

TOWN OF GROTON FINANCE COMMITTEE

Tuesday, August 4th, 2015, 1st Floor Meeting Rm

Groton Town Hall, 173 Main St. Groton, MA, 8:00 p.m.

Present for Finance Committee: G. Green (Chair), D. Manugian, B. Robertson, Barry Pease, Art Prest, M. Bacon, P. DuFresne (Town Accountant, Recording)

Absent: R. Hargraves (Vice Chair)

Also Present: Mr. Petropoulos (Chairman Board of Selectmen), Ms. Judy Anderson (resident)

Documents available at the meeting: Charter Review Goal Suggestions
Town of Groton Charter

Mr. Green called the Finance Committee meeting to order at 8:00 p.m.

FinCom Charter Review Committee Designee – Mr. Green read a letter submitted by Mr. Scott Harker explaining that for reasons of his health, he would be unable to continue to serve as the FinCom’s designee to the CRC. The group discussed the manner in which they should go about choosing a replacement to represent the FinCom on the CRC. Rather than simply choosing a current FinCom member or defaulting to previously received letters of interest, it was decided that the Charter Review process would best be served by reaching out to the public a second time to find qualified candidates. The Finance Committee already has one of its own members on the CRC, and is well-equipped to address the interests of the FinCom as the process moves forward. Choosing an individual from outside the FinCom (from as large a pool of applicants as possible) will ensure a diverse group for the CRC. Ms. Anderson noted that the CRC had already met several times, and it would be best to seat the replacement designee as soon as possible so as not to delay the review process.

On a motion by Mr. Prest, seconded by Mr. Manugian, the Finance Committee voted unanimously to re-open the CRC application process and to choose a new FinCom designee from the general public.

The Vote: 6-0-0.

Mr. Pease agreed to notify the Town list-serve members of the need to fill this vacancy. Ms. Dufresne will arrange to place the invitation to apply on the front page of the Town’s website as well as on the Finance Committee’s web page. The group agreed to establish an application deadline of August 18th. The members will meet again on September 1st to discuss the applications received and to interview interested candidates. Mr. Green asked the other members to be pro-active in seeking out individuals who would be useful members of the CRC and encouraging them to apply for the vacant seat.

Charter Review Recommendations - Mr. Robertson reminded the group that the CRC is not only asking committees to propose charter changes, but also to explain the reasoning behind the proposed change. He suggested utilizing the template on the CRC web page. Mr. Pease explained that he had researched charter documents for a variety of other towns. He noted that Westford's charter focuses primarily on the duties of the Town Manager; they rely on their by-laws for most everything else. He assumed that this is because it is easier to make changes to by-laws than to a town charter. Mr. Petropoulos mentioned that one of the challenges of Groton's charter has to do with its "broad brush" nature; now the Town is in a position to tighten up certain sections. Mr. Prest felt that there was no need for the Finance Committee to become involved with making changes to the document as a whole. The FinCom should focus on defining its own role and responsibilities in the charter. For instance, he feels that the Finance Committee should work together with the Board of Selectmen and the Town Manager to help develop the Town budget, and not just passively accept for review the completed budget document. Some progress along these lines has already been made for FY17, but it would be useful to codify this. Mr. Bacon noted that the roles and responsibilities of appointed committees (as opposed to those that are elected) are not well-defined. Mr. Manugian said that Massachusetts General Law defines a role for the Finance Committee, perhaps the Town Charter could simply build on this. Mr. Bacon suggested a paragraph outlining the general roles and responsibilities of the Finance Committee, and then another paragraph which expands on the FinCom function in greater detail. Mr. Green cautioned that because it is difficult to make changes to the charter, the group should be careful not to try to add too much. The group agreed to use Mr. Bacon's suggested language (see attached) to form the general basis of the FinCom function, and then to utilize Mr. Pease's document (see attached) for specific detail in support of this function. Mr. Bacon will assume responsibility for assimilating these two documents into the CRC template. The group discussed where in the current charter document the suggested changes for the FinCom should reside. It was noted that the final format and placement of suggested changes will be determined by the CRC.

Mr. Prest would like the FinCom members to consider two additional questions: 1. Whether FinCom members should be appointed or elected, and 2. How much involvement should the FinCom have in budget development and contract negotiations. Mr. Robertson felt that officials tend to be elected based more on "who they know" rather than "what they know." Therefore a committee tasked with performing functions that require a particular skill-set may end up with more qualified members if they are appointed, while policy-making boards are better-served if their members are chosen by election. Mr. Green said that the MMA published a survey that shows that 82% of Massachusetts Finance Committees are appointed. Mr. Pease cautioned that if the Finance Committee does not participate more actively in policy-setting in budgeting and finance matters, havoc is likely to result.

