107 a town meeting shall be determined as provided for by law.

Section 2.3: The Town Report

109 The Board of Selectmen shall publish an annual town report and make it available at least
110 14 days before the Spring Town Meeting; provided, however, that failure to comply with
111 this section shall not prevent Town Meeting from proceeding.

Section 2.4: Special Town Meetings

113 Special Town Meetings shall be held at the call of a majority of the full Board of
114 Selectmen in order to transact the legislative business of the town in an orderly
115 manner. Special Town Meetings shall also be held on the petition of the lesser of at least
116 200 voters or 20 per cent of the total number of voters.

Section 2.5: Warrants

118 Every Town Meeting shall be called by a warrant issued by the Board of Selectmen,
119 which shall state the time and place at which the meeting is to convene and, by separate
120 articles, identify the subject matters to be acted upon. The publication of the warrant
121 for every Town Meeting shall be in accordance with the General Laws and by-laws
122 governing such matters.

Section 2.6: Initiation of Warrant Articles

124 **2.6.1:** Initiation - Subject to paragraph (c), the Board of Selectmen shall receive
125 petitions addressed to it which request the submission of any matter to the Town
126 Meeting and which are filed by: (1) any department head; (2) any multiple
127 member body acting by a majority of its members then in office; or (3) any 10
128 voters for a session of the Spring or Fall Town Meeting and (4) any 100 voters for a
129 special Town Meeting.

130 **2.6.2:** Inclusion on the Warrant - Spring and Fall Town Meeting - Whenever a Spring
131 or Fall Town Meeting is to be called, notice shall be given by posting attested
132 copies of the warrant in at least 2 public places in the town and by publishing notice

DRAFT - FOR DISCUSSION ONLY

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.

2.6.3: 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

2.7.1: Every chairperson of each multiple member body, and head of each department shall attend all sessions of Town Meetings.

In the event any chairperson of a multiple member body, or department head shall be absent from a Town Meeting due to illness or other reasonable cause, that person shall designate a deputy to attend the meeting and represent multiple member body, department or. 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.

2.7.2: No meeting of any multiple member body or town agency shall be convened or be in session during a session of any Town Meeting except as part of a 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

DRAFT - FOR DISCUSSION ONLY

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 include 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.

COMMITTEE CHOICES

Type Font:

- Articles: **ARIAL, BOLD, 12 POINT, ALL UPPER CASE**
- First Sub-heading: **Arial, Bold, 12 Point, upper and lower case**
- Second Sub-heading: **Time New Roman, 12 point, bold**
- Third Sub-heading: Times New Roman, 12 point underlined
- General text: Time New Roman, 12 point

Type Color: Black, entire document

Headings:

ARTICLE

First Sub-heading

Second Sub-Heading

Third Sub-Heading

Exhibit B to CRC Minutes of 09-21-06

DRAFT PROPOSED 2017 TOWN CHARTER

**Prepared by
Charter Review Committee**

Michael Manugian, Chairmen
Bud Robertson, Vice Chairman
John Giger, Clerk
Jane Allen
Robert Collins, Esq.
Michael McCoy
Stuart Schulman

Table of Contents

ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY	1
<i>Section 1-1: Incorporation</i>	<i>1</i>
<i>Section 1-2: Short Title.....</i>	<i>1</i>
<i>Section 1-3: Powers of the Town</i>	<i>1</i>
<i>Section 1-4: Division of Powers</i>	<i>1</i>
<i>Section 1-5: Interpretation of Powers</i>	<i>1</i>
<i>Section 1-6: Intergovernmental Relations.....</i>	<i>1</i>
<i>Section 1-7: Precedence of Charter Provisions</i>	<i>2</i>
<i>Section 1-8: Ethical Standards and Conduct.....</i>	<i>2</i>
<i>Section 1-9: Definitions</i>	<i>2</i>
ARTICLE 2: LEGISLATIVE BRANCH.....	3
<i>Section 2-1: Town Meeting.....</i>	<i>4</i>
<i>Section 2-2: Presiding Officer.....</i>	<i>4</i>
<i>Section 2-3: The Town Report</i>	<i>5</i>
<i>Section 2-4: Special Town Meetings</i>	<i>5</i>
<i>Section 2-5: Warrants.....</i>	<i>5</i>
<i>Section 2-6: Initiation of Warrant Articles.....</i>	<i>5</i>
<i>Section 2-7: Availability of town officials at Town Meetings; Conflicting Meetings.....</i>	<i>6</i>
<i>Section 2-8: Clerk of the Meeting</i>	<i>7</i>
<i>Section 2-9: Rules of Procedure</i>	<i>7</i>
<i>Section 2-10: General Powers and Duties</i>	<i>7</i>
<i>Section 2-11: Report to the Voters</i>	<i>7</i>
ARTICLE 3: ELECTED OFFICERS	8
<i>Section 3-1: General.....</i>	<i>8</i>
<i>Section 3-2: Board of Selectmen</i>	<i>11</i>
<i>Section 3-3: Regional School Committee</i>	<i>14</i>
<i>Section 3-4: Town Moderator</i>	<i>14</i>
<i>Section 3-5: Groton Housing Authority.....</i>	<i>15</i>

30	Section 3-6: Planning Board	15
31	Section 3-7: Groton Electric Light Commission	15
32	Section 3-8: Library Board of Trustees	16
33	Section 3-9: Town Clerk	16
34	Section 3-10: Personnel Board	Error! Bookmark not defined.
35	Section 3-11: Other Elected Officers	16
36	ARTICLE 4: TOWN MANAGER	17
37	Section 4-1: Appointment, Qualifications and Review Procedure	17
38	Section 4-2: Powers and Duties	17
39	Section 4-3: Removal and Suspension	19
40	Section 4-4: Vacancy in the Office of the Town Manager	20
41	Section 4-5: Screening Committee	21
42	ARTICLE 5: ADMINISTRATIVE ORGANIZATION	22
43	Section 5-1: Organization of Town Agencies	22
44	Section 5-2: Merit Principle	22
45	Section 5-3: Department of Finance	22
46	Section 5-4: Department of Public Works	24
47	5-6 Personnel Board	25
48	ARTICLE 6: FINANCE AND FISCAL PROCEDURES	25
49	Section 6-1: Fiscal Year	25
50	Section 6-1.25 Finance Committee	25
51	Section 6-1.5 Annual Review of Financial Policies	26
52	Section 6-2: Submission of Budget and Budget Message	27
53	Section 6-3: Budget Message	27
54	Section 6-4: The Budget	27
55	Section 6-5: Action on the Budget	28
56	Section 6-6: Capital Improvement Plan	29
57	Section 6-7: Audits	30
58	Section 6-8: Roles and Responsibilities	30
59	Section 6-9: Transparency of Financial Holdings	31

60	Section 6-10 Capital Projects.....	<i>Error! Bookmark not defined.</i>
61	ARTICLE 7: GENERAL PROVISIONS	31
62	Section 7-1: Charter Changes	31
63	Section 7-2: Severability	31
64	Section 7-3: Specific Provisions to Prevail.....	31
65	Section 7-4: Number and Gender	32
66	Section 7-5: Rules and Regulations.....	32
67	Section 7-6: Periodic Charter Review.....	32
68	Section 7-7: Removals	32
69	Section 7-8: Loss of Office, Excessive Absence	33
70	Section 7-9: Notice of Vacancies	33
71	Section 7-10 Waiver of Administrative Fees	33
72	ARTICLE 8: TRANSITIONAL PROVISIONS	33
73	Section 8-1: Continuation of Government	33
74	Section 8-2: Continuation of Administrative Personnel	34
75	Section 8-3: Transfer of Records and Property	34
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		

2017 WORKING DRAFT CHARTER

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~~ **Ethical Standards and Conduct**

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.

