

Select Board Meeting Packet

November 25, 2019

This is the Select Board preliminary preparation information packet. The content of this package is subject to change between when it is released and the start of the Select Board meeting. Such changes will not be posted to the web site before the meeting. If you see an item or items in the preliminary preparation package that are important to you, please attend the meeting in person.



TOWN OF GROTON

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

Select Board

Alison S. Manugian, *Chair*
Joshua A. Degen, *Vice Chair*
John F. Reilly, *Clerk*
John R. Giger, *Member*
Rebecca H. Pine, *Member*

Town Manager
Mark W. Haddad

SELECT BOARD MEETING
MONDAY, NOVEMBER 25, 2019
AGENDA
SELECT BOARD MEETING ROOM
2nd FLOOR
GROTON TOWN HALL

6:00 P.M. Work Session – Continue Review of Select Board Policies and Procedures – No Public Comment Will Be Taken During the Work Session

7:00 P.M. Regular Meeting Commences - Announcements and Review Agenda for the Public

7:05 P.M. Public Comment Period

I. 7:10 P.M. Town Manager's Report

1. Select Board's Agenda Schedule
2. Introduction of Art Cheeks as Deputy Fire Chief
3. Legislative Update from State Representative Sheila Harrington
4. Update from Town Manager on Town Hall Thanksgiving Hours
5. FY 2021 Budget Update - Budget Review Meeting Schedule Reminder
6. Review and Approve Proposed Letter of Support to Department of Conservation and Recreation for Forest Legacy Area Designation

OTHER BUSINESS

- Consider Approving a One Day Beer and Wine License Request from the Friends of Prescott for a Holiday Party to be Held on Saturday, December 14, 2019 from 5:30 p.m. to 7:30 p.m.
- Discussion – Addressing Domestic Violence
- Discussion – Determine Process for Considering Opt-Out of Town Manager's Contract

ON-GOING ISSUES – For Review and Informational Purposes

- A. Senior Center Building Project – Final Accounting
- B. Prescott School Sprinkler System Project
- C. Water Department – Manganese Issue
- D. MS4 Permit
- E. Polystyrene Containers
- F. Green Communities Application and Implementation
- G. Charter Approval/Implementation of New Provisions
- H. Florence Roche Elementary School Feasibility Study
- I. Library Roof Repair
- J. Highway Garage Renovations
- K. Pepperell Landfill

SELECT BOARD LIAISON REPORTS

II. Minutes: Regularly Scheduled Meeting of November 18, 2019

ADJOURNMENT

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



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Town Manager
Mark W. Haddad

To: *Select Board*

From: *Mark W. Haddad – Town Manager*

Subject: *Weekly Report*

Date: *November 25, 2019*

1. Please note that Monday's meeting will commence at 6:00 p.m. with a work shop (Town Counsel will be in attendance) for the Board to continue its Policy Review. Attached to this report is a memorandum from me outlining the remaining policies to be reviewed, along with a recommendation for Board action. The regular meeting will commence at 7:00 p.m. Other than the Town Manager's Report, Other Business (Discussion on Addressing Domestic Violence and a Discussion to Determine the Process for considering the Opt-Out Clause contained in the Town Manager's Contract) and an update on the on-going issues list, there is nothing specifically scheduled on Monday's Agenda.
2. Fire Chief Steele McCurdy has selected Art Cheeks as the Town's Deputy Fire Chief. Chief McCurdy would like to introduce Deputy Chief Cheeks to the Board at Monday's meeting.
3. As requested, I have invited Representative Sheila Harrington to Monday's meeting for her to provide a legislative update to the Board.
4. As is our practice at Thanksgiving, Town Hall will be closed on Thursday, November 28th and Friday, November 29th. Town Hall employees will be charged either personal or vacation time for Friday's five hours.
5. Budgets were due in my office on Friday, November 22nd. I will begin my Departmental/Board/Committee budget reviews on Monday, December 2nd. Enclosed with this report is the Budget Review Schedule for your information. As is always the case, members of the Board are invited to attend any/all meetings. The meetings will take place in the Second Floor Meeting Room at Town Hall.
6. As discussed at your November 4th meeting, the Board requested that a letter be drafted to the Department of Conservation and Recreation in support of the Forest Legacy Area Designation. Enclosed with this report is a proposed letter drafted by our Conservation Administrator Nik Gualco. I would ask the Board to approve and issue said letter.

MWH/rjb
enclosures



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Town Manager
Mark W. Haddad

To: *Select Board*

From: *Mark W. Haddad – Town Manager*

Subject: *Work Shop – Policy Review*

Date: *November 22, 2019*

The purpose of this memorandum is to provide the Select Board with a summary of the remaining policies left for the Board to review and adopt. The following is a list of the remaining policies and my proposed recommendations/revisions to allow the Board to complete its overall policy review.

1. **Alcohol and Drug Policy** – This policy is essentially in final form. Town Counsel had edited the policy and put it in this form, however, the Select Board had some additional questions that they would like to review with Town Counsel during the work shop. I have forwarded the latest draft of the Policy to Town Counsel and asked him to be ready to discuss at the work shop. Attached to this memorandum is the latest draft of the Policy.
2. **Parental Leave Policy** – The Board had requested that Town Counsel add a definition of “Foster Child” into the policy. Town Counsel has provided the definition and it has been added to Section IV of the Policy. Attached for your review and adoption is the final policy.
3. **Loss Control Policy** – After reviewing the comments from our Insurance Company and discussing this with our Human Resources Director, I am recommending that the Select Board adopt this policy in its current form. Attached for your review and adoption is the final policy.
4. **Access to Town Counsel** – Select Board Member Pine had an issue with this policy relative to issues involving the Town Manager. I have added clause 6 to the policy that reads as follows:

6. Issues involving the Town Manager shall be handled by the Chair of the Select Board.

I believe this addresses the concern and would recommend that the Select Board approve this policy. Attached for your review and adoption is the final policy.

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Work Shop – Policy Review
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5. **Town Manager Review Policy** – Town Counsel has reviewed and revised this policy to have the Human Resources Director compile and summarize the individual Select Board Member reviews. I am opposed to this recommendation and have revised the Policy to have Town Counsel (Labor Counsel) conduct the compilation. Attached for your review and adoption is the final policy.
6. **Anti-Harassment Policy (formerly Standards of Conduct Policy)** – Town Counsel has revised this policy and made various amendments, including changing the name. It is ready for Board adoption. Attached for your review and adoption is the final policy.
7. **Investigations Policy** – Town Counsel has revised this policy and made various amendments. It is ready for Board adoption. Attached for your review and adoption is the final policy.
8. **Liaison Policy** – The Board debated at your November 7th Work Shop whether or not to eliminate this policy. The Board decided to wait for Select Board Member Degen to be present for the discussion. The Board should decide whether or not to eliminate this policy. Attached for your information is the latest draft of the current Liaison Policy.
9. **Meetings on Holiday Policy** – The Board is supposed to reach out to the Interfaith Council to determine if this policy needs to be amended. We can discuss this further at the work shop.
10. **Meetings with Advisory Committees Policy** – The Board had requested a list of the Advisory Committees of the Board. I provided the Board with a list of the Committees, along with their annual report contained in the Town's annual report. I am recommending that the Select Board eliminate this policy.
11. **Town Manager Appointment Process** – We had previously had a very lengthy discussion on the Town Manager's Appointment Process on August 28, 2017. (I had provided copies of these minutes to the Board under separate cover). At the end of the meeting, it was moved and approved that I work with the Personnel Board to draft a policy. I did that and we have been operating under this policy since that time. I believe this matter has been addressed fully and no further action is required by the Board.
12. **Social Media Policy** – As directed by the Board, I forwarded the draft Social Media Policy to Town Counsel for his review and comment. Town Counsel has no recommended edits to the Policy and it is ready to be adopted by the Select Board. Attached for your review and adoption is the final policy.

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13. **Memorial Parks and Common Policy** – Select Board Member Pine has volunteered to work on this Policy and bring it back to the Select Board for consideration at a future meeting.
14. **Select Board Operational Procedures and Financial Policies** – I will schedule these two policies for a future meeting.

I hope you find this information helpful. I look forward to discussing these issues with the Select Board at your work shop on November 25, 2019. Please feel free to contact me with any additional questions or concerns with regard to this matter.

MWH/rjb
enclosures



SELECT BOARD POLICY

Policy Category:	Human Resources
Policy Number:	HR – 2019 – 1
Latest Revision Date:	November 25, 2019

POLICY NAME: **ALCOHOL AND DRUG POLICY**

I. **PURPOSE AND SCOPE**

The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to drug and alcohol use in the workplace and/or during working hours and the testing of employees in safety sensitive positions in accordance with U.S. Department of Transportation (DOT) regulations, issued under the Omnibus Transportation Employee Testing Act of 1991 and in accordance with the Drug-Free Workplace Act of 1988.

II. **POLICY**

It is the Policy of the Town of Groton that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol, marijuana or a controlled substance by any employee is prohibited in the workplace. This Policy specifies the actions that will be taken against employees for violations of the prohibition

A "driver" is any person who operates a commercial or town-owned motor vehicle, either on a full time or on a casual, intermittent or occasional basis. "Safety-sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- A. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- B. All time inspecting service brakes, including trailer brake connections, parking (hand) brake, steering mechanism, lighting devices and reflectors, tires, horn, windshield wiper or wipers, rear vision mirror or mirrors, coupling devices, wheels and rims, emergency equipment, fire extinguisher, spare fuses, or warning devices for stopped vehicles.



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- C. All time otherwise inspecting, servicing, or conditioning any CMV at any time.
- D. All time spent at the driving controls of a CMV in operation.
- E. All time, other than driving time, in or upon any CMV, except time spent resting in the sleeper berth.
- F. All time loading or unloading a vehicle, supervising, or assisting in loading or unloading a vehicle, attending a vehicle being loaded or unloaded. remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- G. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

III. To Whom Policy Applies

This policy applies to all employees, including those employees who operate motor vehicles which require a Commercial Driver's License (CDL) (with the exception of GELD, who has their own more stringent policy).