On a motion by Mr. Prest, seconded by Mr. Bacon, the Finance Committee voted unanimously to recommend to the CRC that future Finance Committee members continue to be chosen through an appointment process rather than by an election process. The Vote: 5-0-1 (Mr. Pease abstained)

The members discussed who the appointing authority should be for the Finance Committee. Mr. Pease said that allowing the BOS to appoint and remove members could result in some decisions being made for political reasons or as a result of inside influence. Mr. Green said that many towns allow the Town Moderator to appoint the Finance Committee. Mr. Pease noted that this would allow the Moderator some influence over fiscal policy as well as Town Meeting procedures. Mr. Robertson suggested that the

most diverse appointment solution would be to allow a troika consisting of the Moderator, the Chairman of the Board of Selectmen and the Chairman of the Finance Committee to make the selection. Mr. Pease wondered if the Town Clerk should participate. Mr. Prest felt that the BOS as an elected board of 5 individuals was fully capable of appointing the Finance Committee members. Mr. Robertson agreed but said that the process could be improved somewhat. Ms. Anderson felt that the FinCom should fully vet all the candidates first, and then bring at least two candidates forward for the troika to select from. She agreed that an election can be self-defeating in that candidates perceive this process as burdensome and decline to participate.

On a motion by Mr. Manugian, seconded by Mr. Robertson the Finance Committee voted unanimously to recommend to the CRC that future Finance Committee members be appointed by a troika consisting of the Chairman of the Board of Selectmen, the Chairman of the Finance Committee and the Town Moderator. The Vote: 6-0-0

The members discussed codifying the review of the BOS Financial Policies. Mr. Pease said that the FinCom and the BOS should review all financial policies annually, though he is not necessarily referring to the review of any specific document. Development of an accurate budget document is much more likely if all those involved understand the budget and financial policies involved. Mr. Robertson felt that the FinCom should in fact reference the specific document (the BOS Overall Financial Management Policy); it exists and therefore should be reviewed and updated annually.

After a brief discussion, the members decided to recommend deleting section 2-6(b) regarding delivery of warrant article petitions to the Chairman of the FinCom. This is not currently happening and is not truly necessary to the process.

The Finance Committee discussed at length the process of preparing the 5-year fiscal plan for the Town. Mr. Pease would like to see more FinCom involvement in this effort. Mr. Green felt that this is already part of the budget process and it is somewhat redundant to include it as a separate section in the charter. Mr. Manugian said that the 5-year plan exists outside of the annual budget and represents something of a "wish list" for the Town and its Department, and therefore has no real authority. Mr. Pease would like to see a formal presentation of the 5-year plan going forward. Mr. Bacon suggested adding language that states that "The 5-year plan will be developed in collaboration with the FinCom and the Finance Department as a component of the annual budget process." Mr. Pease suggested that the intent should be for the 5-year plan to be reviewed by both the BOS and the FinCom.

The group discussed the limitations in the process of negotiating union contracts. Mr. Bacon and Mr. Prest do not feel it is necessary to be directly involved in the negotiations, however it would be useful for the FinCom to be part of the initial strategy meetings and should retain some final approving authority. Mr. Green agreed that the contracts should at the very least be presented to the FinCom before the BOS is asked to ratify them. Mr. Manugian agreed that the FinCom should be included in strategizing before the contracts are negotiated, he is not as comfortable that the FinCom should ratify those contracts.

Approval of Meeting Minutes –

On a motion by Mr. Prest, seconded by Mr. Bacon, the Finance Committee voted in the majority to approve the meeting minutes of July 7th, 2015 as amended. The Vote: 5-0-1 (Mr. Manugian abstained).

Mr. Green officially adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Patricia Dufresne, Recording Secretary

I read through the Town Charter, and it appears those Finance Committee members who said that the Fincom roles aren't adequately described are correct.

Since there isn't a section of the Charter devoted to appointed committees, I think description of the Finance Committee's roles and responsibilities is best placed in Article 6, "Finance and Fiscal Procedures."

I would start this article off with a new paragraph 6-1, "The Finance Committee," and insert the following language:

The Finance Committee has seven members who are appointed by a majority of the Board of Selectmen, serving 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. 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. The primary roles and responsibilities of the Finance Committee are as follows:

1. Serve as principal advisors to the Board of Selectmen, the Town Manager and the Finance Department on all matters pertaining to the budget, including budgeting strategy and goals, and the balancing of revenues and expenditures.
2. Together with the Board of Selectmen, the Town Manager and the Finance Department, develop a budgeting strategy and set financial goals for each fiscal year.
3. Review and ratify the town's annual budget in accordance with the process described later in this section, and present the budget for a vote at the spring town meeting.
4. Consult with the Board of Selectman, the Town Manager and Finance Department prior to collective bargaining to develop a strategy aligning with the town's annual budgetary strategy and goals.
5. Review the results of collective bargaining to ensure alignment with annual budgetary strategy and goals, and recommend changes in those instances where collective bargaining is not in alignment with strategy and goals.

Respectfully submitted...

Mark Bacon

August 3, 2015 - For consideration by Finance Committee as group's recommendation for modifications to Section 6-5 of the Groton Town Charter. Crafted by Barry A. Pease, Member, Fincom.

At a previous meeting, Gary Green and others had expressed that there was no codification of how the Fincom should review/consider the yearly budget. This is broad-brushed attempt to put some ideas onto paper as to what check-boxes might be useful. It is submitted as food for thought, as some of these items might better fit as a modification to by-laws (Chapter 13) rather than the Charter...