Commented [JG1]: Tag #20160726-J. See CRC minutes of 05/18/16.

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 seven 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.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

- 149
- 150 (f) "Multiple member body," any town body, consisting of at least two persons, whether called a
- 151 board, commission, committee, sub-committee or otherwise and however elected, appointed or
- 152 otherwise constituted.
- 153
- 154 (g) "Quorum," except for a Town Meeting and unless otherwise required by law or this charter, a
- 155 majority of the members of a multiple member body then in office, not including any vacancies
- 156 which might then exist.
- 157
- 158 (h) "Town," the Town of Groton.
- 159 (i) "Town agency," any board, commission, committee, department, ~~division~~ or office of the Town
- 160 government.
- 161
- 162 (j) "Town Bulletin Board," bulletin boards in the Town Hall on which office notices are posted and
- 163 those at other town buildings or facilities which may be designated as town bulletin boards.
- 164
- 165 (k) "Town Meeting," the open Town Meeting established in article 2, whether Annual or Special.
- 166
- 167 (l) ~~"Town Officer", a person having charge of an office or department of the town who, in the exercise~~
- 168 ~~of the powers or duties of that position, exercises some portion of the sovereign power of the town.~~
- 169
- 170 (m) "Voters," registered voters of the Town.
- 171
- 172 (n) "Warrant," a document required to warn and notify residents and inhabitants of the Town, who are
- 173 qualified to vote in town affairs, to meet at a specific place to act on published articles relating to
- 174 the governance of the Town.
- 175
- 176

Commented [JG2]: Tag #20160918-G. See Minutes of 08/24/16.

177 **ARTICLE 2: LEGISLATIVE BRANCH**

178

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 four 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

(a) ~~The Moderator, elected as provided in section 3-4, shall preside at all sessions of Annual and Special Town Meetings. 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.~~

Formatted

(b) ~~The Moderator 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 the Moderator's 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.~~

Formatted

(c) ~~(c) 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.~~

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted

~~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~~

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

Commented [JG3]: Tag #20160918-W. See CRC minutes of 08/31/16.

Formatted: Indent: Left: 0"

~~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 percent 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~~ department head; (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.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

Commented [JG4]: Tab # 20160725-C. See CRC minutes of 05/04/16.

(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 two 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 two 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 ~~the office~~, multiple member body or 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.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

(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 ~~except as part of a Town Meeting.~~

Commented [JG5]: Tab # 20160919-A. See CRC minutes of 07/27/16

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 ~~includebe 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 five-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.

Commented [JG6]: Tag: #02160801-A. See CRC minutes of 07/20/16.

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 Library Board of Trustees, the Commissioners of the Trust Fund, the Groton Electric Light Commission, the Groton Water Commission, the Groton Sewer Commission, the Park 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~~ elected 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.

(c) Eligibility - ~~Any voter shall be eligible to hold any elective town office, unless specifically prohibited by law or by law. Any voter shall be eligible to hold an elective town office, unless prohibited by law; provided, however, that members of the Board of Selectmen shall not simultaneously hold any other elected position.~~

Commented [JG7]: Tag: 20160726-A. See CRC minutes of 04/06/16.

¹Editor'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.

(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 the Town Manager, at all reasonable times, for consultation, conference, and discussion on any matter related to their respective offices. Similarly, multiple member bodies or other appointees shall be subject to the call of the Board of Selectmen or the Town Manager, at all reasonable times, for discussion on any matter related to their respective offices.~~

~~(e) 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 one 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.

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Expanded by / Condensed by

Formatted: List Paragraph, Right: 0", No bullets or numbering, Tab stops: Not at 0.33"

Formatted: Indent: Left: 0.33", No bullets or numbering

Commented [JG8]: Tag # 20160918-Y. See CRC minutes of 08/31/16.

(g) Recall Provision for Elected Officers

1. Application - Any holder of any elective town office may be recalled if the recall election occurs before six months from the end of his elective term.

2. Recall Petition - Two percent 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 an official 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 percent of the voters as of the date the affidavit was filed with the Town Clerk.

The Town Clerk shall, within one business day of receipt, submit the petition to the registrar of voters in the Town, and the registrar shall, within five 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 the office within five 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 Board of 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 the 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 six 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 or her, shall be appointed to any town office within two 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 five members elected for terms of three years each, arranged so that the terms of office of as nearly an equal number of members as is possible shall expire each year.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

(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;~~ Serve as the principal goal-setting and policy making agency of the Town for matters within its statutory authority and for those matters for which the Town Meeting has directed the Board to act;
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 regional School Committee; provided, however, that the Board of Selectmen, at its sole discretion, may delegate this authority to any ~~town officer~~ department head or agency- by a vote of the Board at a posted meeting.

~~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. Members of the Board of Selectmen may confer with municipal employees during regular business hours for the purpose of discussing municipal policies and assessing and understanding the functioning of municipal government; while this right to confer is to be construed liberally in order to effectuate its purpose, it shall not allow members of the Board of Selectmen to utilize their elected position to unduly influence municipal employees in the performance of their duties. Except 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 board, department or agency.~~

Commented [JG9]: Tag: 20160413-G. See CRC minutes of 03/02/16.

Commented [JG10]: Tag #20160413-H. See CRC minutes of 03/02/16.

Formatted: Indent: Left: 0.5"

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Commented [JG11]: Tag #20160726-B. See CRC minutes of 04/06/16.

Formatted: No underline

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

5. ~~Sign all payroll and expense warrants; provided, however, that the Board of Selectmen at its sole discretion may delegate this authority, for a period not to exceed 30 days, to a selectman and the Town Manager or acting Town Manager by a vote of the Board at a posted meeting.~~

Formatted: Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.32" + Indent at: 0.57"

Commented [JG12]: Tag #20190918-E. See CRC minutes of 08/17/16.

Commented [JG13]: Tag # 20160918-B. See CRC minutes of 08/03/16.

Formatted: Underline

Formatted: Indent: Left: 0.5"

(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 of Aging, Housing Partnership, Local Cultural Council, and other committees as required by the General Laws. ~~[Amended by Ch. 50, Acts of 2010²]~~

Commented [JG14]: Tag #20160726-C. See CRC minutes of 04/06/16.

Commented [JG15]: Tag #20160412-B. See CRC minutes of 02/03/16.

Commented [JG16]: Tag #20160918-I. See CRC minutes of 08-24-16.

(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 the Town library and a report summarizing the results of the investigation shall be printed in the next annual Town report.

²Editor'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.

(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 seven members elected for terms of five 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.

(a) Term of Office- There shall be a Moderator elected for a term of three years.

(b) Powers and Duties—The Moderator shall be the presiding officer of the Town Meeting, as provided in section 2-2, and shall regulate its proceedings and perform other duties as may be provided by law, this charter, by-law or other Town Meeting vote.

(c) Appointments - The 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.