IV. Policy Regarding Alcohol and Drug Use

- A. The Town of Groton (Town) firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol and marijuana, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town discourages users of illegal drugs and misusers of legal drugs, including alcohol and marijuana, from seeking employment with the Town and very forcefully encourages the rehabilitation of such persons already in its employ.
- B. While the Town has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that an employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and the Town's ability to accomplish its goal of providing an alcohol and drug-free environment.
- C. In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.



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- D. Employees, who are under the influence of alcohol, marijuana or other drugs during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practice, such conditions will be proper cause for disciplinary action up to and including termination of employment.
- E. Employees are expected to follow any directions of their health care provider concerning prescription medications or medical marijuana. However, a driver must immediately notify their supervisor if any prescription drug or medical marijuana is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.
- F. Any employee with a CDL, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, uses, or stores in his or her locker or desk or other such repository, alcohol, marijuana or other drugs, which are not medically authorized, or is found to have used or to be using such alcohol, marijuana or other drugs, will be suspended immediately pending further investigation and will be subject to testing and further disciplinary action as set forth in this policy.
- G. The Town is committed to the treatment and rehabilitation of employees with alcohol, marijuana and controlled substance misuse problems and encourages employees to come forward voluntarily and seek assistance for those problems prior to testing. This voluntary disclosure shall be kept in complete confidence and the employee shall receive no discipline for coming forward.
- H. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designated to provide care and treatment to employees who are in need of rehabilitation.



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V. Policy Regarding Alcohol and Drug Testing

- A. It is the policy of the Town to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing of drivers in accordance with the regulations issued by DOT.
- B. Performance of safety sensitive functions is prohibited by employees having a breath alcohol concentration of .04 percent or greater as indicated by an alcohol breath test; by employees using alcohol within four hours of reporting to work; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.
- C. Use of marijuana or illicit drugs by employees holding CDLs is prohibited.

VI. Testing

A. Types of Tests – Timing of Tests

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

1. Pre-employment – All applicants for employment in positions requiring a Commercial Driver's License, or candidates for transfer or promotion to such a position, are subject to screening for improper use of controlled substances.
2. Post-accident – Post-accident tests are conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident.
3. Reasonable Suspicion – Reasonable suspicion tests are conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol, marijuana or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.



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4. Random – Random tests are conducted on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for drugs. Each year, the number of random alcohol tests conducted must equal at least 25% of all the safety sensitive drivers in the Town's testing consortium and the number of random drug tests conducted must equal at least 50% of all safety sensitive drivers in the Town's testing consortium.
5. Return to Duty and Follow-up – Return to duty and follow-up tests are conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty at the discretion of the employer.
6. You must submit to alcohol and drug testing. If you refuse to be tested, it is considered a positive test result, the consequences of which will be in effect. Refusal to test is considered to be any time you either fail to provide enough breath for alcohol testing or enough urine for marijuana/controlled substances testing (without a valid medical excuse) after being notified of the test, or if you otherwise obstruct the testing process.

B. How Tests are Conducted

1. Alcohol Test
DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than .02 alcohol concentration is considered a "negative" test. If the alcohol concentration is .02 or greater, a second, confirmation test must be conducted.



SELECT BOARD POLICY

2. Drug Test
 - a) Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements must ensure that the specimen's security, proper identification, and integrity are not compromised. To the extent possible, all tests will be conducted off site.
 - b) DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of marijuana or other illegal controlled substances, the driver has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
 - c) All urine specimens are analyzed for the following drugs:
 - Marijuana (THC metabolite)
 - Cocaine
 - Amphetamines
 - Opiates (including heroine)
 - Phencyclidine (PCP)
 - d) Testing is conducted using a two-stage process. First a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.



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- e) All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. Legitimate medical reasons may explain a positive test result in some instances of a positive test. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

C. Refusal to Participate

Any refusal to participate in any of the types of alcohol and drug test authorized in this policy will be treated as a positive test result.

D. Costs Associated with Tests

The Town will incur the expense of all tests required by the DOT regulations. Tests not required by DOT regulations, such as testing of split sample, will be incurred by the employee.

VII. Consequences of Positive Tests Concerning: Alcohol

- A. Safety sensitive employees who have any alcohol concentration, defined as .02 or greater, who were tested just before, during, or just after performing safety sensitive functions must be removed from performing such duties for twenty-four (24) hours. Depending on the circumstances, disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration between .02 and .04.
- B. Drivers who engage in prohibited alcohol use, that is, who test positive for alcohol use greater than .04, will be immediately suspended without pay for three (3) working days and required to consult with a Substance Abuse Professional (SAP). Any driver serving a probationary period will be terminated immediately.



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- C. Drivers who test positive who wish to continue employment with the Town must be evaluated by an SAP and comply with any treatment recommendations to assist them with an alcohol problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable).
- D. Drivers who have been evaluated by an SAP, who comply with any recommended treatment, who have taken a return to duty test with a result less than .02 and who are then subject to unannounced follow-up tests, at the employers' expense, may return to work. Also, you must complete a minimum of six (6) follow-up tests within the first year back to work (follow-up testing may be done for up to five (5) years after return to work).
- E. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol will be suspended without pay immediately for ten (10) working days and be required to follow the above procedures for return to work.
- F. Drivers who have returned to work pursuant to Paragraph E, under the conditions outlined above and who subsequently test positive for alcohol will be terminated.

VIII. Consequences of Positive Tests Concerning: Drugs

- A. Safety sensitive employees who test positive for marijuana/illicit drugs will immediately be suspended, without pay, for sixty (60) days and be required to consult with an SAP. Any driver serving a probationary period will be terminated immediately.
- B. Drivers who test positive who wish to continue employment with the Town must be evaluated by an SAP and comply with any treatment recommendations to assist them with a drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). If treatment recommended and documented by the SAP requires in-patient or out-patient treatment, the time in treatment may be designated as family leave in accordance with the Family Medical Leave Act.



SELECT BOARD POLICY

- C. Drivers who have been evaluated by an SAP, who comply with any recommended treatment, who have taken a return to duty test and who are then subject to unannounced follow-up tests at the employee's expense, may return to work.
- D. Drivers who have returned to work under these conditions and who subsequently test positive for drugs will be terminated.

IX. Information/Training

- A. All current and new employees will receive written information about the DOT regulations and testing requirements and how and where they may receive assistance for alcohol and drug misuse. All employees will receive a copy of this policy and sign the Confirmation of Receipt form. (Attached)
- B. At least one supervisory or management personnel in the Highway Department must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, ongoing training will also occur after implementation of the policy.
- C. This policy will be posted on employee bulletin boards and made available to all employees.

X. Record Keeping

Driver alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the SAP and the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the driver's consent, or in response to a court order.

XI. Supervisor Enforcement

All supervisors will be expected to enforce the policy consistent with its terms and conditions. Any supervisor found to ignore the policy; will be subject to disciplinary procedure.



SELECT BOARD POLICY

XII. The Effects of Alcohol and Drugs on the Body

- A. **Alcohol**, a nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse. A 12 oz. can of beer, a 5 oz. glass of wine, and a 1.5 oz. shot of hard liquor all contain the same amount of alcohol. The average person takes about one (1) hour to process and eliminate .5 oz. of alcohol. Coffee, cold showers, or exercise do not speed up the process. Alcohol first acts on the parts of the brain that affect self-control and learned behaviors. This explains the aggressive behavior of some people who drink. In large doses, alcohol can impair muscular coordination, memory, and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart, and can cause permanent brain damage. On average, heavy drinkers shorten their life span by about ten (10) years.

Other effects:

- greatly impaired driving ability
- reduced coordination and reflex action
- impaired vision and judgment
- inability to divide attention
- lowering of inhibitions
- hangover, including headaches, nausea, dehydration, unclear thinking, aching muscles

- B. **Marijuana**, also known as *pot*, *weed*, *grass*, and other street names, alters the user's sense of time and reduces the ability to perform tasks that require concentration. The drug has a significant effect on judgment, caution, and sensory/motor functions. Marijuana stays in the body for 28 days, unlike alcohol, which dissipates in a few hours.

Other effects:

- impaired driving for at least 4-6 hours after consumption
- restlessness
- inability to concentrate
- increased pulse rate and blood pressure
- rapidly changing emotions and erratic behavior



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altered sense of identity
dulling of attention
hallucinations, fantasies, and paranoia
reduction or temporary loss of fertility

- C. **Cocaine** is a stimulant drug, which increases heart rate and blood pressure. As a powder, cocaine is inhaled, ingested, or injected. Cocaine is also used as free-base cocaine known as *crack* or *rock*, which is smoked. Many people think that, because it is smoked, crack is safer than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive drugs known. Cocaine causes rapid heartbeat, tremors, and even convulsions. Due to the extreme demand for oxygen, cocaine use can directly cause a heart attack. High doses can depress brain functioning, breathing, and heartbeat, which can cause death.

Other effects:

heightened, but momentary, feeling of confidence, strength, and endurance
accelerated pulse, blood pressure, respiration
impaired driving ability
paranoia, which can trigger mental disorders
irritation and bleeding of nostrils
mood swings and anxiety
reduced sense of humor
compulsive behavior such as teeth grinding or repeated hand washing

- D. **Amphetamines** are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Street names for amphetamines are *speed*, *uppers*, *black beauties*, *bennies*, *wake-ups*, *footballs*, and *dexies*. People who use amphetamines become addicted quite often, believing that they need the drug to get by. They use the drug frequently to avoid the "down" mood which they experience when the drug wears off. Even small, infrequent doses can produce restlessness, anxiety, mood swings, panic, heart rhythm disturbances, paranoid thoughts, hallucinations, convulsions, and coma. Long-term users often have acne, trouble with teeth, gums, nails, and hair. Frequent use can produce brain damage and speech problems.



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Other effects:
loss of appetite
irritability, anxiety
increased heart rate and blood pressure
difficulty in focusing eyes
exaggerated reflexes
distorted thinking
perspiration, headaches, dizziness
insomnia

- E. **Opiates** include heroin, morphine, codeine, and other narcotics used to relieve pain and reduce sleep. Heroin, also called *junk* or *smack* accounts for 90% of the narcotic abuse in this country. Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal, and cannot be obtained even with a doctor's prescription. Most medical problems are caused by uncertain dosage level, use of nonsterile needles (which transmit the AIDS virus) contamination of the drug, or dangerous combination with other drugs.