The finance committee shall review the budget to assure that it meets the following fiscal considerations:

- 1) Is the proposed budget within the policy guidelines as agreed upon at the prior to the budget cycle?
- 2) Does the proposed budget fall within the 5 year plan?
- 3) Does the proposed budget use only numbers confirmed by the DOR (growth, etc.) during the previous fiscal year? i.e. No estimates shall be made regarding the ensuing fiscal year "new growth". New growth may not be included in the levy limit until the fiscal year after the DOR has verified this number.
- 4) Does the proposed municipal budget have only 65% of its non-capital expenditures in labor, benefits, insurance and other items directly related to salaries and wages? (Percentage is arbitrary and just a placeholder). Do the contracted increases push future budgets beyond this level?
- 5) Is the municipal portion of the budget within 40% of the town's total non-excluded budget? i.e. Is the Ratio 60% school/40% municipal...
- 6) Are there places within the budget where automation might create more productivity, and thus place a cap on future labor growth? Have these projects been defined and funded?

One more item - I looked in both the bylaws and the town charter...I couldn't find where the reserve fund was spelled out or the practice of line-item transfers requiring our approval. (I noticed that it was spelled out in Westford's by-laws). Also, please note that Westford has all of their Fincom info within the By-laws, but they have a MUCH larger section regarding it. And Westford's Fincom is appointed by the Town Moderator.

the current section 6-5 is below:

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.

August 3, 2015 - For consideration by Finance Committee as group's recommendation for modifications to allow Fincom to be a Policy board within the scope of Groton Town Charter. Crafted by Barry A. Pease, Member, Fincom.

Here are several places within the existing Charter (prior to section 6) that involve Fincom:

Section 2-6(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.

Section 2-11: Report to the voters

... (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; ...

Section 3-2(d) - *Appointing Authority* - The board of selectmen shall appoint the town manager, finance committee, town counsel, a zoning board of appeals, and a board of registrars. The board of selectmen shall also appoint, consistent with paragraph (d) of section 4- 2, a police chief and a fire chief. The police chief shall serve under section 97A of chapter 41 of the General Laws. The fire chief shall serve under section 42 of chapter 48 of the General Laws. The board of selectmen shall also appoint a conservation commission, council on aging, housing partnership, local cultural council, and other committees as required by the General Laws. [Amended by Ch. 50, Acts of 20102] *BAP --> should the Fincom be appointed or elected? Should it be appointed by another entity or tri-board, i.e. Selectmen, Moderator and Clerk, with 2/3rd require to approve? What are the risks of election? What are the risks of expanding the appointing committee?*

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

Whenever a vacancy shall occur in the office of town manager, a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of town manager. The screening committee shall consist of 7 persons who shall be chosen as follows: the board of selectmen shall designate 3 members, the finance committee shall designate 2 members, and the town moderator and the town clerk shall each designate 1 member. Persons chosen by these agencies may, but need not, be members of the agency by which they are designated. . *BAP --> here again we have 3 elected bodies and 1 appointed body on an important committee - why the variation?*

Section 5-3(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. *BAP --> What about the Finance Committee's involvement in the 5-year financial plan? Is it reasonable that the Fincom should approve (toll-gate) any plan before it's codified and presented to town meeting?*

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.

INSERT BETWEEN SECTION 6-1 & SECTION 6-2:

The Board of Selectmen and the Finance Committee shall review the financial policies annually, seeking input from financial staff and advisors.

BAP --> This is from the adopted financial guidelines. Does it make sense to codify this in the Charter?

Fincom - Two possible approaches to a stronger Fincom, which can be a POLICY board.

-----APPROACH IF ELECTED -----

Put Fincom in Section 3: Elected Officers

Requires modification to Section 3-1(a), and a new 3-1(f) as follows:

4. Finance Committee - If there is a failure to elect a member of the Finance Committee, or if a vacancy occurs in the membership of the Finance Committee, the remaining members of the Finance Committee shall give notice to the public regarding the vacancy in accordance with section 7-9. The remaining members of the Finance Committee shall submit recommendations to a tri-board panel of Town Clerk, Town Moderator, and Chairman of the Board of Selectmen, who shall, by 2/3rds vote, ratify a candidate. The candidate shall fill the vacancy until the next town election.

New Section 3-9 (current section 3-9 becomes 3-10):

Section 3-9: Finance Committee

(a) Composition, Term of Office - There shall be a finance committee consisting of 7 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 - <as submitted by other members of the Fincom>

-----ALTERNATE APPROACH IF TRI-BOARD APPOINTMENT -----

Requires NEW Section - two possibilities are immediately apparent: after section 4 (Town Manager) but before Section 5. Or, before Section 4.

Section X: Finance Committee

(a) Composition, Term of Office - There shall be a finance committee consisting of 7 members appointed 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) Appointment - Members of the Finance Committee shall submit recommendations to a tri-board panel of Town Clerk, Town Moderator, and Chairman of the Board of Selectmen, who shall, by 2/3rds vote, ratify a candidate.

(c) Powers and Duties - <as submitted by other members of the Fincom>

BAP - Please note that yet another approach - ADVISORY board - this would be less than a Policy board but more than a sign-off. The Charter doesn't have ANY scope regarding this type of role, and such would have to be created. Think similar to "Citizen Advisory Board" or "Citizen Review Committee" that are instituted in other municipalities. Usually these boards are appointed by the Elected mayor and have huge influence over situations.