~~(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 other duties as may be provided by law, this charter, by law or other Town Meeting vote.~~

~~(e) 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.~~

Formatted: Body Text, Right: 0.09", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.07" + Indent at: 0.32", Tab stops: 0.32", Left

Formatted: No bullets or numbering

Commented [JG17]: TAG #20160918-X. See CRC minutes of 08/31/16.

Section 3-5: Groton Housing Authority

(a) Composition, Term of Office - There shall be a Groton Housing Authority, which shall consist of five members, each serving for a term of five years. The terms shall be arranged in order that the term of one member shall expire each year. The voters shall elect four 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 seven members, each elected for a term of three 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 three members, each serving for a term of three years. The terms shall be arranged in order that the term of one 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

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

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: Library Board of Trustees

(a) Composition, Term of Office - There shall be a board of trustees of the Groton public library, which shall consist of six members, each serving for a term of three years. The terms shall be arranged in order that the terms of two 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~~ human resources director 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: Town Clerk

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

Section 3-10: Other Elected Officers ~~Section 3-10: Section 3-9:~~

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.

Commented [JG18]: Tag #20161230-A. See CRC minutes of 12/30/15.

Commented [JG19]: Tag: 20160412-A. See CRC Minutes of 02/03/16.

Commented [JG20]: Tag 20160412-C. See CRC minutes of 02/03/16.

Commented [JG21]: Tag 20160412-A. See CRC Minutes of 02/03/16.

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 three 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 the Town Manager's executive and administrative qualifications. The Town Manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of the office. The Town Manager shall not have served in an elective office in the Town government for at least one year before being appointed. 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 or her 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 or her 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 or her 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~~ department heads and their respective departments.

Formatted: Not Expanded by / Condensed by

Commented [JG22]: Tag # 20160419. See CRC minutes of 03/30/16.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

(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~~ officers 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.

(b)(c) ~~To appoint and remove department heads, employees, contractors, and other paid 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.~~

(b)(d) ~~To nominate for appointment or removal volunteer members of town government for whom no other method of appointment or removal is provided in this Charter or by-law. Nominations for appointment or removal 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 a nomination within 15 days shall constitute rejection of the nomination.~~

(b)(e) Whenever a vacancy occurs in the office of police ~~chief or~~ fire chief ~~or highway surveyor~~, to select and present at least ~~two~~ qualified candidates to the ~~B~~board of ~~S~~selectmen for appointment by the Board to the office, as provided for in section 3.2(d).

(b)(f) ~~To act as a negotiator for all collective bargaining agreements to which the Board of Selectmen is a party. To act as a negotiator for all collective bargaining agreements to which the Board of Selectmen is a party, subject to ratification of the Board of Selectmen pursuant to Section 3-2(b)(4).~~

(b)(g) To conduct ~~or review~~ annual performance evaluations of all employees subject to his or the Board of Selectmen's appointment and consult with elected and appointed boards to contribute to the preparation of the evaluations of department heads associated with such boards.

(b)(h) To fix the compensation of ~~town officers and all~~ employees ~~appointed by him~~ appointed by the Town Manager within the limits established by ~~the approved budget, law,~~ the personnel by-laws, the Town's wage and classification schedule or collective bargaining or other agreements.

Commented [JG23]: Tag #20160918-K. See CRC minutes of 08/24/16.

Formatted: Not Expanded by / Condensed by

Formatted: List Paragraph, Right: 0", Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 0.32"

Commented [JG24]: See Tag # 20160918-V. See CRC minutes of 08-31-16.

Commented [JG25]: Tag #20160412-G. See CRC minutes of 02/17/16.

Commented [JG26]: Tag #20160119-C. See CRC minutes of 12/06/15.

Commented [JG27]: Tag 20160412-D. See CRC minutes of 02/03/16.

Commented [JG28]: TAG #20160918-M. See CRC minutes of 08/24/16.

Commented [JG29]: Tag #20160918-C. See CRC minutes of 08/10/16.

Commented [JG30]: Tag #20160412-E. See CRC minutes 02/03/16.

Commented [JG31]: TAG #20160918-OO. See CRC minutes of 09-07-16.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

676 ~~(h)(i)~~ To attend all regular and special meetings of the Board of Selectmen, unless excused ~~at his request,~~
677 and have a voice, but no vote, in all discussions.

Commented [JG32]: Tag #20160918-N. See CRCX minutes of 2016-24-16.

678

679 ~~(j)~~ To attend all sessions of the Town Meeting and answer all questions directed to the Town
680 Manager which are related to the office of the Town Manager or concerning which ~~the Town~~
681 Manager ~~he~~ possesses the relevant information.

Commented [JG33]: Tag #20160918-O. See CRC minutes of 08-24-16.

682

683 ~~(k)~~ To see that all laws, this charter, by-laws and other Town Meeting votes, and directives of the
684 Board of Selectmen that require enforcement by ~~the Town Manager him or officers~~ or employees
685 subject to ~~the~~ Town Manager's ~~his~~ direction and supervision, are faithfully carried out.

Commented [JG34]: Tag #201460918-Q. See CRC minutes of 08-24-16.

686

687 ~~(l)~~ To prepare and submit annual operating budgets and capital improvement programs as provided
688 in article 6.

689

690

691 ~~(m)~~ To coordinate the preparation of the Town's annual report.

692

693 ~~(n)~~ ~~(nn)~~ To oversee the preservation, management, and administration of all municipal records so as to
694 facilitate access to same.

Commented [JG35]: Tag #20160118-B. See CRC minutes of 11/18/15.

Formatted: Right: 0", No bullets or numbering

695

696 ~~(o)~~ To perform such duties as necessary or as may be assigned by this charter, by-law, Town
697 Meeting vote or the Board of Selectmen.

Commented [JG36]: Tag #20160118-B. See CRC minutes of 11/18/15.

698

699 Section 4-3: Removal and Suspension

700 (a) The Board of Selectmen may, by the ~~affirmative vote of 4 members~~ affirmative vote of three
701 members of the Board of Selectmen, terminate and remove or suspend the Town Manager from
702 office in accordance with the following procedure:

Commented [JG37]: Tag #20160412-H. See CRC minutes of 02/17/16.

Commented [JG38]:

703

704 1. The Board of Selectmen shall adopt a preliminary resolution of removal, which shall state the
705 reason or reasons for removal, by the affirmative vote of ~~three members.~~ 4 members. The
706 preliminary resolution may suspend the Town Manager for a period not to exceed 45 days. A
707 copy of the resolution shall be delivered to the Town Manager within 48 hours of its adoption.

Commented [JG39R38]: Tag # 20160918-R. See CRC minutes of 08/24/16.

Commented [JG40]: Tag #20160412-I. See CRC minutes of 02/17/16.

708

709 2. Within seven days after receipt of the preliminary resolution, the Town Manager may request
710 a public hearing by filing a written request for such a hearing with the Board of Selectmen.
711 This hearing shall be held at a meeting of the Board of Selectmen not later than 20 nor
712 earlier than three days after the request is filed. The Town Manager may file a written
713 statement responding to the reasons stated in the resolution of removal with the Board of
714 Selectmen if the same is received at the office of the Board of Selectmen more than 48 hours
715 before the public hearing. The hearing envisioned by this section shall be held in an Executive
716 Session if requested by the Town Manager, and if the circumstances meet the statutory
717 requirements for an Executive Session, and such hearing shall be deemed to meet the hearing
718 requirements of this section.