Other effects:
Short-lived euphoria
impaired driving ability
drowsiness, followed by sleep
constipation
decreased physical activity
reduced vision
change in sleeping habits
possible death

- F. **Phencyclidine** or PCP, also known as *angel dust*, was developed as a surgical anesthetic in the late 1950's. Later, due to its bad side effects, it was restricted to use as a veterinary anesthetic and tranquilizer. Today, it has no lawful use and is no longer legally manufactured. PCP is a very dangerous drug. It can produce violent and bizarre behavior. More people die from accidents caused by erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body. PCP scrambles the brain's internal connections and changes how users see and deal with



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their environment. Routine activities such as driving and walking become very difficult. Low doses produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation, and convulsions.

Other effects:

- impaired driving ability
- drowsiness
- perspiration
- repetitive or incomplete speech patterns
- blank stare
- thick, slurred speech
- involuntary eye movement

XIII. Referral for Questions about Policy

The person designated by the Town to answer driver questions about the materials and policy is the Town Manager.

IXV. Contacts for Assistance

The following contacts are provided for assistance with alcohol and/or drug problems:

Substance Abuse Services
Department of Public Health
Hotline: 1-800-327-5050

Wachusett Counseling Association
Leominster, MA
1-508-534-1962

Alcoholic Counseling: 1-508-840-0278



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XV. Employee Confirmation

I hereby certify that I was given a copy of the Alcohol and Drug policy of the Town of Groton, and have been given an opportunity to ask questions of my supervisor about the content of the policy.

Employee's Name (printed)

Witness' Signature

Employee's Signature

Date



SELECT BOARD POLICY

Policy Category:	Human Resources
Policy Number:	HR – 2019 - 8
Latest Revision Date:	November 25, 2019

POLICY NAME: **MASSACHUSETTS PARENTAL LEAVE ACT**

I. Purpose and Scope

The purpose of this policy is to establish the eligibility, duration and procedural requirements relating to the administration of Massachusetts Parental Leave Act.

II. Policy

Under the Massachusetts Parental Leave Act ("MPLA"), unpaid parental leave is available to eligible employees for the purpose of giving birth or adopting a child. The Town recognizes both maternity and paternity leaves for female and male employees, respectively. The MPLA requires employers to restore an employee who takes no more than eight (8) weeks of MPLA to his/her previous or similar position with the same status, pay, length of service credit, and seniority.

III. Eligibility

The employee is eligible for Parental leave under the MPLA if:

- 1) He/she has completed the initial probationary period of three (3) months; if any, set by the terms of his/her employment; or, if there is no such probationary period, has been employed by the Town for at least three consecutive months as a full-time* employee; and
- 2) Must be in full-time* status with the Town of Groton.
- 3) He/she is absent from such employment for a period not exceeding eight weeks for the purpose of:
 - a) Giving birth;
 - b) Adopting a child under the age of 18; or
 - c) Adopting a child under the age of 23, if the child is mentally or physically disabled; and
 - d) He/She gives the Town at least two (2) weeks' notice of his/her anticipated date of departure and intention to return.



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IV. Type of Leave Covered

To qualify the employee must be taking leave for one of the reasons listed below:

- 1) *The birth of a child and in order to care for that child.*
- 2) *Adoption of a child or welcoming a new foster child under the age of 18; or*
- 3) *Adopting a child under the age of 23; if the child is physically or mentally disabled.*

Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. Foster care means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

V. Amount of Leave time

Under MPLA, employees are entitled to a minimum of eight (8) weeks of unpaid maternity or paternity leave specifically for the purpose of giving birth or adopting a child. Employees having or adopting twins are entitled to sixteen (16) weeks.

MPLA will run concurrently with the FMLA. Employees that are eligible for both will be given a total 12 weeks leave time.

Under MPLA there is no maximum number of leaves allowed in any given period of time. For example, an employee may give birth to a baby in April and take eight weeks for the newborn. In September if the same employee adopts a baby, he/she is eligible to take an additional eight weeks of leave time under MPLA.

VI. Pay while out on MPLA

The employee has the choice to get paid from their accrued time or go unpaid. If the employee chooses to get paid out of their accrued time, then they will need to exhaust all their sick time before getting paid from vacation and personal accruals.



SELECT BOARD POLICY

VII. Employee Status and Benefits During Leave

While an employee is on leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee is in unpaid status, then he/she will need to pay the Town directly for the employee's share of the monthly premium. Human Resources will generate a letter detailing the benefits and the amount that the employee must pay. If the employee does not submit the payment within 30 days of the receipt of the letter, then the Town may terminate the employee's benefits.

VIII. Job Restoration

Upon the expiration of an employee's leave under MPLA, he/she has the right to be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment.

* for a definition of full-time status please refer to your union contract or Personnel By-Law



SELECT BOARD POLICY

Policy Category:	Public
Policy Number:	PUB – 2019 - 8
Latest Revision Date:	October 17, 2019

POLICY NAME: LOSS CONTROL POLICY

I. PURPOSE AND SCOPE

The Town of Groton is extremely conscious of the safety and welfare of its employees and that of our citizens. As an employer, we recognize our obligation to ensure the safest possible work place for our employees. As a governmental entity, we recognize our responsibility to provide a safe environment for the public we serve.

It is our belief that most accidents are preventable. In accordance with this belief we have allocated resources to administer an aggressive loss control program for our community.

II. POLICY

- A. Each department or service division head is responsible for the loss control activities within his or her department.
- B. Our Safety Coordinator (Human Resources Director) has been appointed to coordinate our overall loss control effort.
- C. The coordinator, however, is not responsible for line functions that are normally that of department heads and supervisors. It is expected that department heads will complement the effort of the Safety Coordinator in showing that the efforts are taken to reduce accidents and provide for the safety of the public.
- D. These loss control functions are continuous and equal in importance with all other operational considerations.
- E. All employees are responsible for cooperation with, and support of, our loss control program and its objectives.
- F. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task.
- G. Loss control is every employee's responsibility. Only with every employee's help can we continue to maintain a safe environment for both our employees and the citizens we serve.



SELECT BOARD POLICY

Policy Category:	Employee
Policy Number:	EMP – 2019 – 2
Latest Revision Date:	November 25, 2019

POLICY NAME: ACCESS TO TOWN COUNSEL POLICY

I. PURPOSE

The purpose of this policy is to clarify how to access the services of Town Counsel. The challenge is to achieve a balance between the needs for legal representation with the availability of funds to pay for those services.

II. POLICY

1. Notify the Town Manager's Office either verbally, by memorandum or email when Town Counsel's services are needed.
2. Do not contact Town Counsel without first getting permission from either the Chairman of the Select Board or the Town Manager.
3. All correspondence with Town Counsel should be copied to the Town Manager.
4. Periodic updates should be provided to the Select Board/Town Manager outlining where a particular case stands and what are the outstanding issues.
5. When scheduling a meeting with Town Counsel, inform the Town Manager.
6. Issues involving the Town Manager shall be handled by the Chair of the Select Board.



SELECT BOARD POLICY

Policy Category:	Board
Policy Number:	BOA – 2019 – 16
Latest Revision Date:	November 25, 2019

POLICY NAME: **TOWN MANAGER REVIEW POLICY**

Preamble: On an annual basis, the Select Board will endeavor to review the prior year's performance of the Town Manager. The Town Manager, as the Chief Administrative Officer of the Town, is responsible to the Select Board for the proper administration of all town affairs placed in his/her charge by the Town Charter. It is therefore vital to the continuity of, and the community's confidence in, Town government, that the Town Manager's performance be publicly reviewed, and that, as part of that review, areas of strength and areas that need improvement can be identified by the Select Board.

ROLE OF THE CHAIR:

1. The Chair of the Select Board is responsible for the administration of this policy and procedure.
2. The Chair shall begin the annual review process by placing on the Board's agenda an item to discuss the commencement of the Town Manager's annual performance review.
3. The Chair will request that the Town Manager prepare his or her self-evaluation which will be disseminated to each Board member with the instruction to review the evaluation and send written comments regarding the Town Manager's performance to the Human Resources Director.
4. The Human Resources Director shall be responsible for receiving each Board member's written comments. The Human Resources Director shall deliver the comments to Labor Counsel who will take the draft evaluations and the individual Board members' comments and prepare a summary evaluation and ensure the summary accurately reflects the comments of each Board member.
6. The summary evaluation shall be presented to the full Board by Labor Counsel at a public meeting for discussion and approval.
7. Any questions relative to the performance review process should be directed to the Chair.



SELECT BOARD POLICY

REVIEW PROCEDURES:

1. The Town Manager's performance review shall commence in January and will be prepared on the form attached hereto, entitled "Town of Groton Annual Performance Summary Evaluation – TOWN MANAGER".
2. In January, following discussion on the subject at a public meeting, the Chair shall request that the Town Manager prepare a self-evaluation.
3. The time period in which the Town Manager shall complete the self-evaluation shall be thirty (30) calendar days. The time period may be extended by mutual agreement of the Board and the Town Manager.
4. Following the Town Manager's completion of the initial draft evaluation and following the forwarding of the draft evaluation to the Board members by the Town Manager, the Human Resources Director shall disseminate a clean performance evaluation document to each Board member. Each member shall provide written comments on their blank evaluation and return it back to the Human Resources Director. Individual Board members are required to meet with the Town Manager to review their comments prior to submission. The timeline for returning the evaluations to the Director shall be twenty-one (21) calendar days following delivery of the clean performance evaluations to the Board members. The timeline may be extended by a subsequent majority vote of the Board.
5. All Board discussions and deliberations as to the evaluation procedure and completion of the evaluation document are to be held in public session. Board members are not to share their comments with other members of the Board outside of a properly posted public meeting of the Board.
6. Following receipt of each Board member's individual evaluation, including one completed by the Chair, the Human Resources Director shall deliver the comments to Labor Counsel who shall prepare an evaluation that will include a summary of each section of the performance evaluation of the Town Manager using the form: Town of Groton Annual Performance Summary Evaluation – TOWN MANAGER. The ratings of each Board member shall be reflected in the summary evaluation. Labor Counsel shall complete the summary evaluation within 14 days of receipt of the individual Board evaluations, unless extended by mutual agreement of the Chair and the Town Manager.
7. The Town Manager will then be afforded the opportunity to complete Section 3 of the performance evaluation document. The time limit for completing Section 3 shall be ten (10) calendar days.