August 3, 2015 - For consideration by Finance Committee as group's recommendation for modifications to Section 6-2 of the Groton Town Charter. Crafted by Barry A. Pease, Member, Fincom.

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.

Amend Section 6-2 to begin with:

The Board of Selectmen, Town Manager, Finance Team and Finance Committee shall hold an open meeting prior to the start of the budget cycle to agree upon and determine budgetary goals for the ensuing fiscal year, with such goals being ratified by a 2/3rd majority vote of both boards.

Amend Section 6-2, 2nd sentence as follows:

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 that complies with the budgetary goals set forth prior to the start of the budget cycle. The budget shall be submitted along with an accompanying budget message and supporting documents.

Such that Section 6-2 will now read:

The Board of Selectmen, Town Manager, Finance Team and Finance Committee shall hold an open meeting prior to the start of the budget cycle to determine budgetary goals. 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 that complies with the budgetary goals set forth prior to the start of the budget cycle. The budget shall be submitted along 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.

BAP --> Should there be more Fincom guidance PRIOR to the balanced/operating budget?

What does "balanced" mean? Does this mean that 2.5% is added to the previous year and therefore the revenues match the expenses? Is "Balanced" too vague/easy?

Is 2/3rds the correct threshold - a good high-bar - this prevents a simple majority (3/5 or 4/7) from moving the budget - it's as close to consensus as we can likely obtain in a political body.

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

ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY

Section 1-1: Incorporation

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

Section 1-2: Short Title

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

Section 1-3: Powers of the Town

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

Section 1-4: Division of Powers

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

Section 1-5: Interpretation of Powers

The powers reserved or granted to the town under this charter shall be construed liberally and interpreted broadly in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-3.

Section 1-6: Intergovernmental Relations

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

Section 1-7: Precedence of Charter Provisions

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

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Section 1-8: Ethical Standards

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

Section 1-9: Definitions

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

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

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- (i) "Town agency", any board, commission, committee, department, division or office of the town government.
- (j) "Town Bulletin Board", bulletin boards in the town hall on which office notices are posted and those at other town buildings or facilities which may be designated as town bulletin boards.
- (k) "Town Meeting", the open town meeting established in article 2, whether annual or special.
- (l) "Town Officer", a person having charge of an office or department of the town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the town.
- (m) "Voters", registered voters of the town.
- (n) "Warrant", a document required to warn and notify residents and inhabitants of the town, who are qualified to vote in town affairs, to meet at a specific place to act on published articles relating to the governance of the town.

ARTICLE 2: LEGISLATIVE BRANCH

Section 2-1: Town Meeting

The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

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

Section 2-2: Presiding Officer

The moderator, elected as provided in section 3-4, shall preside at all sessions of annual and special town meetings. He shall, at the first session of the spring town meeting, appoint a deputy moderator, subject to ratification by the town meeting, to serve at any session of an annual or special town meeting in the event of his absence or disability. The

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deputy moderator may also temporarily serve when the moderator has a conflict or the appearance of conflict arises, as determined by the moderator, with regard to a particular article or matter under consideration.

The moderator, at all town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by law, this charter, by-law or other vote of the town meeting.

Section 2-3: The Town Report

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

Section 2-4: Special Town Meetings

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

Section 2-5: Warrants

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

Section 2-6: Initiation of Warrant Articles

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

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least 60 days before the date fixed by by-law for such session to convene. Unless specified otherwise in this charter, the content, scheduling and notice requirements for a spring or fall town meeting shall be as provided for in section 10 of chapter 39 of the General Laws for an annual town meeting.

- (d) Inclusion on the Warrant - Special Town Meeting - Whenever a special town meeting is to be called, notice shall be given by posting attested copies of the warrant in at least 2 public places in the town and by publishing notice of the meeting in a local newspaper at least 14 days before the day appointed for the meeting. The board of selectmen shall include in the warrant for such special town meeting the subject matters of all petitions which have been received by it at least 20 days before the day appointed for the meeting. Unless specified otherwise in this charter, the content, scheduling and notice requirements for a special town meeting shall be as provided for in section 10 of chapter 39 of the General Laws for a special town meeting.

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

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

In the event any town officer, chairperson of a multiple member body, or department or division head shall be absent from a town meeting due to illness or other reasonable cause, that person shall designate a deputy to attend the meeting and represent the office, multiple member body, department or division. If any person designated to attend a town meeting under this section is not a voter, such person shall, nonetheless, have a right to address the meeting for the purpose of fulfilling the objectives of this section.

- (b) No meeting of any multiple member body or town agency shall be convened or be in session during a session of any town meeting.

Section 2-8: Clerk of the Meeting

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

Section 2-9: Rules of Procedure

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

Section 2-10: General Powers and Duties

The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made by law, this charter or by-law.

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Section 2-11: Report to the Voters

There shall be published for every town meeting a copy of the warrant, together with its articles, and a report to the voters which shall contain the explanation and relevant data submitted by the proponents of each article; provided, however, that, in the alternative, the town manager may direct that voluminous supporting material necessary for consideration of particular articles, in lieu of inclusion in the written report to the voters, be made reasonably available for inspection at public locations before the town meeting. The written report for each spring town meeting shall be comprised of the following: (1) the written report of the planning board setting forth its findings and recommendations as to all zoning articles; (2) the written report of the finance committee, setting forth its findings, conclusions and recommendations, including the reasons therefor, regarding all of the monetary articles in the warrant; and (3) with respect to each warrant article, in addition to the reports of the planning board and the finance committee, the written report of any proponent or sponsor of the warrant article and of any multiple member body or town agency that is required to review, recommend or sponsor the warrant article by by-law, appointment or otherwise.