719

720 3. If the Town Manager has not requested a public hearing pursuant to paragraph 2 above, the
721 Board of Selectmen, by the affirmative vote of 4 members three members of the Board of
722 Selectmen, may adopt a final resolution of removal not less than 10 nor more than 21 days
723 after the date of delivery of a copy of the preliminary resolution to the Town Manager. If the
724 Town Manager has requested a public hearing pursuant to paragraph 2 above, the Board of
725 Selectmen, by the affirmative vote of 4 members three members of the Board of Selectmen,
726 may adopt a final resolution of removal at any time after the hearing but not more than 21
727 days after the close of the hearing, unless the parties agree to a longer period of time. Failure to
728 adopt a final resolution of removal within the time periods provided in this section shall nullify
729 the preliminary resolution of removal and the Town Manager shall, at the expiration of said time,
730 resume the duties of the office.

731

732 4. Any action by the Board of Selectmen to terminate, remove or suspend the Town Manager
733 shall be conducted pursuant to Chapter 30A, Sections 18-25 of the General Laws, section 23B of
734 chapter 39 of the General Laws.

735 (b) The action of the Board of Selectmen in terminating, removing or suspending the Town Manager shall
736 be final.

737

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

739 (a) Permanent Vacancy - The Board of Selectmen shall fill any permanent vacancy in the office of the
740 Town Manager as soon as possible in accordance with section 4-1(a) of this charter. Pending the
741 appointment of a Town Manager or filling of any vacancy, the Board of Selectmen shall, within a

Commented [JG41]: Tab #20160413-A. See CRC minutes of 02/24/16.

Formatted: Space Before: 12 pt

Commented [JG42]: Tag #20160726-D. See CRC minutes of 04/06/16.

Commented [JG43]: Tag # 20160918-S. See CRC minutes of 08-24-16.

Commented [JG44]: Tab #20160413-A. See CRC minutes of 02/24/16.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Commented [JG45]: Tag #20160726-F. See CRC minutes of 04/06/16.

Formatted: Font: Not Bold

Commented [JG46]: Tag #20160726-D. See CRC minutes of 04/06/16.

Commented [JG47]: Tab #20160412-I. See CRC minutes of 02/17/16.

Commented [JG48]:

Commented [JG49]: Tab #20160412-I. See CRC minutes of 02/17/16.

Commented [JG50]: Tag #20161413-B. See CRC minutes of 02/24/16.

Commented [JG51]: Tag #20160918-U. See CRC minutes of 08-24-16.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

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 an ~~capable officer of the town~~ elected officer or department head to perform the duties of Town Manager during a temporary absence or disability lasting seven 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.

(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

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 ~~seven~~ 7 persons who shall be chosen as follows: the Board of Selectmen shall designate ~~three~~ 3 members, ~~of which only one designee may be a members of the~~ Board of Selectmen, the Finance Committee shall designate ~~two~~ 2 members, ~~of which only one designee may be a member of the Finance Committee~~, and the Town Moderator and the Town Clerk shall each designate ~~one~~ 1 member. Persons chosen by these agencies may, but need not, be members of the agency by which they are designated. ~~At no time shall the screening committee contain more than one member~~ Board of Selection or one member of the Finance Committee.

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.

Commented [JG52]: Tag #20160413-C. See CRC minutes of 03/02/16.

Commented [JG53]: Tag #20160413-C. See CRC minutes of 03/02/16.

Commented [JG54]: Tag #20160412-J. See CRC minutes of 02/17/16.

Commented [JG55]: Tag #20160918-Z. See CRC minutes of 08/31/16

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

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~~ ~~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 ~~three~~ nor more than ~~five~~ persons whom it believes to be best suited to perform the duties of the office of Town Manager. The Board of Selectmen shall, within ~~60~~ ~~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.

Commented [JG56]: Tag #20160918-AA. See CRC minutes of 08/31/16.

Commented [JG57]: Tag # 20160413-D. See CRC minutes of 03/02/16.

Commented [JG58]: Tag # 20160918-BB. See CRC minutes of 08/31/16.

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

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

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 ~~and to the Finance Committee~~, 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.

Commented [JG59]: Tag #20160118-A. See CRC minutes of 11/18/15.

~~(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.]~~

Commented [JG60]: Tag #20151230-C. See CRC minutes of 11/18/15.

(e) Town Accountant - The Town Accountant shall be appointed by the Town Manager for a term not to exceed ~~three~~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 ~~three~~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 ~~three~~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

- 5-4-1 There shall be a ~~De~~partment of Public Words in the Town under a director. The director shall be appointed by the Town Manager subject to confirmation by the 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; and

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

(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~~

Formatted: Indent: Left: 0.5", No bullets or

Commented [JG61]: Tag #20160726-H. See CRC minutes of 04/13/16.

(h) 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.

5-5 ~~There shall be a Department of Information Technology which shall plan, coordinate, maintain and make accessible the Town's information assets.~~

Commented [JG62]: Tag #20160119-A. See CRC minutes of 12/09/15.sa

5-6 **Personnel Board**

(a) ~~Composition, Term of Office – There shall be a Personnel Board which shall consist of three members appointed by the Board of Selectmen. Members shall serve for a term of three years, terms to be arranged such that the term of one members shall expire each year.~~

Formatted: Indent: Left: 0.07", No bullets or numbering

Formatted: Heading 2, Right: 0", Tab stops: Not at 0.32"

Commented [JG63]: Tag # 20160918-J. See CRC minutes of 08/124/16.

(b) ~~Powers and Duties – The Personnel Board shall function as an advisory board to the Human Resources Director, Town Manager and Board of Selectmen in the management of human resources for the Town of Groton.~~

Formatted: Outline numbered + Level: 4 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.57" + Indent at: 0.82"

Commented [JG64]: Tag # 20160918-F. See CRC minutes of 08/24/16.

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 6-1.25 Finance Committee (Will be renumbered Section 6-2 and all sections following section 6-1.5 will be increase by 1.)

Commented [JG65]: Tag # 20160119-B. See CRC minutes of 12/09/15.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

There shall be a Finance Committee consisting of seven voters of the Town, appointed by a three-person committee consisting of the Chair of the Board of Selectmen, the Chair of the Finance Committee and the Town Moderator. Members of the Finance Committee serve terms of three years each, arranged so that the terms of office of as nearly an equal number of members as possible shall expire each year. The Finance Committee will appoint a chair and a deputy chair to run meetings and present the Finance Committee's recommendations during the Town budget process.

Commented [JG66]: Tag #20160119-B. See CRC minutes of 03/23/16.

Commented [JG67]: Tag # 20160918-CC. See CRC Minutes on 08/31/16.

Roles and Responsibilities

Commented [JG68]: Tag #20151226-B. See CRC minutes 12/09/15.

(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 6-5.

Commented [JG69]: Tag #20160918-JJ. See CRC minutes on 08/31/16.

(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.

Commented [JG70]: Tag #20160918-KK. See CRC minutes of 08/31/16.

(e) Review the preliminary results of collective bargaining to ensure alignment with long-term budgetary strategy and goals.

Commented [JG71]: Tag #20160918-HH. See CRC minutes on 08/31/16.