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8. Within twenty-one (21) days following the Town Manager's completing Section 3 of the performance evaluation document, the Chair shall present the summary evaluation to the full Board for discussion and approval at a posted public meeting. Any amendments to the summary evaluation shall be done by majority vote.
9. The completed summary evaluation shall be signed by the Town Manager, and the Chair, and placed in the Town Manager's personnel file.
10. A copy of the signed summary performance evaluation shall be delivered to the Town Clerk for release when requested, after the individual evaluations are placed on file in the Human Resources Department. A copy of the summary shall also be placed in the Town Manager's personnel file. Individual Board member evaluations will be placed in a separate file within the Town Manager's Personnel File and are not to be destroyed. Unless an individual member's evaluation is discussed during a public meeting, the individual evaluation is not subject to release to the public.

AMENDMENTS:

1. This policy and procedure may be amended only by majority vote of the Board taken during a properly posted public meeting. Any such amendment shall be reduced to writing and incorporated herein.



SELECT BOARD POLICY

Policy Category:	Human Resources
Policy Number:	HR – 2019 - 10
Latest Revision Date:	November 25, 2019

POLICY NAME: **ANTI-HARASSMENT POLICY**

I. PURPOSE

The purpose of this policy is to define a Code of Conduct and prohibit unlawful discrimination and harassment in the workplace, in order to ensure compliance with all applicable federal laws and state statutes and regulations.

II. APPLICATION

The Policy applies to all employees of the Town of Groton. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

III. POLICY

It is the Policy of the Town to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, active military status, marital status, or other bases prohibited under state or federal anti-discrimination statutes, will not be tolerated. To achieve the goal of providing a workplace free from discrimination, the Town will implement the procedure described below to address any potential inappropriate conduct.

A. Coverage

This Policy applies to all employment practices and employment programs sponsored by the Town. This Policy shall apply, but not be limited to, the areas of:

- Recruitment
- Selection
- Compensation and benefits
- Professional development and training
- Reasonable accommodation for disabilities or religious practices
- Promotion



SELECT BOARD POLICY

- Transfer
- Termination
- Layoff, and
- Other terms and conditions of employment.

This Policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or other electronic media). When the conduct complained of occurs outside of the workplace, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- Whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Town takes allegations of unlawful discrimination and harassment seriously, officials will respond promptly to complaints and, where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

All Town Employees also have the responsibility to avoid any act or actions, implied or explicit, that may suggest any form of unlawful discrimination, harassment or bullying of any other person within the workplace, or in a work setting. This includes contractors, vendors, consultants, and other non-employees, such as visitors or volunteers, who have reason to be engaged in business with the Town.

Please note that while this Policy sets forth the Town's goals of promoting a workplace that is free of discrimination and harassment, **the Policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.**



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B. Examples of Prohibited Behavior

It is not possible to list all the circumstances that may constitute discrimination or harassment in violation of this Policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any visitor or other person engaged in business with the Town. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

C. Definition of Sexual Harassment

It is unlawful to harass a person (an applicant or employee) because of that person's gender. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment.

Harassment can include offensive remarks about a person's gender. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same gender.

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Generally

There are two types of sexual harassment: "quid pro quo" harassment and "hostile work environment" harassment. They may occur independently or concurrently.

Quid Pro Quo – A form of sexual harassment, where tangible job benefits are offered or withheld in exchange for sexual favors. Under this definition, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

That conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which may constitute sexual harassment when:



SELECT BOARD POLICY

- 1) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Hostile Work Environment – A form of sexual harassment where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do his or her job.

Note: While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. This can include conduct that is aimed at a person's sexual orientation or gender identity.

IV. PROCEDURES

A. Complaints of Sexual Harassment

If an employee believes that he or she has been subjected to sexual harassment, it is the Town's policy to provide the employee with the right to file an internal complaint. This may be done orally or in writing.



SELECT BOARD POLICY

An employee may file a complaint of sexual harassment by contacting the Human Resources Director. These persons will remain available to discuss any concerns employees may have and to provide information about the Town's Policy on sexual harassment and the complaint process. The Human Resources Director, or other person designated as the Town's Harassment Officer, should contact Town Counsel's Office to discuss any complaints filed and determine whether a formal investigation is required or the complaint can be solved in an informal manner. If a formal investigation is appropriate, the Town can use the professional investigator on retainer.

B. Sexual Harassment Investigation

When a complaint of sexual harassment is received, the Town will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will include a private interview with the person filing the complaint and with any witnesses. The Town will also interview the person alleged to have committed sexual harassment. When the investigation has concluded, the Town will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action.

C. Complaints Concerning Other Forms of Discrimination and/or Harassment

Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Paragraphs 1 and 2, above, whenever appropriate.

D. Confidentiality

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as department heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.



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All employees are reminded of the provisions of G.L. c. 268A, § 23(c)(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the public records law and acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/officials' personal interest. Violations of Section 23 may lead to disciplinary action, up to and including termination.

E. Retaliation

Any retaliation against an individual who has formally or informally complained about discrimination, including harassment, or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

V. WORKPLACE VIOLENCE

Violence in the workplace will not be tolerated. For the purposes of this policy, workplace violence is any behavior which is intended (or a reasonable person may perceive is intended) to abuse or injure a person or damage or destroy property in the workplace including, but not limited to bullying, threats, physical, verbal, written or visual attack, or property damage. The following definitions are incorporated to assist employees to more fully understand the nature of the behavior prohibited by this policy. Note, workplace violent behavior is not limited to only these descriptions:

Bullying- Bullying will not be tolerated in the workplace. Bullying is the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behavior is often repeated and habitual. Bullies often vary their tactics hour to hour, day to day. Bullying includes, but is not limited to, verbal abuse (i.e. shouting, swearing, name calling, malicious sarcasm, threats to safety); behaviors/actions (i.e. public or private that are threatening, intimidating, humiliating, hostile, offensive, inappropriately cruel); abuse of authority (i.e. underserved evaluations, denial of advancement, tarnished reputation, arbitrary instructions, unsafe assignments); interference with work performance (i.e. sabotage, undermining, ensuring failure) or destruction of workplace relationships (i.e. among co-workers, bosses, or customers).



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A Threat- expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is contingent, conditional or future.

Physical Attack- intentional hostile physical contact with another person or an object such as hitting, fighting, pushing, shoving, or throwing.

Verbal Attack- intentional hostile communication (including recorded messages) with another person such as abusive outbursts, verbal tirades intended to offend, offensive comments, or use of obscene or threatening language.

Written Attack- the use of printed, electronic or social media, including notes, letters, drawings, pictures, or computerized mail, to threaten, abuse, ridicule, or harass people or to threaten property.

Visual Attack- the use of bodily gestures that are threatening, obscene, or abusive.

Property Damage- intentional damage (as a reasonable person may presume by the nature of the damage) to property which includes property owned by the town, employees, or others.

VI. SANCTIONS

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, including termination from employment.

VII. STATE AND FEDERAL REMEDIES

In addition to the above, if an employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the government agencies listed below. Using the Town's complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have a short time period for filing a claim (300 days).



SELECT BOARD POLICY

1. The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: (800) 669-4000
TTY: (800) 669-6820

2. The Massachusetts Commission Against Discrimination (MCAD)

Boston Office

One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196

Springfield Office

436 Dwight Street
Second Floor, Room 220
Springfield, MA 01103
(413) 739-2145

Worcester Office

Worcester City Hall
455 Main Street, Room 100
Worcester, MA 01608
(508) 799-8010
(508) 799-8490 – FAX

New Bedford Office

800 Purchase St., Rm 501
New Bedford, MA 02740
(508) 990-2390
(508) 990-4260 - FAX

VIII. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program is available to all employees. This is available 24/7 to assist employees with work issues. The number is 1-800-451-1834.



SELECT BOARD POLICY

IX. REASONABLE ACCOMMODATION

The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits. The Town will make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless such action would cause an undue hardship to the operations of the Town.

Employees seeking reasonable accommodations may submit their request in writing to their Department Head, Human Resources, or the Town Manager.

X. CODE OF CONDUCT

Employees are expected to conduct themselves professionally internally and with the public. This will enhance respect and confidence in the employee and the town. Employees must not only perform their duties with integrity but must avoid unprofessional behavior. In addition, it is expected that all visitors of all town departments and facilities comply with the "Visitors Code of Conduct". See attached for policy.

XI. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The Town will not discriminate in its employment practices, on the basis of race, color, gender, gender identity, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetic information, active military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.



SELECT BOARD POLICY

**TOWN OF GROTON
ANTI-HARASSMENT POLICY
EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION,
ANTI-HARASSMENT AND SEXUAL HARASSMENT**

This acknowledges that I have received and reviewed the Town of Groton's Standards of Conduct Policy, Equal Employment Opportunity, Discrimination, Anti-Harassment, and Sexual Harassment Policy ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding discrimination and harassment are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: _____
Signature: _____
Date: _____

To be included in employee's personnel file.



SELECT BOARD POLICY

Policy Category:	Board
Policy Number:	BOA – 2019 – 9
Latest Revision Date:	November 25, 2019

POLICY NAME: **INVESTIGATIONS POLICY AND PROCEDURE**

Pursuant to G.L. c. 41, sec. 23B and Section 3-2(e) of the Town Charter, the Select Board may make an investigation into the affairs of the Town and into the conduct and operation of any Town department. 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.

Investigations conducted by the Board pursuant to the General Laws and the Town Charter shall be conducted pursuant to this policy and procedure.

This Policy shall not apply to harassment or discrimination complaints filed against Town employees. Such complaints shall be processed pursuant to HR-2019-10, the Select Board Anti-Harassment Policy.