The report for the spring town meeting shall also include, as an appendix, the capital improvement plan defined in section 6-6, setting forth a 5-year capital outlay program for the information and guidance of town meeting. The board of selectmen shall have the opportunity to include in the report its conclusions and recommendations, including the reasons therefor, regarding articles in the warrant that relate to its general superintendence over the administration of town affairs.

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

ARTICLE 3: ELECTED OFFICERS

Section 3-1: General

(a) Elective Town Offices - The town offices to be filled by the voters shall be a town moderator, the board of selectmen, a town clerk, the Groton component of the regional school committee, the Groton housing authority, the planning board, the board of library trustees, the commissioners of the trust fund, the Groton electric light commission, the Groton water commission, the Groton sewer commission, the parks commission, the Groton board of health, Groton board of assessors and other officers or representatives to regional authorities or districts as may be established by law or

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by inter-local agreement which shall also be filled by ballot at town elections.
[Amended by Ch. 50, Acts of 2010¹]

- (b) Town Election - The annual election by ballot of town officers and voting on any questions required by law to be placed upon the official ballot shall be held on a date fixed by by-law.
- (c) Eligibility - Any voter shall be eligible to hold any elective town office, unless specifically prohibited by law or by-law.
- (d) Compensation - Elected town officers shall receive such compensation for their services as may be appropriated at the spring town meeting for such purpose.
- (e) Coordination - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or of the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
- (f) Filling of Vacancies
 - 1. Moderator - If there is a failure to elect a town moderator, or if a vacancy occurs in the office of town moderator, the board of selectmen shall appoint a suitable person to serve until the next town election.
 - 2. Elected multiple member body - If there is a failure to elect a member of a multiple member body, or if a vacancy occurs in the membership of an elected multiple member body, the remaining members of the multiple member body shall give notice to the board of selectmen and to the public of the vacancy in accordance with section 7-9. The board of selectmen and the remaining members of the multiple member body shall, not less than 1 week after notice of the date on which the vote is to be taken, fill the vacancy until the next town election by a joint vote. The affirmative votes of the majority of the persons entitled to vote on the vacancy shall be necessary for the election.
 - 3. Board of Selectmen - If there is a failure to elect a member of the board of selectmen, or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may call a special election to fill the vacancy or shall call the special election upon the written request of at least 200 voters.

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

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(g) Recall Provision for Elected Officers

1. Application - Any holder of any elective town office may be recalled if the recall election occurs before 6 months from the end of his elective term.
2. Recall Petition - Two per cent of the voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The town clerk shall thereupon deliver to the voters making the affidavit copies of petition blanks demanding the recall. The petition blanks shall contain the following heading: "Initiating a recall is a serious process and should not be undertaken lightly". The blanks shall be issued by the town clerk with his signature and official seal. They shall be dated, addressed to the board of selectmen, contain the names of the first 10 signers of the affidavit and the name of the person whose recall is sought, contain the grounds for recall as stated in the affidavit and shall demand the election of a successor to the office. A copy of the affidavit and recall petition shall be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be returned and filed with the town clerk within 45 days following the date of the filing of the affidavit and shall be signed by at least 20 per cent of the voters as of the date the affidavit was filed with the town clerk.

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

3. Recall Election - If the petitions are certified by the registrar of voters to be sufficient, the town clerk shall submit the same with such certificate to the board of selectmen. Upon receipt of the certificate, the board of selectmen shall forthwith give written notice of the petition and certificate by certified mail to the officer whose recall is sought. If said officer does not resign his office within 5 days after delivery of such notice, the board of selectmen shall forthwith order an election to be held on a date fixed by them not less than 64 days nor more than 90 days after the date that the election is called. However, if any other town election is to occur within 100 days after the date the election is called, the selectman shall postpone the holding of the recall election to the date of such other election. If said officer resigns after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
4. Nomination of Candidates - An officer whose recall is sought may be a candidate to succeed to the office if the vote on the recall is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election and conduct of the recall election shall be in accordance with the laws relating to elections unless otherwise provided in this section.

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5. Office Holder - The incumbent shall continue to perform the duties of the office during the recall procedure. If the incumbent is not removed, the incumbent shall continue in the office for the remainder of the unexpired term subject to recall as before. If recalled at the recall election, the incumbent shall be deemed removed.
6. Ballot Proposition - Ballots used in a recall election shall contain the following propositions in the order indicated:

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

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

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

Section 3-2: Board of Selectmen

- (a) Composition, Term of Office - There shall be a board of selectmen consisting of 5 members elected for terms of 3 years each, arranged so that the terms of office of as nearly an equal number of members as is possible shall expire each year.
- (b) Powers and Duties - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall possess all of the executive powers that a board of selectmen may possess and exercise, except those powers and duties assigned by this charter, by-law or other town meeting vote to the town manager. The board of selectmen shall:
 1. serve as the chief policy making agency of the town;
 2. be responsible for the formulation and promulgation of policy to be followed by all town agencies serving under it;

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3. in conjunction with other elected town officers and multiple member bodies, develop and promulgate policy guidelines designed to bring all town agencies into harmony; and
4. award and execute all contracts for services and supplies for all departments and agencies of the town, other than the school committee; provided, however, that the board of selectmen, at its sole discretion, may delegate this authority to any town officer or agency.