Section 6-1.5 Annual Review of Financial Policies (Will be renumbered Section 6-3 and all following section 6 components increased by 1)

Commented [JG72]: Tag #20151230-D. See CRC minutes 11/18/15.

Commented [JG73]: Tag #20151227-A. See CRC minutes of 12/09/15.

~~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.~~

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.~~

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 website 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~~

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

970 ~~or by law, it shall be in the form which the Town Manager deems desirable or the Board of Selectmen~~
971 ~~may require. Except as may otherwise be required by General Laws, it shall be in the form which the~~
972 Town Manager, ~~the~~ Board of Selectmen ~~and the Finance Committee deem desirable.~~ In the
973 presentation of the budget, the Town Manager shall ~~utilize modern concepts of fiscal presentation so~~
974 ~~as to~~ furnish information in a complete, clear and concise manner and in accordance with best
975 practices of financial reporting and control. The budget shall show, in detail, all estimated income from
976 the proposed property tax levy and all other sources and all proposed expenditures, including debt
977 service, for the following year. The budget shall be arranged to show the actual and estimated income
978 and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections
979 the following:

980

981 (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town
982 agency and position in terms of work programs and the method of financing such expenditures; and

983

984 (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency and the
985 proposed method of financing each such capital expenditure.

986

987 Section 6-5: Action on the Budget

988 The Finance Committee shall, upon receipt of the budget from the Town Manager, consider in public
989 meetings detailed expenditures for each town department and agency and may confer with
990 representatives of each town agency in connection with its review and consideration. The Finance
991 Committee may require the Town Manager, or any town agency, to furnish it with additional
992 information as it may deem necessary to assist it in its review and consideration of the proposed
993 budget. The Finance Committee shall file with the Town Clerk, at least 14 days before the first session
994 of Spring Town Meeting, a report containing its proposed budget and its comments or
995 recommendations regarding differences between its proposed budget and the budget submitted by the
996 Town Manager. The report shall also be made available to voters of the

997

998

999

1000

1001

1002

1003

Commented [JG74]: Tag #20151230-B. See CRC minutes of 11/1/15.

Commented [JG75]: Tag # 20160918-DD.

Commented [JG76]: Tag #20160918-D. See CRC minutes of 08/10/16.

own by publication on the Town's website and by leaving copies of the report at least three 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 three 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 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.

Formatted: Superscript

Commented [JG77]: Tag: #20151230-A. See CRC minutes of 11/18/15.

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.

~~THIS PARAGRAPH TO BE DELETED. At the end of each calendar year, every municipal department shall prepare a summary of all funds (which term shall include but not be limited to monies, bonds, notes and promissory obligations of others) held by such departments, which shall be in a form approved by the Town Treasurer and prepared in accordance with recognized accounting principles. This summary shall include both a snapshot summary as of the first day of the fiscal year as well as a complete statement of additions to and deletions from such account(s) during the preceding twelve (12) months. This information shall be provided to the Town Manager who shall disseminate the information to the Finance Committee and the Board of Selectmen. It shall further be made available without cost to members of the public at requested.~~

Commented [JG78]: Tag #20160918-FF. See CRC minutes of 08/31/16.

Section 6-8: Roles and Responsibilities

- (f) 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.
- (g) 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.
- (h) Present the Finance Committee's annual budget at the Spring Town Meeting in accordance with the process described in Article 6.
- (i) 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 long-term budgetary strategy and goals.

Commented [JG79]: Tag #20151226-B. See CRC minutes 12/09/15.

- (j) Review the preliminary results of collective bargaining to ensure alignment with long-term budgetary strategy and goals.

Commented [JG80]: Tag # 20160918-HH. See CRC minutes of 08/31/16.

Section 6-9: Transparency of Financial Holdings (name provided by J. Giger as none was proposed)

Commented [JG81]: Tag #20160412-F. See CRC minutes of 02/17/16.

Formatted: Font color: Auto

Within ninety days of the end of each fiscal year, every municipal department shall prepare a summary of all funds (which term shall include but not be limited to monies, bonds, notes, and promissory obligations of others) held by such department, which shall be in a form approved the Town Treasurer and prepared in accordance with recognized accounting principles. This summary shall include both a snapshot summary as of the first day of the fiscal year as well as a complete statement of additions to and deletions from such account(s) during the preceding twelve months. This information shall be provided to the Town Manager, who shall disseminate the information to the Finance Committee and the Board of Selectmen. It shall further be made available without cost to members of the public at request.

Commented [JG82]: Tag #20160918-LL. Aww CRC minutes of 08/31/16.

ARTICLE 7: GENERAL PROVISIONS

Section 7-1: Charter Changes

This charter may be replaced, revised or amended in accordance with any procedures made available under the 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 seven 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 an Annual~~ Town Meeting concerning any proposed amendments which the Committee may determine to be necessary or desirable. The Committee shall be appointed as follows: the Board of Selectmen shall designate three persons; the Finance Committee shall designate two persons; and the Groton-Dunstable Regional School Committee and the Town Moderator shall each designate one person. At no time shall the Charter Review Committee contain more than one member of the Board of Selectmen, one member of the Finance Committee, and one member from the Groton-Dunstable regional School Committee. 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 after the full committee has been appointed. The Committee shall hold a public hearing within ~~60~~ 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.

Commented [JG83]: Tag #20160726-K. See CRC minutes of 06/22/16

Formatted: Not Expanded by / Condensed by

Formatted: Not Expanded by / Condensed by

Commented [JG84]: Tag #20160725-B. See CRC minutes of 05/04/16.

Commented [JG85]: Tag #20160726-L. See CRC minutes of 06/22/16.

Commented [JG86]: Tag #20160725-A. See CRC minutes of 05/04/16.

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

File ID: ToG Charter 2017 Draft Changes with Cover, ToC & Comments R0.6 jrg1h.docx

(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.

Section 7-10 Waiver of Administrative Fees

Administrative fees, fines, and penalties which may be charged by any municipal department shall not be waived unless such waiver is authorized by a vote of the Board of Selectmen at a posted public meeting; such vote to authorize the waiver of a fee, fine, or penalty may be made on an individual basis or as part of a policy decision of uniform applicability.

Commented [JG87]: Tag #20160726-I. See CRC minutes of 04/27/16.

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.crc@cybergiger.com. When reporting discrepancies, please be as thorough as possible in identifying where in the document the suspected discrepancy exists.

MMc Recommendations for Charter Changes/Corrections

Exhibit C to CRC Minutes of 09-21-16

Reference: 2017 Working Draft Charter Version 0.5 MMC Review

Last updated: 19 September 2016

Implementation status in Chage To column make by John Giger on 09-20-16.