1. If a member or members of the Board are presented with a request that the Board initiate an investigation, the request shall be reduced to writing and forwarded to the Chair. If the Chair receives a request for an investigation, he/she shall timely inform the other members of the request. Members of the Board are not to engage in deliberation or discussion relative to the request outside of a properly posted meeting of the Board under the Open Meeting Law.
2. Upon the Chair's receipt of an investigation request, the Chair shall meet with the Town Manager to review the request. If the request pertains to a matter placed in the Town Manager's charge pursuant to Section 4-2 of the Charter, including allegations of misconduct by an employee for which the Town Manager serves as the appointing authority, the request shall be referred to the Town Manager for further review and disposition, and the Chair shall so inform the other members. In the event the Chair and Town Manager disagree at this step as to referring the request, the request shall be presented to the full Board for review and a determination as to whether the request shall be referred to the Town Manager.



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3. If the request falls within the purview of the Board pursuant to the General Laws and the Town Charter, the Chair shall place on a future Board meeting agenda an item relative to receipt of the request and whether the Board will initiate an investigation. Whether the Board may meet in Executive Session to discuss the request, and what exemption to the Open Meeting Law may apply, shall be determined on a case-by-case basis.
4. A majority vote of those members present and voting is required for the Board to initiate an investigation. At its discretion, the Board may retain an outside investigator to conduct the investigation, direct that the Town Manager conduct the investigation, or a member of the Board may be designated to conduct the investigation. The Board may also take other action(s) with regard to the request as the Board deems appropriate, including referring the request to non-binding alternative dispute resolution, in an attempt to resolve the matter.
5. An investigator designated by the Board to conduct the investigation shall have the right to review Town records that are relevant to the investigation and may conduct interviews of Town employees, and others, which the investigator deems necessary during the course of the investigation. Upon completion of the investigation, the investigator shall deliver his/her written findings to the Chair.
6. Upon receipt of the investigator's written findings the Chair shall forward the findings to each member of the Board and promptly place an item on a Board meeting agenda for the Board to discuss the findings and determine what, if any, remedial steps shall be taken as a result of the investigator's findings. Whether the Board may meet in Executive Session to discuss the findings, and what exemption to the Open Meeting Law may apply, shall be determined on a case-by-case basis.
7. If the investigation request pertains to an act or omission committed by a member of the Board or the Town Manager, or an immediate family member of either, the member or Town Manager, as the case may be, shall not participate in the processing of that investigation request.
8. This policy and procedure may be amended only by majority vote of the Board taken during a properly posted public meeting. Any such amendment shall be reduced to writing and incorporated herein.



LIAISON POLICY 03-01

I. PURPOSE AND SCOPE

The purpose of this policy is to define the role of a Selectmen's liaison to another Department, Board, Committee or Commission in order for the Select Board to strengthen and enhance its communication throughout the Town, pursuant to the Charter Section 3-2.

II. POLICY

- After the annual election, each member of the Select Board shall be assigned as a liaison to one or more of the Department, Board, Committee or Commission listed below. Assignments shall be determined by the Chairman of the Select Board and Select Board may be assigned as a liaison to other Departments, Boards, Committees or Commissions as the need arises. The Chairman should as much as possible respect the interests of individual Select Board members when making assignments. The liaison shall meet with the assigned Department, Board, Committee or Commission periodically to become familiar with the operation, and issues that occur. The liaison shall keep the other Select Board Members and the Town Manager updated on their communication with the Department, Board, Committee or Commission.
- As deemed appropriate, the liaison may attend relevant meetings that may relate to your liaison assignment. Communicate with your primary point of contact on a periodic basis and share information learned with the Town Manager and the Board as part of the Board's Regular Meeting Agenda.
- The Departments, Boards, Committees or Commissions will have a liaison primary and alternate.

Select Board

PUBLIC SAFETY

- Police
- Fire/Emergency Medical Services

PUBLIC WORKS

- DPW
- Water/Sewer
- GELD

FISCAL MANAGEMENT

- Finance Committee

LAND USE

- Planning
- Conservation Commission
- Board of Health
- ZBA

CITIZEN SERVICES

- Library
- Council on Aging
- Park Commission
- Groton Country Club
- Town Clerk
- Community Preservation Committee

EDUCATION

- Groton-Dunstable Regional School District
- Nashoba Technical Regional High School

OTHER

- MRPC
- MJTC
- MPO
- MBTA Advisory Board
- Affordable Housing



SELECT BOARD POLICY

Policy Category:	Board
Policy Number:	BOA – 2019 – 17
Latest Revision Date:	November 25, 2019

POLICY NAME: SOCIAL MEDIA POLICY

I. PURPOSE AND SCOPE

The Town of Groton ("Town") recognizes the importance of online social media networks as a communication tool. The use of social media presents certain risks and carries with it certain responsibilities. Social Media, while a relatively new form of activity, does not change the law or expectations around public service. The Town recognizes that employees and officials have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. However, that right is balanced against the legitimate interests of the Town in promoting accountability, responsible and mature judgment, and the efficiency of the public services it performs through its employees and officials. The goal is to ensure that use of social media advances, rather than impedes, the operation of government.

To that end, this policy establishes guidelines for employees' personal use of social media (Section II), as well as for the official use of social media by Town employees and officials for government-related purposes (Section III).

The Policy applies to all employees, officers, and officials (elected and appointed) of the Town of Groton. Employees whose employment is governed by law or a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

This Policy is to be read in conjunction with all other applicable policies and rules of the Town. It may be amended from time to time and may be supplemented with additional administrative procedures and rules as may be issued.

Nothing in this Policy is designed to interfere with, restrain or prevent employee communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, union Activities).



SELECT BOARD POLICY

A. Definitions

The following definitions apply for purposes of this Policy.

1. "Social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.
2. "Social media sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, including but not limited to tools such as: blogs; wikis; microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.
3. A "social media identity" is a specific user identity or account that has been registered on a third party social media site.
4. A "blog" (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
5. A "moderator" is an authorized Town of Groton official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by Town officials, employees and public commentators to be posted to a Town of Groton social media site or sites.
6. "Town Systems" are any electronic communication and information equipment and systems provided by the town. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, "smartphone"/PDA-style devices, tablets, pagers, facsimile machines, and the internet/Wi-Fi access.
7. "Town social media site" is any official social media site established by or for a Town department, with the authorization of the Town Manager.



SELECT BOARD POLICY

I. GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA

All employees and officials are responsible for what they post online. Through this Policy, the Town is not intending to act as “thought police” or otherwise unnecessarily intrude upon the personal associations and relationships of employees and officials. However, the impact of social media participation by employees and officials upon the ability of Town government to function efficiently and effectively cannot be ignored. Any conduct that exposes the Town to legal liability may result in disciplinary action up to and including termination.

A. Required Conduct

1. Whenever the topic is one related to the functioning or operations of Town government, including any matter pending or reasonably anticipated to be pending before any Town board, committee, commission, or Town Meeting, all personal posts on any social media site shall contain an express statement that “The postings on this site are my own and do not represent the views, positions or opinions of the Town” or similar disclaimer. Employees and officials should not, except as authorized by their supervisor or board, represent themselves as a spokesperson for the Town.

Employees and officials should be mindful that social media activity that violates any of the Town’s policies may result in disciplinary action, up to and including termination. Such policies include, but are not limited to, the Town’s Electronic Communications and Computer Usage Policy, Anti-Harassment and Discrimination Policy.

2. Department heads and other employees or officials with policy-making authority must be mindful that there is greater risk that their comments or conduct while participating in social media may have a direct and negative impact upon the integrity of their board/committee or department and the public’s perception of Town government as a whole. Furthermore, there is a greater likelihood that the public will view their conduct/comments as representative of an official position or policy of the Town, even when personal disclaimers are made.



SELECT BOARD POLICY

B. Prohibited Conduct

1. No Town Systems are to be used to make personal posts on any social media site or platform.
2. No personal posts shall be made during work time.
3. Town e-mail addresses may not be used to register on social networks, blogs, or other online tools utilized for personal use, and may not be used when setting up or establishing social media sites for personal use.
4. Per M.G.L. c. 268, §35, no employee or official shall post the Town Seal on any Internet site [i.e., social media network, website, blog site] or in any other Internet and/or social media communication or posting, with intent to give to such site or posting an official character which it does not possess, or unless authorized in writing in advance by the Town Manager.
5. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, bullying, and/or threats of violence or similar inappropriate or unlawful conduct, will not be tolerated.
6. Do not post internal reports, draft policies, procedures, or other internal confidential communications or documents. Employees shall maintain the confidentiality of the Town's procedures for the development of policy and other such data exempt from the Public Records Law. The state's Conflict of Interest Law [M.G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a question about whether information is appropriately considered public or not, s/he should contact the Groton Town Clerk. Do not post information about others that is protected from public disclosure by law, such as: Criminal Offender Record Information, HIPAA-protected information and any other personal medical information, information concerning allegations of domestic violence and abuse, information protected under student privacy statutes, and the like.



SELECT BOARD POLICY

7. Employees and officials operating personal social media sites are subject to the same guidelines as above for the operation and administration of sites under their control, when focusing on topics relating to the functioning or operations of Town government. In order to avoid the appearance of being an official Town social media site, the site must clearly indicate their participation and carry a disclaimer that "The operation and administration of this site are my own and do not represent the views, positions or opinions of the Town".
8. Members of multi-member boards, committees and commissions must be mindful of the requirements of the Open Meeting Law, when participating in social media, in both personal and (where authorized) official capacities. A quorum of a board/committee/ commission should avoid posting on social media sites discussing topics relating to the functioning or operations of Town government, or on topics relating to matters under that board/committee/commission's jurisdiction, as doing so may violate the Open Meeting Law. Additionally, a series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

C. Permitted Conduct

1. Employees and officials may include, in their social media personal profiles, their job titles, as well as information about their personal participation in Town sponsored-events, including volunteer activities. Employees shall not include the official titles when posting personal statements as per Section II.A. (1) and Section III.A (14) of this policy.