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

- (c) Licensing Authority - The board of selectmen shall be the licensing board of the town and may issue licenses, make reasonable rules and regulations regarding the issuance of licenses and attach such conditions and restrictions thereto as it deems to be in the public interest; provided, however, that such rules, regulations, conditions and restrictions are not incompatible with applicable law. The board of selectmen shall enforce the laws relating to all businesses for which it issues licenses. The board of selectmen may delegate its licensing authority unless specifically prohibited by law.
- (d) Appointing Authority - The board of selectmen shall appoint the town manager, finance committee, town counsel, a zoning board of appeals, and a board of registrars. The board of selectmen shall also appoint, consistent with paragraph (d) of section 4-2, a police chief and a fire chief. The police chief shall serve under section 97A of chapter 41 of the General Laws. The fire chief shall serve under section 42 of chapter 48 of the General Laws. The board of selectmen shall also appoint a conservation commission, council on aging, housing partnership, local cultural council, and other committees as required by the General Laws. **[Amended by Ch. 50, Acts of 2010²]**
- (e) Investigations - The board of selectmen may investigate the affairs of the town and the conduct of any town agency, including any doubtful claims against the town. Copies of the full text of the report on the results of any such investigation shall be placed on file in the office of the board of selectmen, the office of the town clerk and in the town library and a report summarizing the results of the investigation shall be printed in the next annual town report.

Section 3-3: Regional School Committee

- (a) The Groton-Dunstable Regional School District provides public education, pre-K through high school, and related services to the towns of Groton and Dunstable under

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

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the terms of a regional agreement between the towns. Pursuant to the regional agreement, there is a Groton-Dunstable Regional School Committee consisting of 7 members elected for terms of 3 years each, the terms being arranged so that the terms of office of as nearly an equal number of members as possible shall expire each year. The number of members elected by each town is governed by the terms of the regional agreement, as it may be amended.

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

Section 3-4: Town Moderator

- (a) Term of Office - There shall be a town moderator elected for a term of 3 years.
- (b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, as provided in section 2-2, and shall regulate its proceedings and perform other duties as may be provided by law, this charter, by-law or other town meeting vote.
- (c) Appointments - The town moderator shall make appointments provided for by law, this charter, or by-law.
- (d) Deputy Moderator - At the first session of the spring town meeting, the moderator shall, in accordance with section 2-2, appoint a voter to serve as deputy moderator. In the absence of the moderator and the duly ratified deputy moderator at any session of a town meeting, the town clerk shall open the meeting and preside over the election of an acting moderator. In the absence of the moderator the deputy moderator and the town clerk, the presiding officer of the first session of a town meeting shall be determined as provided for by law.

Section 3-5: Groton Housing Authority

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

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Section 3-6: Planning Board

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

Section 3-7: Groton Electric Light Commission

- (a) Composition, Term of Office - There shall be a Groton Electric Light Commission, which shall consist of 3 members, each serving for a term of 3 years. The terms shall be arranged in order that the term of 1 member shall expire each year.
- (b) Powers and Duties - The Groton Electric Light Commission shall set the policy direction of the Groton Electric Light Department, which provides electric power to the town, consistent with chapter 164 of the General Laws. If a provision of this charter shall conflict with said chapter 164, said chapter 164 shall govern.

Section 3-8: Trustees of the Groton Public Library

- (a) Composition, Term of Office - There shall be a board of trustees of the Groton public library, which shall consist of 6 members, each serving for a term of 3 years. The terms shall be arranged in order that the terms of 2 members shall expire each year.
- (b) Powers and Duties - The trustees of the Groton public library shall establish written policies governing library activities and services; engage in ongoing planning which assesses the needs and the role of the library in the community; ensure that the library meets the community's needs; work on preparation of the annual library budget and its adoption by the town; monitor and oversee maintenance of the buildings and grounds and regularly review facility needs; hire and evaluate the library director and work with the personnel board on job classifications for all staff; promote the library and act as library advocates in the community; study and support legislation which will benefit the library and the larger community; and have such other powers and duties as provided for by law, this charter and by-law.
- (c) Appointments - The trustees of the Groton public library shall appoint the library director and such other appointments as provided for by law, this charter or by-law.

Section 3-9: Other Elected Officers

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

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ARTICLE 4: TOWN MANAGER

Section 4-1: Appointment, Qualifications and Review Procedure

- (a) Pursuant to section 8.5(e), the board of selectmen shall, by an affirmative vote of the majority of the full board, appoint or reappoint a town manager for a term not more than 3 years and fix the compensation of the town manager within the amount annually appropriated for this purpose. Whenever a vacancy shall occur in the office of town manager, the board of selectmen shall appoint a town manager search committee to identify qualified candidates for the position. The office of the town manager shall not be subject to the town's salary administration plan. The town manager shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of the office. The town manager shall not have served in an elective office in the town government for at least 1 year before his appointment. The town may, by by-law, establish additional qualifications for the town manager as deemed necessary or appropriate.
- (b) The position of town manager shall be a full-time position and the town manager shall devote his best efforts to the office and shall not hold any other public office, elective or appointive, nor engage in any business or occupation during his term unless the action is fully disclosed and approved by the board of selectmen in advance, in writing.
- (c) The board of selectmen shall provide for an annual review of the job performance of the town manager, which shall, at least in summary form, be a public record in accordance with the personnel by-laws or accepted evaluation process.