Global Changes

Line	Change From:	Change To:
	Double-spaces in middle of lines	Single spaces → Done Will require another run through.
	"Town clerk"	"Town Clerk" → Done

Detail Changes

Line	Change From:	Change To:
41	employees and	employees, and (serial comma) → Done
45	employees and	employees, and (serial comma) → Done
49	employees and	employees, and (serial comma) → Done
50	privilege or	privilege, or (serial comma) → Done
61	7	seven → Done
72	2	two → Done
91	Delete section L?	** Left in to preserve original language.
108	April and	April, and (serial comma) → Done
110	Annual	annual → Done
114	"fall Town Meeting"	"Fall Town Meeting" → Done
114	4	four → Done
116	fall Town Meeting	Fall Town Meeting → Done
120-137	Paragraph style is incorrect: subsection numbers are wrong font, text looks like it has no spaces.	Apply Body style to fix layout, then assign ordered list style. → Done
123	a smay	as may → Done
124	by-law or	by-law, or (serial comma) → Done
137	a sprovided	as provided → Done
139-140	Delete paragraph of repeated "Town Meeting" text	** Left in to preserve original language.
150	per cent	Percent → Done
139	We lost subsection (b) from Section 2-5	Replace "(b) Board of Selectmen" with correct paragraph. → Done
170	2	two → Done
176	fall Town Meeting	Fall Town Meeting → Done

Line	Change From:	Change To:
181	2	two → Done
190	Cap "Town Officials" in title. Fix spelling of Officials. Underline title to be consistent with other section titles.	→ Done
191	body, and	body and (no need for serial comma) → Done
196-197	Words missing? "to attend the meeting and represent THE multiple member body OR department"?	Remove "or ." at end of sentence. → Done
207/208	by-law or	by-law, or (serial comma) → Done
211	revise or	revise, or (serial comma) → Done
217	charter or by-law	charter, or by-law PERIOD. (serial comma) → Done
232	recommend or sponsor	recommend, or sponsor (serial comma) → Done
233	by- law	by-law (no space) → Done
235	5-year	five-year → Done
252	town moderator	Town Moderator → Done
255	L I b r a r y	Reformat to use standard font → Done
258	Assessors and	Assessors, and (serial comma) → Done
273	Coordination	Coordination – (needs hyphen) → Done
281-282	Remove extraneous paragraph	<i>** Left in to preserve original language.</i>
285-286	town moderator	Town Moderator → Done
290-291	a Multiple Member Body; Elected Multiple Member Body	a multiple member body; elected multiple meeting body → Done
294	1	one → Done
307	6	six → Done
309	per cent	percent (no space) → Done
315	his signature	an official signature → Done
320	per cent	percent (no space) → Done
325	1	one → Done
326	5	five → Done
333	resign his office	resign the office → Done
333	5	five → Done
337	the selectman	the Board of Selectmen → Done
338	reca	recall → Done
345	recall election and	recall election, and (serial comma) → Done
366	6	six → Done
371	2	two → Done

Line	Change From:	Change To:
375	5	five → Done
376	3	three → Done
386-415	Capitalize first word of each entry	
402	Remove extraneous "Board of Selectmen"	Paragraph in lines 402-411 is structured differently from other entries in list. Problem? → Done
411	town Board	town board → Done
414	to a selectmen	to a selectman → Done
426-433	I thought we added language to make explicit the BoS responsibility to appoint volunteers to committees?	Committee needs to review section 4-2(c) and (d) then check consistency with section 3-2(b)5.
432	Coomission	Commission → Done
439	in the town library	the town library ("in" not needed here) → Done
446	7	seven → Done
447	3	three → Done
455	by-law or	by-law, or (serial comma) → Done
458	Section 3-4 has become a subsection, and subsection (a) has lost its letter. Section lead-in has incorrect font.	Reformat paragraph. → Done
463	by-law or	by-law, or (serial comma) → Done
461-463	Check paragraph formatting: print version has almost no space between words.	Apply the correct style to fix character spacing. → Done
472-473	Delete extraneous paragraph	** Left in to preserve original language.
476-480	5 / 5 / 1 / 4	five / five / one / four → Done
488-489	7 / 3	seven / three → Done
493	ommonwealth	Commonwealth → Done
494	by-law or other	by-law, or other (serial comma) → Done
499-500	3 / 3 / 1	three / three / one → Done
509-510	6 / 3 / 2	six / three / two → Done
531-540	If Section 3-109 has moved, delete it from this location.	→ Done
550	3	three → Done
553	Town Manager search committee	Town Manager Search Committee? town manager search committee? Compare Section 4-5, which talks about a Screening Committee (in caps). ** Need committee decision.
557	his / He	the Town Manager's / The Town Manager → Done
560	1	One → Done

Line	Change From:	Change To:
560	his appointment	being appointed → Done
565-567	his / his	his or her / his or her → Done
576	his	his or her → Done
580-583	Check alignment of paragraph (a).	→ Done
605	Red letters in middle of “nomination.”	→ Done
606-613	Delete test that has been removed	→ Done
615	two (2)	two → Done
618	Remove extraneous “Board of Selectmen”	→ Done
623	his or the Board of Selectmen’s	the Town Manager’s or the Board of Selectmen’s → Done
647	We have two Paragraph (m) entries.	→ Done
656	three (3)	Three → Done
657	BBoard	Board → Done
661-662	three (3) members. .	three members. (Note extra period in text) → Done
669	three (3)	Three → Done
666-671	Check formatting of paragraph. Spacing looks odd.	→ Done
666	seven (7)	seven → Done
668	BBoard	Board → Done
670-672	This sentence appears again in lines 675-679	Delete redundant sentence. → Done
682	three (3)	three → Done
683	BBoard	Board → Done
687	three (3)	three → Done
695	suspend shall	suspend the Town Manager shall (?) → Done
711	7	seven → Done
715-716	Delete the Amended by... language?	→ Done
724	Delete the Amended by... language?	→ Done
724-735	Is this Screening Committee the same entity as the TM search committee mentioned on line 553?	** Need committee decision.
733	“screening committee” or “Screening Committee”?	We should be consistent. See line 725, 727. → Done Went with screening committee.
734-735	board of selection and one member of the Finance Committee	Board of Selectmen OR one member of the Finance Committee → Done
749	three (3) / five (5)	three / five → Done

Line	Change From:	Change To:
752	list of nominees	list of nominees, (comma needed) → Done
756	"committee" or "Committee"?	Compare line 748, 753 → Done Went with committee.
777, 794	"department of finance" or "Department of Finance"?	Compare line 804 ("Department of Finance") → Done Went with Department of Finance.
788-789	town accountant / town treasurer	Town Accountant / Town Treasurer (compare previous paragraph) → Done
809	3	three → Done
814	3	three → Done
818	3	three → Done
824	Words missing: "Department of Public Works"?	→ Done
830	of shall	shall → Done
852-853	Remove extraneous line feeds	→ Done
863	"the Town's" or "the town's"?	Style guide says "the Town", but we have not implemented that elsewhere. → Done Now implemented throughout.
872	human resources director	Human Resources Director (?) → Done
887-888	chairman / chairman	chair / chair → Done
891	chairperson / chairperson	chair / chair → Done
894-911	This section is redundant to lines 1029-1048.	** Left in to preserve original language.
896	The Board of Selectmen	the Board of Selectmen → Done
897	"department of finance" or "Department of Finance"?	→ Done
904	Cap "article"? Should this be "Section"?	→ Done
922	Delete extraneous paragraph of word salad	→ Done It has creaser dressing and was delicious!
935	Section header is in wrong font. Check paragraph spacing.	→ Done
946	Delete extraneous words after first sentence.	→ Done
957, 961	Capitalize first word of list entries.	→ Done
971	before to the	before the → Done
975, 979	3 / 3	three / three ** Need committee decision.
991	Delete extraneous words at start of paragraph	→ Done