SELECT BOARD POLICY

II. USE OF SOCIAL MEDIA SITES FOR OFFICIAL PURPOSES

The Town of Groton permits departments to utilize social media sites and social networking sites (collectively "social media sites") to further enhance communications with its residents and various stakeholders in support of the department's goals and objectives. Town of Groton officials and departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town of Groton business. Social media sites facilitate further discussion of Town of Groton government business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. The Town has the ability to place limitations and restrictions upon the content of its website and social media sites. This section of the policy sets forth requirements that must be adhered to with respect to utilization of social media sites for official Town of Groton purposes, as well as explanatory guidance.

A. General Requirements for Establishment and Maintenance of Official Town Social Media Sites

1. All Town social media sites shall be:
 - a) approved by the Town Manager with a documented letter of approval; and
 - b) published using a social media platform and tools approved by the Information Technology ("IT") Department.
2. Posting for the Town on such sites shall only be performed by the Town Manager or his/her designee(s).
3. Subject to prior approval of the Town Manager, departments have the option of allowing employees to participate in existing social media sites as part of their job duties or allowing employees to create social media sites as part of their job duties. Department Heads may allow or prohibit employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state and federal laws, regulations and policies, including, but not limited to, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Copyright Law, Campaign and Political



SELECT BOARD POLICY

Finance laws and rules, and other applicable Town policies.

5. Because the Public Records Law applies to social media content, all posts, once made, generally should not be deleted or amended, except to correct typographical errors or with Town Manager discretionary approval.

6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Groton Internet site for forms, documents and other information.

7. All Town social media sites shall clearly indicate that they are maintained by the Town of Groton and shall have the Town of Groton contact information prominently displayed, and, if possible, the Town Seal.

8. Town social media content shall not contain the following:

- a) Profane, obscene, or vulgar language or content;
- b) Comments or content that are denigrating, threatening, insulting, bullying or harassing;
Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions, genetic information, active military status, or any other status protected by state or federal law;
- c) Sexual content or links to sexual content;
- d) Conduct or encouragement of illegal activity;
- e) Information that may tend to compromise the safety or security of the public or public systems;
- f) Content that violates a legal ownership interest of any other party;
- g) Protected health information;
- h) Personnel data; or
- i) Other information that is not public record or is otherwise privileged from public disclosure.

9. All Town social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.

10. To the extent applicable, the Town's IT security policies shall apply to all social media sites and articles.



SELECT BOARD POLICY

11. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including the Personnel Policies and Procedures) of the Town of Groton. Town employees, officials, board members and committee members shall not use a title unless they are posting in an official capacity or on an official Town social media site, with authority to do so.

12. No Town or department social media site may endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders. Employees may not engage in political activity during working hours. This includes, but is not limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.

13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

B. Employee Use of Official Town Social Media Sites

The following provides further explanation of the requirements for Town media social media site, set forth in Section A, above.

1. Information Technology Resources Use Policy. All employees are responsible for understanding and complying with the Town's Electronic Communications and Computer Usage Policy.
2. First-Amendment Protected Speech. Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, or harassing, the Town cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those removed for specific legitimate reasons, as referenced above.



SELECT BOARD POLICY

3. Copyright Law. Employees and officials must abide by laws governing copyright and fair use of copyrighted material owned by others, including written material, photography, videography and digital media. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original.

4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest in violation of the provisions of M.G.L. c. 268A.

5. Protected Confidential Information. Employees are prohibited from posting legally protected personal information that has been obtained during the course of performing official duties (e.g., information that is not public record under the Public Records Law, M.G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Conversations that occur amongst Town officials/employees outside public forums should not be published or reported on, unless authorized by the Town Manager. Information about policies, rules, or plans that have not been finalized or officially adopted by the Town should not be posted unless explicitly approved in advance by the Town Manager or relevant Department Head, for instance, where public comment or input is being solicited.

6. Carefully Consider Content. Town social media sites are not an appropriate forum for commentary about rumors, political disputes, and such comments are not permitted. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they still constitute official government communications. Social media sites will be sought out by mainstream media, and therefore, consideration needs be exercised to use social media in a way that benefits both the Town and the public.



SELECT BOARD POLICY

7. Handling Negative Comments. Town Employees and Officials shall only post factual information as it relates to a Town related matter. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it is anticipated that some of the feedback received will be negative. Some effective ways to respond to negative comments include:

- a) Provide accurate information in the spirit of being helpful;
- b) Remain respectful; and
- c) Notify the moderator to address the matter prior to any escalation.

8. Respect the Audience and Town Employees and Officials. Ethnic slurs, personal insults, obscenity, or any conduct that would not be acceptable in the workplace, are similarly prohibited on the Town's social media sites. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. The Town's social media presence shall not be used to communicate among Town employees for work purposes.

9. Use Social Media Sites or Identities Only to Contribute to the Town or Department's Mission. All postings should provide useful information and perspective that contributes to the Town's and/or Department's mission of serving the public. What is published on Town social media sites reflects on the Town and town government. Social media sites and identities should be used in a way that contributes to the Town's mission by:

- a) Helping Town employees and officials perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making government operations transparent and accessible to the public;
- d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.



SELECT BOARD POLICY

10. Mistakes. The Town's policy is that once something is posted on a Town social media site, it should remain posted. Only spelling or grammar errors may be made without making the change evident to users. If the decision is made to modify an earlier post, make it clear that this has been done - do not remove or delete the incorrect content; provide the correct information and where appropriate, apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post that is being corrected or clarified.
- c) Edit the post and mention the correction that is made if necessary.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users or with the approval of the Town Manager.

11. Defamation. Under Massachusetts law, defamation is established by showing that an individual published a false statement about another party that either caused the individual economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees must avoid statements that may be interpreted as defamatory.

12. Records Retention. Social media sites may contain communications sent to or received by Town officials and employees, and therefore may constitute as being Public Records and be required to follow record retention policies.\

III. Media Contacts

Oftentimes, presence on social media can lead to inquiries from the press or media. Employees may not speak to the media on the Town's behalf, unless specifically authorized by the Town Manager. All media inquiries shall be directed to the Town Manager's Office.



SELECT BOARD POLICY

IV. Retaliation Prohibited

The Town expressly prohibits the taking of any action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

V. Additional Information

If you have questions or need further guidance regarding the Town's Social Media Policy, please contact the Town Manager's Office, Human Resources, or Information Technology Department.



SELECT BOARD POLICY

TOWN OF GROTON

SOCIAL MEDIA POLICY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT

I, _____, hereby acknowledge receipt of the Town's Social Media Policy on the date set forth below.

Employee's Signature

Witness

Date

Please keep the attached document for your files and return this Acknowledgement to the Town's Human Resources Department.

cc: Personnel File



TOWN OF GROTON

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

Select Board

Alison S. Manugian, *Chair*
Joshua A. Degen, *Vice Chair*
John F. Reilly, *Clerk*
John R. Giger, *Member*
Rebecca H. Pine, *Member*

Town Manager
Mark W. Haddad

To: *All Department, Boards, Committees and Commissions*

From: *Mark W. Haddad – Town Manager*

Subject: *Budget Review Schedule*

Date: *November 18, 2019*

The purpose of this memorandum is to provide all departments, boards, committees and commissions with the proposed Budget Review Schedule. Please note that these meetings will also be used to review your proposed Capital Plan. All meetings will be held in the Selectmen's Meeting Room on the second floor of the Town Hall. I am listing the main contact person's name with each budget, however, any other department member or committee member wishing to attend is more than welcome. If a particular time does not work with your schedules, please contact me as soon as possible to reschedule.

Monday, December 2, 2019

8:00 a.m.	Vanessa Abraham -	Library Budget
9:00 a.m.	Michael Chiasson -	IT Department Budget
9:30 a.m.	Mike Bouchard -	Town Clerk Budget Street List Budget Board of Registrars Budget Election Budget
10:15 a.m.	Takashi Tada - Ed Cataldo Nikolas Gualco	Planning Board Budget Board of Health Budget Earth Removal Budget GIS Steering Committee Budget Zoning Board of Appeals Building Department Budget Mechanical Inspectors Budget Water Safety Budget Conservation Commission Budget Sealer of Weights and Measures Budget
11:30 a.m.	Jonathan Greeno -	Assessors Budget
12:00 p.m.	Bob Colman -	Cable Department Budget

**ALL DEPARTMENTS
BUDGET REVIEW
November 18, 2019
page two**

Tuesday, December 3, 2019

8:30 a.m.	Kathy Shelp -	Council on Aging Budget Senior Center Van Budget
9:00 a.m.	Steele McCurdy -	Fire Department Budget
10:00 a.m.	Michael Luth -	Police Department Budget Communications Budget
11:00 a.m.	Melisa Doig -	Human Resources Department Budget
11:30 a.m.	Michael Hartnett -	Treasurer/Collector Budget Debt Service Budget
12:00 p.m.	Mark Haddad -	Town Manager Budget Board of Selectmen Budget Groton Water Protection Budget Insurance and Bonding Budget Postage and Office Budget Town Counsel Budget Town Report Budget Moderator Budget

Wednesday, December 4, 2019

9:00 a.m.	Tom Delaney -	Highway Department Budget Transfer Station Budget Municipal Buildings Budget Snow and Ice Budget Animal Control Officer Budget Street Light Budget Tree Warden
10:00 a.m.	Tom Orcutt - Jim Gmeiner	Water Department Budget Sewer Department Budget
11:00 a.m.	Shawn Campbell -	Country Club Budget
11:30 a.m.	Tim Siok -	Park Department Budget Commemorations and Celebrations Budget

**ALL DEPARTMENTS
BUDGET REVIEW
November 18, 2019
page three**

Wednesday, December 4, 2019 (continued):

12:00 p.m. Patricia DuFresne - Town Accountant Budget
Finance Committee Budget
Employee Benefits Budget

MWH/rjb

cc: Select Board
Finance Committee
Patricia DuFresne - Town Accountant
Michael Hartnett - Treasurer/Collector
Jonathan Greeno - Principal Assessor
Melisa Doig - Human Resources Director
Dawn Dunbar - Executive Assistant



TOWN OF GROTON

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Rebecca H. Pine, *Member*

Town Manager
Mark W. Haddad

November 25, 2019

Lindsay Nystrom
Massachusetts Forest Legacy Program Coordinator
Department of Conservation and Recreation
355 West Boylston Street
Clinton, MA 01510

RE: Massachusetts Forest Legacy Area Designation

Dear Ms. Nystrom:

The Groton Select Board supports the proposed designation of a Forest Legacy Areas in south central and south eastern Massachusetts. The remaining forest blocks in these areas of Massachusetts are highly threatened by development and urban sprawl as the population of Boston grows. These areas provide wildlife habitat, timber and other forest products, clean drinking water, and many exceptional recreational opportunities. Funding for the conservation of working forests and forest preserves is also consistent with the Town's goal to promote agriculturally based economic opportunities, which includes the growing and harvesting of forest products.