Section 4-2: Powers and Duties

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

- (a) To manage, supervise and be responsible for the efficient and coordinated administration of all town functions under his control, as may be authorized by this charter, by-law, other town meeting vote or the board of selectmen, including all appointed officers and their respective departments.
- (b) Unless otherwise required by law, this charter or by-law, to manage and coordinate the administrative activities of all town agencies. For this purpose, elected officials or their representatives shall be required to meet with the town manager at reasonable

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times for the purpose of effecting coordination and cooperation among all town agencies.

- (c) To appoint and remove department heads, officers and subordinates and employees and other appointed members of town government for whom no other method of appointment or removal is provided in this charter or by-law. Appointments made by the town manager shall be confirmed by the board of selectmen within 15 days of the date the town manager files notice of the action with the board of selectmen. Failure by the board of selectmen to confirm an appointment within 15 days shall constitute rejection of the appointment. [Amended by Ch. 50, Acts of 2010³]
- (d) Whenever a vacancy occurs in the office of police chief, fire chief or highway surveyor, to select and present at least 2 qualified candidates to the board of selectmen for appointment by the board to the office, as provided for in section 3.2(d).
- (e) To act as a negotiator for all collective bargaining agreements to which the board of selectmen is a party.
- (f) To conduct annual performance evaluations of all employees subject to his or the board of selectmen's appointment and consult with elected and appointed boards to contribute to the preparation of the evaluations of department heads associated with such boards.
- (g) To fix the compensation of town officers and employees appointed by him within the limits established by law, the personnel by-laws, the town's wage and classification schedule or collective bargaining or other agreements.
- (h) To attend all regular and special meetings of the board of selectmen, unless excused at his request, and have a voice, but no vote, in all discussions.
- (i) To attend all sessions of the town meeting and answer all questions directed to him which are related to the office of the town manager or concerning which he possesses the relevant information.
- (j) To see that all laws, this charter, by-laws and other town meeting votes, and directives of the board of selectmen that require enforcement by him or officers or employees subject to his direction and supervision, are faithfully carried out.

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

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- (k) To prepare and submit annual operating budgets and capital improvement programs as provided in article 6.
- (l) To coordinate the preparation of the town's annual report.
- (m) To perform such duties as necessary or as may be assigned by this charter, by-law, town meeting vote or the board of selectmen.

Section 4-3: Removal and Suspension

- (a) The board of selectmen may, by the affirmative vote of 4 members of the board of selectmen, terminate and remove or suspend the town manager from office in accordance with the following procedure:
 1. The board of selectmen shall adopt a preliminary resolution of removal, which shall state the reason or reasons for removal, by the affirmative vote of 4 members. The preliminary resolution may suspend the town manager for a period not to exceed 45 days. A copy of the resolution shall be delivered to the town manager within 48 hours of its adoption.
 2. Within 7 days after receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such a hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than 20 nor earlier than 3 days after the request is filed. The town manager may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen if the same is received at the office of the board of selectmen more than 48 hours before the public hearing.
 3. If the town manager has not requested a public hearing pursuant to paragraph 2 above, the board of selectmen, by the affirmative vote of 4 members of the board of selectmen, may adopt a final resolution of removal not less than 10 nor more than 21 days after the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager has requested a public hearing pursuant to paragraph 2 above, the board of selectmen, by the affirmative vote of 4 members of the board of selectmen, may adopt a final resolution of removal at any time after the hearing but not more than 21 days after the close of the hearing, unless the parties agree to a longer period of time. Failure to adopt a final resolution of removal within the time periods provided in this section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of said time, resume the duties of the office.
 4. Any action by the board of selectmen to terminate, remove or suspend shall be conducted pursuant to section 23B of chapter 39 of the General Laws.

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- (b) The action of the board of selectmen in terminating, removing or suspending the town manager shall be final.

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

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

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

Whenever a vacancy shall occur in the office of town manager, a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of town manager. The screening committee shall consist of 7 persons who shall be chosen as follows: the board of selectmen shall designate 3 members, the finance committee shall designate 2 members, and the town moderator and the town clerk shall each designate 1 member. Persons chosen by these agencies may, but need not, be members of the agency by which they are designated.

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

The screening committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials, and

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provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

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

Upon the appointment of a town manager, the committee established hereunder shall be considered discharged.