Line	Change From:	Change To:
995-1004	Capitalize first word of list entries.	→ Done
1007	improved or constructed	improved, or constructed (serial comma) → Done
1016-1025	Delete paragraph that has been removed	** Left in to preserve original language.
1027	Delete line that has been removed.	→ Done
1029-1047	Does this belong earlier in article? See lines 894-911.	** Need committee decision.
1049	Remove parenthetical text.	Vote on section title?
1050	ninety (90)	90 → Done
1056	twelve (12)	12 → Done
1061-1064	Delete paragraph that has been removed	→ Done
1098	“Special Committee” or “Charter Review Committee”?	** Need committee decision.
1096-1111	7 / 7 / 3 / 2 / 1 / 1	seven / seven / three / two / one / one. → Done
1102	Delete “shall consist of 7 members who”?	Paragraph has already stated committee has seven members. → Done
1105	the moderator	the Town Moderator (or the Moderator) Should this have been line 1101 instead of 1105? → Done (line, 1105)
1122	member body or	member body, or (serial comma) → Done
1131	position or position	position, or position (serial comma) → Done
1136	position or position	position, or position (serial comma) → Done
1154	until reappointed, reelected or until successors	until reappointed or reelected, or until successors (separate thoughts) → Done

Questions for Committee

- ☐ Should “charter” be capped when referring to the Groton Charter? Style Guide says yes.
Compare lines 124, 175, etc. with lines 466, 593, etc.
- ☐ Should “Article *N*” be capped when referring to a section of the Charter?
Compare line 88, 664, (“article 2”) with line 904, 1040 (“Article 6-5”). Should “Section *n-n*” be capped for similar reasons?
- ☐ Should “special” in “special Town Meeting” be capped?
Compare lines 121, 129 (“Special Town Meeting”) with lines 164, 179, (“special Town Meeting”).
- ☐ Should “Groton Public Library” be capitalized?

2017 WORKING DRAFT CHARTER**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 and Conduct

Elected 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 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, sub-committee 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, 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)

(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

(a) The Moderator, elected as provided in section 3-4, shall preside at all sessions of Annual and Special Town Meetings. 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.

(b) The Moderator 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 the Moderator's 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.

(c) 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 **a s provided** for by law.

Town Meeting Town Meeting Town Meeting Town Meeting Town Meeting 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 department head; (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) Board of Selectmen.

(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 chairperson of each multiple member body, and head of each department shall attend all sessions of Town Meetings.

In the event any chairperson of a multiple member body, or department head shall be absent from a Town Meeting due to illness or other reasonable cause, that person shall designate a deputy to attend the meeting and represent multiple member body, department or . 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 except as part of a 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 include 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 **Library** Board of Trustees, the Commissioners of the Trust Fund, the Groton Electric Light Commission, the Groton Water Commission, the Groton Sewer Commission, the Park 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.
- (b) Town Election - The annual election by ballot of elected 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.
- (c) Eligibility - Any voter shall be eligible to hold an elective town office, unless prohibited by law; provided, however, that members of the Board of Selectmen shall not simultaneously hold any other elected position.
- (d) Compensation - Elected 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 the Town Manager, at all reasonable times, for consultation, conference, and discussion on any matter related to their respective offices. Similarly, multiple member bodies or other appointees shall be subject to the call of the Board of Selectmen or the Town Manager, at all reasonable times, for discussion on any matter related to their respective offices.
- Board of SelectmenTown Manager**
- (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 **reca** 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 or her, 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 principal goal-setting and policy making agency of the town for matters within its statutory authority and for those matters for which the Town Meeting has directed the Board to act;
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 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 regional School Committee; provided, however, that the Board of Selectmen, at its sole discretion, may delegate this authority to any department head or agency by a vote of the Board at a posted meeting.

Board of Selectmen Members of the Board of Selectmen may confer with municipal employees during regular business hours for the purpose of discussing municipal policies and assessing and understanding the functioning of municipal government; while this right to confer is to be construed liberally in order to effectuate its purpose, it shall not allow members of the Board of Selectmen to utilize their elected position to unduly influence municipal employees in the performance of their duties. Except 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 Board**, department or agency.

5. Sign all payroll and expense warrants; provided, however; that the Board of Selectmen at its sole discretion may delegate this authority, for a period not to exceed 30 days, **to a selectmen** and the Town Manager or acting Town Manager by a vote of the Board at a posted meeting.

(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, 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 **Coommission**, Council of Aging, Housing Partnership, Local Cultural Council, and other committees as required by the General Laws.

(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.

(a) **Section 3-4: Town Moderator Term of Office -** There shall be a Moderator elected for a term of three years.

(b) **Powers and Duties - The Moderator shall be the presiding officer of the Town Meeting,**

as provided in section 2-2, and shall regulate its proceedings and perform other duties as may be provided by law, this charter, by-law, or other Town Meeting vote.

(c) Appointments - The 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.

Town MeetingTown MeetingTown MeetingTown MeetingTown clerkTown clerkTown Meeting

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: Library Board of Trustees

(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 human resources director 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: Town clerk

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

Section 3-10: Personnel Board (MOVED TO SECTION 5-6)

(a) Composition, Term of Office – The shall be a Personnel Board which shall consist of three members appointed by the Board of Selectmen. Members shall serve for a term of three years, terms to be arranged such that the term of one members shall expire each year.

(b) Powers and Duties – The Personnel Board shall function as an advisory board to the human resources sirector, Town Manager and Board of Selectmen in the management of human resources for the Town of Groton.

Section 3-11: 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) 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 department heads 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 officers 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, employees, contractors, and other paid 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.

- (d) To nominate for appointment or removal volunteer members of town government for whom no other method of appointment or removal is provided in this Charter or by-law. Nominations for appointment or removal 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 a nomination within 15 days shall constitute rejection of the nomination.

Highlighted text that follows deleted To nominate for appointment or removal department heads, subordinates and employees and other appointed members of town government for whom no other method of appointment or removal is provided. Nominations for appointment or removal made by the Town Manager shall be confirmed by the board within fifteen (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 a nomination within fifteen (15) days shall constitute rejection of the nomination. Town ManagerBoard of SelectmenTown ManagerBoard of SelectmenBoard of Selectmen

- (e) Whenever a vacancy occurs in the office of police chief or fire chief, to select and present at least two (2) qualified candidates to the Board of Selectmen for appointment by the Board to the office, as provided for in section 3.2(d).

- (f) Board of Selectmen To act as a negotiator for all collective bargaining agreements to which the Board of Selectmen is a party, subject to ratification of the Board of Selectmen pursuant to Section 3-2(b)(4).

- (g) To conduct or review annual performance evaluations of all employees subject to the Town Manager' or the Board of Selectmen's appointment and consult with elected and appointed boards to contribute to the preparation of the evaluations of department heads associated with such boards.

- (h) To fix the compensation of all employees appointed by the Town Manager within the limits established by the approved budget, the personnel by-laws, the town's wage and classification schedule or collective bargaining or other agreements.

- 630
- 631 (i) To attend all regular and special meetings of the Board of Selectmen, unless excused
- 632 and have a voice, but no vote, in all discussions.
- 633
- 634 (j) To attend all sessions of the Town Meeting and answer all questions directed to the
- 635 Town Manager which are related to the office of the Town Manager or concerning
- 636 which the Town Manager possesses the relevant information.
- 637
- 638 (k) To see that all laws, this charter, by-laws and other Town Meeting votes, and
- 639 directives of the Board of Selectmen that require enforcement by the Town
- 640 Manager or employees subject to the Town Manager's direction and supervision,
- 641 are faithfully carried out.
- 642
- 643 (l) To prepare and submit annual operating budgets and capital improvement programs
- 644 as provided in article 6.
- 645

646 (m) To coordinate the preparation of the town's annual report.