For some regional context, over 50 % of the town's 32 square miles are forested. There are approximately 713 acres of private- and institutionally-owned forested land that have been protected with Conservation Restrictions. Additionally, approximately 608 acres in Groton are classified as Chapter 61 Forest Lands and are under a minimum ten-year management plan certified by the State Forester. On the public side, the Town has permanently protected numerous acres of (largely forested) open space. These properties are primarily managed by the Groton Conservation Commission (2,009 acres), the Town Forest Committee (516 acres), and the Groton Water Department (including the West Groton Water Supply District) (385 acres).

We believe the Forest Legacy Program is consistent with both the regional context of the Town of Groton as well as our goal to promote agricultural opportunities. Furthermore, we believe the Forest Legacy Program could be an important tool in conserving the region's forest resources while maintaining private ownership, and we strongly support the expansion of Massachusetts' Forest Legacy Areas.

Sincerely,

Groton Select Board

Alison S. Manugian, Chair

ASM/mwh
cc: Select Board

Mark Haddad

From: Becky Pine
Sent: Thursday, November 21, 2019 1:20 AM
To: Mark Haddad; Dawn Dunbar
Cc: Alison Manugian
Subject: Domestic Violence Info for Monday's meeting
Attachments: Domestic violence poster.pdf; ATT00001.htm

Hi Mark,

Here is a quick summary of what I have learned, regarding efforts to address and reduce Domestic Violence, that you can include in the packet for Monday's meeting.

I have learned that Westford has a Town Committee on Domestic Violence. Here's a link <http://wcnv.org>

I've also heard the suggestion that we put info posters such as the one below in all the bathroom stalls of Town buildings.

I am hoping that Sergeant Racheal Mead will be able to attend the meeting to speak about the Groton PD's approach and efforts that they are already making.

Becky

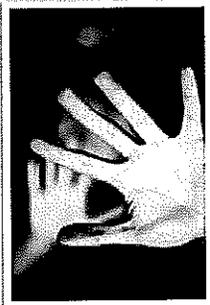
Welcome

The Westford Coalition for Non-Violence is a group of residents, town employees, victims and professionals, who have joined together to promote non-violent resolution to conflict. This web site is a tool for you to obtain information on domestic violence.



**For immediate help call: 911 or Safelink, the statewide domestic violence hotline at:
1-877-785-2020**

For more information on the Westford Coalition for Non-Violence, needed resources or information on how to join Westford Connects call or email:



Jeff Stephens, R.S., Health Director

978-399-2543, jstephens@westfordma.gov

Gail F. Johnson, B.S.N., R.N.
978-399-2548, gjohnson@westfordma.gov

Detective Nirisa Nicoletti, Domestic Violence Prevention Officer
978 692-2162 x 2978, nnicoletti@westfordma.gov

Jodi Ross, Town Manager
978-692-5500, jross@westfordma.gov

All calls and emails to the contacts listed above will be handled with strict confidentiality.

Safety Alert

Computer use is easily monitored and impossible to clear. Use a computer in a safe location. If needed, you can ***leave this site quickly***. Each page in the WCNV web has a link located in the upper left sidebar that will allow you to leave this site with one click.

you are not alone

The National Domestic Violence Hotline
has answered over 3 million calls
from victims of relationship abuse,
their friends and family.

The National Domestic Violence
HOTLINE

1.800.799.SAFE (7233) • 1.800.787.3224 (TTY)

The National Domestic Violence Hotline offers
phone and chat services for anyone affected by
domestic violence. Support is available
24/7/365 by calling **1.800.799.SAFE (7233)**
or online at **thehotline.org**.

The production of this material was supported by Grant #2009-0001-01-00 from HRG, administered by the Children and Families Family Youth Services Bureau. Its contents are solely the property of the National Domestic Violence Hotline and do not necessarily represent the official views of NCFY/HRG.

chat at www.thehotline.org
call 1.800.799.SAFE (7233)
call 1.800.787.3224 (TTY)

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November 14, 2019

The Town Manager Contract currently in place includes an Opt-Out Clause.

The Select Board or Town Manager may opt out of years two and three of the contract. Notification to be in writing prior to 12/31/19 for the second year. Should the Select Board, by a majority vote of the entire Board, choose to opt out, the Town Manager shall receive a six- month severance (based on FY20 salary tied to 12/31/19 date) paid in a lump sum in the first pay period after 7/1/20.

Should December pass without Board or Town Manager decision to utilize the opt-out clause then no changes will be made.

The information on following pages should be understood if discussion is to be held and/or a vote regarding the opt-out clause is to be taken.

Should the Select Board vote not to utilize the opt-out clause then no changes will be made.

Should the Select Board vote to utilize the opt-out clause there will be fiscal impacts and next steps to take based largely on the Town of Groton Charter.

The following documents are attached to this guide for reference as needed:

- Current Town Manager Contract
- Town Manager Evaluation (no signed version available)
- Existing Town of Groton Charter (in effect until Governor approves the new Charter)
- New Town of Groton Charter (pending approval at the State level)

Meeting #1 – Process Outline - Open Session

Agenda to include presentation of legally sound process for discussion and vote through (if necessary) appointment and start date of a new Town Manager; including

- *Basis for decision and appropriate discussion guidelines*
- *possible fiscal impacts of opt-out action*
- *process for interim manager should this be warranted*
- *permanent Town Manager screening committee process per Town Charter*

Anticipated fiscal impact(s):

<i>Opt out by select board – 6 month severance payment -</i>	<i>\$72,137.50</i>
<i>Interim Town Manager (assumed 7 months) -</i>	<i>\$75,000</i>
<i>Search Consultant & Advertising etc. -</i>	<i>\$15,000</i>
<i>Payout of accrued time and such (as of mid-November) -</i>	<i>\$25,000</i>

Per the Current (2010) Town of Groton Charter:

Interim/Temporary Town Manager - if needed at any point

4-4(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 4.1.1 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 perform temporarily the duties of the Town Manager until a permanent replacement is appointed.

(c) The powers and duties of the acting Town Manager, under 4.4.1 and 4.4.2 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.

Permanent Town Manager Process (Section 4.5 of Charter):

Per the Groton Charter - The Screening Committee shall consist of seven persons who shall be chosen as follows:

- the Board of Selectmen shall designate three members,
- the Finance Committee shall designate two members;
- the Town Moderator and shall designate one member; and
- the Town Clerk shall designate one member.

Persons chosen by these agencies may, but need not, be members of the agency by which they are designated.

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

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

Not more than 90 days after the date on which the Committee meets to organize, the Committee shall submit to the Board of Selectmen the names of not less than 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 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 appointment of a Town Manager, the screening shall be considered discharged.

Per the Pending Town of Groton Charter:

Interim/Temporary Town Manager - if needed at any point

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

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

Permanent Town Manager Process:

Per the Groton Charter - The Screening Committee shall consist of seven persons who shall be chosen as follows:

- the Board of Selectmen shall designate three members, of whom only 1 may be a select board member,
- the Finance Committee shall designate two members, of whom only 1 may be a member of the finance committee;
- the Town Moderator shall designate one member and
- the Town Clerk shall designate one member.

Not more than 21 days (per Charter Section 4.5.2) 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 or pending vacancy and to solicit by other means candidates for the office. The committee shall proceed to meet, notwithstanding the failure of any Town agency to designate a representative to it.

The screening committee (per Charter Section 4.5.3) 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 (per Charter Section 4.5.4) after the date on which the committee meets to organize, the Committee shall submit to the select board 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 select board 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 the nominees and direct that the committee resume its search.

Upon appointment of a Town Manager, the screening committee shall be discharged.

Screening Process Timeline Summary:

An opt out notification date of 12/31/19 would require the first screening committee organizational meeting by 1/21/20 (<21d after notice) and a vetted list of nominees to the Select Board by 4/20/20 (<90d after organizational mtg)

Select Board then has to make a decision by 6/4/19 (ex charter) or 6/19/19 (pending charter) (<45d (ex charter) or <60d (pending charter) after receipt of nominees)

Decision may be to negotiate contract with intent to hire an individual or to direct the screening committee to resume search.

Meeting #2 – (December 9, 2019) Discussion and Decision - Open Session

Basis for decision and appropriate discussion guidelines:

The most recent Town Manager evaluation was completed in March of 2019 and is a public document as attached. Please review this document and gather preliminary thoughts about the opt-out clause and possible Board action. While each member may consider executive session matters in reaching his/her conclusion, there will be no public discussion thereof. Topics contained within the evaluation, and related public topics may be discussed in open session. Care should be taken to ensure that the discussion remains on these public topics.

Following appropriately held discussions a motion will be required, and a vote taken. Following the vote, formal notice will be shared with the Town Manager.

MEETING #3 and next steps – If Necessary, Process Moving Forward – Open Session

- ***Notify Town Clerk, Finance Committee and Town Moderator to Appoint and Convene Screening Committee***
- ***Appoint Screening Committee Members***
- ***Provide Direction to Screening Committee***
- ***Appoint Interim Town Manager as Needed***

TOWN OF GROTON

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

Select Board

Barry A. Pease, *Chairman*
Alison S. Manugian, *Vice-Chairman*
John R. Giger, *Clerk*
Joshua A. Degen, *Member*
Rebecca H. Pine, *Member*



Town Manager
Mark W. Haddad

Employment Agreement Between Town of Groton and Mark W. Haddad

This Agreement made this 22nd day of April, 2019, to become effective on July 1, 2019, by and between the Town of Groton, a municipal corporation in Middlesex County, Massachusetts, acting by its Select Board, hereinafter referred to as "the Board" or "the Town" and Mark W. Haddad, herein referred to as "the Employee" or "Town Manager."