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

Section 5-1: Organization of Town Agencies

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

Section 5-2: Merit Principle

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

Section 5-3: Department of Finance

- (a) There shall be a department of finance in the town, reporting to the town manager, including an appointed town accountant, an appointed treasurer/collector and an appointed principal assessor. The department shall be responsible for the performance of all the fiscal and financial activities of the town. The town manager shall serve as the finance director; provided, however, that the town manager may, at the town manager's discretion, appoint another person to serve as the finance director. The appointment shall be subject to confirmation by the board of selectmen in accordance with section 4-2(c).
- (b) The department of finance shall assume all of the powers, duties and responsibilities related to municipal finance activities which, before to the adoption of this charter, were performed by or under the authority of the town accountant, the tax collector, the town treasurer and the principal assessor and to the coordination of those

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

- (c) The department of finance shall assure that complete and full records of the financial and administrative activities of the town are maintained and shall render written reports, comprising a full accounting of all town administrative and financial operations, to the board of selectmen, not less often than once per calendar quarter. The quarterly reports shall be rendered within 30 days after the end of the calendar quarter to which they apply and shall be made available to the public in accordance with the requirements of section 10 of chapter 66 of the General Laws. Additional reports shall be rendered to the board of selectmen at their request.
- (d) The department of finance shall prepare, maintain and present to the board of selectmen and town meeting a 5-year financial plan for the town.
- (e) Town Accountant - The town accountant shall be appointed by the town manager for a term not to exceed 3 years. The town accountant shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- (f) Treasurer/Collector - The treasurer/collector shall be appointed by the town manager for a term not to exceed 3 years. The treasurer/collector shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- (g) Principal Assessor - The principal assessor shall be appointed by the town manager for a term not to exceed 3 years. The principal assessor shall have all the powers and duties vested in this office by law, this charter, by-law or other town meeting vote.

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

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

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

5-4-3 Powers and Duties. The department shall work in close coordination with the necessary town boards and departments to enable the effective and efficient performance of its duties pursuant to the general laws, this charter, by-law or vote of town meeting.

ARTICLE 6: FINANCE AND FISCAL PROCEDURES

Section 6-1: Fiscal Year

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

Section 6-2: 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

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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.

Section 6-3: Budget Message

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

Section 6-4: The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by the General Laws, this charter or by-law, it shall be in the form which the town manager deems desirable or the board of selectmen may require. In the presentation of the budget, the town manager shall utilize modern concepts of fiscal presentation so as to furnish information in a complete, clear and concise manner and in accordance with best practices of financial reporting and control. The budget shall show, in detail, all estimated income from the proposed property tax levy and all other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections the following:

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

Section 6-5: Action on the Budget

The finance committee shall, upon receipt of the budget from the town manager, consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each town agency in connection with its review and consideration. The finance committee may require the town manager, or any town agency, to furnish it with additional information as it may deem necessary to assist it in its review and consideration of the proposed budget. The finance committee shall file with the town clerk, at least 14 days before to the first session of spring town meeting, a report containing its proposed budget and its comments or recommendations regarding differences between its proposed budget and the budget submitted by the town manager. The report shall also be made available to voters of the town by publication on the town's website and by leaving copies of the report at least 3 public places in the town at least 14

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days before the first session of spring town meeting. Additionally, copies of the report shall be made available to voters at the first session of spring town meeting. The failure to timely file the budget report with the town clerk or to publicize the report by posting on the town's website or in 3 public places in the town shall not prohibit the town meeting from voting on the budget nor shall it affect the validity of any vote taken thereon at town meeting.

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

Section 6-6: Capital Improvement Plan

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

ARTICLE 7: GENERAL PROVISIONS

Section 7-1: Charter Changes

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

Section 7-2: Severability

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

Section 7-3: Specific Provisions to Prevail

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

Section 7-4: Number and Gender

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

Section 7-5: Rules and Regulations

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk and any such rule or regulation shall become effective on the date of such filing, unless otherwise provided for by law or by-law. Copies of all such rules and regulations shall be made available for review by any person who requests such information pursuant to the public records law.

Section 7-6: Periodic Charter Review

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

Section 7-7: Removals

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- (a) Notwithstanding the provisions of any general or special law to the contrary, any appointed officer, appointed member of a multiple member body or employee of the town not covered by the terms of a collective bargaining or other agreement addressing removal, and whether appointed for a fixed or an indefinite term, may be removed from office by the appointing authority.
- (b) The appointing authority, when removing any such officer, appointed member of a multiple member body or employee of the town, shall act in accordance with the town's personnel by-laws or rules and regulations.

Section 7-8: Loss of Office, Excessive Absence

A person appointed to serve as a member of a multiple member body may be removed from office by the appointing authority if the person exhibits excessive absences from the properly scheduled meetings of the multiple member body.

Section 7-9: Notice of Vacancies

Whenever a vacancy occurs in any town office, position or position of employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall cause public notice of such vacancy to be posted on the town bulletin board for at least 10 days. The notice shall contain a description of the duties of the office, position or position of employment and a listing of the necessary or desirable qualifications to fill the office, position or position of employment. No permanent appointment to fill such office, position, or position of employment shall be effective until 14 days after the date the notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions governed by any collective bargaining or other agreement.

ARTICLE 8: TRANSITIONAL PROVISIONS

Section 8-1: Continuation of Government

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

Section 8-2: Continuation of Administrative Personnel

Any person holding a town office or a position in the administrative service of the town, or any person holding full-time employment under the town, shall retain his office, position or employment, and shall continue to perform the duties of his office, position or position of employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full-time service of the town shall forfeit his pay grade or time in the service of the town as a result of the adoption of this charter; provided further, that this section shall not be

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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.