647

648

649 (m) To oversee the preservation, management, and administration of all municipal

650 records so as to facilitate access to same.

651

652 (n) To perform such duties as necessary or as may be assigned by this charter, by-

653 law, Town Meeting vote or the Board of Selectmen.

654

655 Section 4-3: Removal and Suspension

- 656 (a) The Board of Selectmen may, by the affirmative vote of **three (3)**
- 657 members of the **Board of Selectmen** terminate and remove or suspend the Town
- 658 Manager from office in accordance with the following procedure:
- 659

- 660 1. The Board of Selectmen shall adopt a preliminary resolution of removal, which
- 661 shall state the reason or reasons for removal, by the affirmative vote of **three (3)**
- 662 **members.** The preliminary resolution may suspend the Town Manager for a
- 663 period not to exceed 45 days. A copy of the resolution shall be delivered to
- 664 the Town Manager within 48 hours of its adoption.
- 665

- 666 2. Within **seven (7)** days after receipt of the preliminary resolution, the Town
- 667 Manager may request a hearing by filing a written request for such a hearing
- 668 with the **Board of Selectmen**. This hearing shall be held at a meeting of
- 669 the Board of Selectmen not later than 20 nor earlier than **three (3)** days after
- 670 the request is filed. **This hearing shall be held in an Executive Session**
- 671 **if requested by the Town Manager and if the circumstances meet the**

statutory requirements for an Executive Session. 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. The hearing envisioned by this section shall be held in an Executive Session if requested by the Town Manager and if the circumstances meet the statutory requirements for an Executive Session, and such hearing shall be deemed to meet the hearing requirements of this section.

3. If the Town Manager has not requested a hearing pursuant to paragraph 2 above, the Board of Selectmen, by the affirmative vote of three (3) 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 three (3) 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 Chapter 30A, Sections 18-25 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 an elected officer or department head 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 seven persons who shall be chosen as follows: the Board of Selectmen shall designate three members, of which only one designee may be a members of the Board of Selectmen, the Finance Committee shall designate two members of which only one designee may be a member of the Finance Committee, and the town moderator and the **Town clerk** shall each designate one member. Persons chosen by these agencies may, but need not, be members of the agency by which they are designated. At no time shall the **screening committee** contain more than one member of the **board of selection and one member of the Finance Committee**.

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 **three (3)** nor more than **five (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 60 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 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 and to the Finance Committee, 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) **Board of Selectmen Town Meeting** 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** in the town under a director. The director shall be appointed by the Town Manager subject to confirmation by the 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 **of 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; and
- (h) 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.

5-5 There shall be a Department of Information Technology which shall plan, coordinate, maintain and make accessible the Town's information assets.

5.6 Personnel Board

- (a) Composition, Term of Office – There shall be a Personnel Board which shall consist of three members appointed by the Board of Selectmen. Members shall serve for a term of three years, terms to be arranged such that the term of one members shall expire each year.
- (b) Powers and Duties – The Personnel Board shall function as an advisory board to the human resources director, Town Manager and Board of Selectmen in the management of human resources for the Town of Groton.

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 6-1.25 Finance Committee (Will be renumbered Section 6-2 and all sections following section 6-1.5 will be increase by 1.)

There shall be a Finance Committee consisting of seven voters of the Town, appointed by a three-person committee consisting of the **Chairman** of the Board of Selectmen, the **Chairman** of the Finance Committee and the Town Moderator. Members of the Finance Committee serve terms of three years each, arranged so that the terms of office of as nearly an equal number of members as possible shall expire each year. The Finance Committee will appoint a **chairperson** and a deputy **chairperson** to run meetings and present the Finance Committee's recommendations during the town budget process.

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** 6-5.
- (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 long-term budgetary strategy and goals.
- (e) Review the preliminary results of collective bargaining to ensure alignment with long-term budgetary strategy and goals.

Section 6-1.5 Annual Review of Financial Policies (Will be renumbered Section 6-3 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.

Section 6-2: Submission of Budget and Budget Message

Town MeetingTown ManagerBoard of SelectmenTown Manager

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 website 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. **Town ManagerBoard of Selectmen** 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 Committee deem desirable. In the presentation of the budget, the Town Manager shall furnish information in a complete, clear and concise manner and in accordance with best practices of financial reporting and control. The 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

Town ManagerBoard of SelectmenFinance Committee The Town Manager shall submit a capital improvement plan to the Board of Selectmen and the 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.

THIS PARAGRAPH TO BE DELETED. At the end of each calendar year, every municipal department shall prepare a summary of all funds (which term shall include but not be limited to monies, bonds, notes and promissory obligations of others) held by such departments, which shall be in a form approved by the Town Treasurer and prepared in accordance with recognized accounting principles. This summary shall include both a snapshot summary as of the first day of the fiscal year as well as a complete statement of additions to and deletions from such account(s) during the preceding twelve (12) months. This information shall be provided to the Town Manager, who shall disseminate the information to the Finance Committee and the Board of Selectmen. It shall further be made available without cost to members of the public at requested.

THIS LINE TO BE DELETED. Section 6-7.25: Place holder for membership

Section 6-8: Roles and Responsibilities

- (f) 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.
- (g) 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.
- (h) Present the Finance Committee's annual budget at the Spring Town Meeting in accordance with the process described in Article 6.
- (i) 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.
- (j) Review the preliminary results of collective bargaining to ensure alignment with long-term budgetary strategy and goals.

Section 6-9: Transparency of Financial Holdings (name provided by J. Giger as none was proposed)

Within ninety (90) days of the end of each fiscal year, every municipal department shall prepare a summary of all funds (which term shall include but not be limited to monies, bonds, notes, and promissory obligations of others) held by such department, which shall be in a form approved the Town Treasurer and prepared in accordance with recognized accounting principles. This summary shall include both a snapshot summary as of the first day of the fiscal year as well as a complete statement of additions to and deletions from such account(s) during the preceding twelve (12) months. This information shall be provided to the Town Manager, who shall disseminate the information to the Finance Committee and the Board of Selectmen. It shall further be made available without cost to members of the public at request.

ARTICLE 7: GENERAL PROVISIONS

Section 7-1: Charter Changes

This charter may be replaced, revised or amended in accordance with any procedures made available under the 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 an Annual 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. At no time shall the Charter Review Committee contain more than one member of the Board of Selectmen, one member of the Finance Committee or one member from the Groton-Dunstable regional School Committee. Persons appointed may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith Town Meeting after the full committee has been appointed. The committee shall hold a public hearing within 60 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.

Section 7-10 Waiver of Administrative Fees

Administrative fees, fines, and penalties which may be charged by any municipal department shall not be waived unless such waiver is authorized by a vote of the Board of Selectmen at a posted public meeting; such vote to authorize the waiver of a fee, fine, or penalty may be made on an individual basis or as part of a policy decision of uniform applicability.

ARTICLE 8: TRANSITIONAL PROVISIONS

Section 8-1: Continuation of Government

All persons appointed or elected to positions at town agencies shall continue to perform their duties **until 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.

1176

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