WHEREAS, G.L. c. 41, §108N, authorizes the Board to establish an employment contract for a Town Manager for a period of time, to provide for salary, fringe benefits and other conditions of employment; and,

WHEREAS, the parties desire to enter into such an agreement;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained the Board and the Employee agree as follows:

I. Agreement Period

- A. The Board agrees to extend the Employee contract to June 30, 2022. The Select Board or the Town Manager may opt of years two and three of the contract. The party opting out of the contract must notify the other party in writing of their intention to opt out by December 31, 2019 (opt out after the first year) or December 31, 2020 (opt out after the second year). Should the Town Manager opt out, he would receive no additional compensation after June 30, 2020 or June 30, 2021 (depending on the year of the opt out), other than owed accrued benefits. Should the Select Board, by a majority vote of the entire Board, choose to opt out, the Town Manager shall receive a six (6) month severance based on his Fiscal Year 2020 salary (first year opt out) paid in one lump sum in the first pay period after July 1, 2020 or shall receive a shall receive a six (6) month severance based on his Fiscal Year 2021 salary (second year opt out) paid in one lump sum in the first pay period after July 1, 2021. Should neither party opt out of the contract, the contract shall remain in full force and effect through June 30, 2022.
- B. The Board shall notify the Employee in writing on or before February 15, 2022, whether or not it intends to renew this Agreement. Failure of the Board to give such written notice shall result in automatic renewal of the Agreement for a one-year period, subject to appropriation and the availability of funds. Should this Agreement be automatically renewed, the same terms and conditions shall apply unless modified by written agreement of the parties.

II. Termination and Severance

- A. Any removal or suspension of the Town Manager shall be in accordance with Article 4, Section 4-3 of the Town of Groton's Charter, enacted as Chapter 81 of the Acts of 2008, which is incorporated by reference herein.
- B. In the event the Town Manager terminates voluntarily his position with the Town before the expiration of this Agreement, the Town Manager must give a 90 day advance written notice to the Select Board, unless the parties agree otherwise. A copy of the letter of resignation shall be kept in the Town Clerk's Office.
- C. In the event the Town Manager is involuntarily terminated by the Town prior to the expiration of the term of this Agreement, the Town agrees to pay the Town Manager four (4) months of severance.

No such severance shall be paid in the event the Town Manager is terminated for cause.

III. Duties and Responsibilities

- A. **DUTIES:** The Board agrees to employ the Employee as Town Manager. The powers and duties of the Town Manager are described in the Town of Groton's Charter, Article 4, Section 4-2, which is incorporated by reference herein, and in the Town Manager's job description subject to the approval of the Select Board. The Town Manager shall perform any other duties as may be required by federal, state, or local law, and as the Board may from time to time assign.
- B. **OTHER EMPLOYEMENT:** In accordance with the Town of Groton's Charter, Article 4, Section 4-1(b), the Town Manager's position is a full-time position, and he is not to hold any other public office, elective or appointive. Other employment must be approved, in advance and in writing, by the Board. If the Employee accepts employment without prior written approval, this Agreement may be terminated immediately by the Town, with no severance due to the Employee.
- C. **EXEMPT ACTIVITIES:** The above shall not be construed, however, to prevent the Employee from engaging in additional professional activities related to the position of Town Manager, such as guest lecturing and participating in professional activities provided that such participation does not interfere with the Employee's responsibilities as Town Manager.

IV. Evaluation

Formal written evaluations shall be conducted using the Town's performance evaluation tool. The first evaluation period of this contract will run from January 1, 2019 through June 30, 2020. This will allow the evaluation period to be aligned with the fiscal year and will allow for completion of the evaluation process by mid-November. Each evaluation cycle thereafter shall align with the fiscal year and will be completed by mid-November of each year.

The Town Manager's performance will be measured on goals and accomplishments from the previous fiscal year and the status of the budget as agreed upon by the Board and Town Manager. All evaluations shall be conducted in compliance with the Open Meeting Law. The completed evaluation shall be placed in the employee's personnel file.

V. Compensation

Effective July 1, 2019, the Town Manager's Salary over the term of this agreement shall be as follows:

July 1, 2019	\$144,275
July 1, 2020	\$147,161
July 1, 2021	\$150,105

Town Manager will be eligible for an additional one-time Performance Incentive payment of up to 3% in each year of the Agreement based on the previous cycle's performance review (said payment shall be paid on the second pay period of July and not added to the base pay). An overall rating of needs improvement would receive no performance incentive. An overall rating of meets expectations would receive a one (1%) percent performance incentive. An overall rating of Exceeds Expectations would receive a three (3%) percent performance incentive.

Any increase is subject to Town Meeting appropriation and shall become effective July 1 annually through the term of this Agreement.

VI. Benefits

The Town Manager is eligible to participate in the same benefit program that is offered to Town of Groton By-Law Employees, on the same terms and conditions except as noted below. As of this date of this Agreement, such benefits are:

A. Health Insurance:

The Town will cover 70% of the cost, while the Employee is responsible for 30% of the cost.

Town Manager can choose to "Opt-Out" of the Town's Health Insurance Program shall be subject to the following:

A. The Town Manager shall receive twenty-five (25%) percent of the Town portion of the health insurance plan the Employee is enrolled in at the time of the "Opt-Out". The amount shall be provided to the employee divided by the number of pay periods in the Fiscal Year that it is being paid; and

B. For the Town Manager to be eligible, he needs to provide proof of Health Insurance Coverage; and

C. For the Town Manager to be eligible for the "Opt-Out" option, he needs to be enrolled in the Town's Health Insurance Program in the preceding entitlement period.

B. Dental Insurance:

The Employee pays 100% towards the dental plan.

C. Life Insurance:

The Town offers a \$10,000 life benefit for active employees. This benefit is paid 50% by the Town of Groton and 50% by the Employee. In addition to this benefit, the Town shall provide an additional \$100,000 of Life Insurance paid by the Town.

D. County Retirement and Deferred Compensation Plan:

The Town Manager will participate in the Town's mandatory retirement program. The Town offers two choices for voluntary deferred compensation plans. The Town Manager is eligible to enroll in either plan.

- E. **Vacation:**
The Town Manager's annual vacation entitlement shall be five (5) weeks. Vacation is intended to be used in the Fiscal Year in which it is accrued. Vacation accrued but unused in any Fiscal Year may be accrued consistent with the Town of Groton Personnel Bylaw, except with the written permission of the Board. The Town Manager shall be allowed to buy back one week of vacation in each of the three years of the contract, should such remain unused by June of each year..
- F. **Sick Leave:**
The Town Manager shall accrue sick leave at the rate of one day (8 hours) per month.
- G. **Personal Days:**
The Town Manager shall be eligible for five (5) personal days annually. Personal day(s) must be taken by June 30th within each fiscal year or the Employee will lose them; unused personal days will not be compensated.
- H. **Holidays:**
The Employee will be entitled to 11 Holidays with pay as listed below. All Holidays should be taken on the calendar day designated by the Town as the official day of the Holiday.

New Year's Day	Martin Luther King Day
President's Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Christmas Day	
- I. **Longevity:**
The Town Manager shall not be eligible for or entitled to any longevity payments.

VII. Expenses and Professional Development

Subject to prior budget approval and appropriation, the Select Board agree to pay for professional development activities of the Town Manager provided these activities are reasonably expected to be of benefit to the Town of Groton.

- a) Travel and meals for professional and office travel, meetings, conferences, both in State and out-of-state, with out-of-state travel subject to the written approval of the Board, provided that attendance at any conference for more than two (2) days shall be subject to the approval of the Board.
- b) Professional dues and subscriptions and occasional publications in connection with but not limited to the MMA (Massachusetts Municipal Association) and the ICMA (International City Management Association).
- c) The Town Manager shall be provided with an annual vehicle allowance of \$4,500 for the use of his personal vehicle

VIII. Residency Requirement

The Town Manager agrees to establish a permanent residence and reside with a thirty-five (35) mile radius of Groton's Town Hall.

IX. Indemnification

- A. To the extent permitted by law, the town shall defend, save harmless and indemnify the Town Manager against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of his duties as Town Manager, even if said claim has been made following his termination from employment, provided that the Town Manager acted within the scope of his duties. To the extent permitted by law, the Town shall pay the amount of any settlement or judgment rendered thereon. The Town may compromise and settle any such claim or suit and will pay the amount of any settlement or judgment rendered thereon without recourse to the Town Manager.
- B. No indemnification is available for any criminal proceedings against the Town Manager, or for any potential disciplinary hearing or disciplinary action by the Select Board. Similarly, in no event shall the Town be liable to indemnify the Town Manager for the costs of any legal actions commenced by him against the Town or any Town employees and/or officials.
- C. This section shall survive the termination of this Agreement.

X. No Reduction of Benefits

The Town shall not at any time during the term of this Agreement reduce the salary, compensation or other benefits of the Town Manager, except to the degree such reduction is across the board for all other By-law employees of the Town.

XI. Miscellaneous

- A. The parties acknowledge that the Town Manager is an "exempt" employee under the Fair Labor Standards Act ("FLSA") and is not entitled to overtime compensation under the FLSA.
- B. Unless specifically modified by this Agreement, all other applicable terms of the Town of Groton Charter and By-Laws shall apply to the Town Manager.
- C. The following grievance procedure is intended to provide an efficient and effective means of resolving any grievances from the Town Manager that may arise over the course of this Agreement. Such grievances may include but are not necessarily limited to: complaints of discrimination, harassment (including sexual harassment), retaliation, or concerns regarding the application, meaning, or interpretation of a provision of this agreement. Discipline imposed by the Select Board shall not be grievable by the Town Manager pursuant to this section. If any such grievance(s) should arise over the course of this Agreement, the parties agree that the following grievance procedure shall apply:

Step 1: The Town Manager shall, within ten (10) days of the occurrence giving rise to the grievance, submit a written grievance to the Chair of the Select Board. The Chair will schedule a meeting with the Town Manager to discuss the facts and circumstances giving rise to the grievance, and to consider what action, if any, would result in the prompt and equitable resolution of the grievance.

- a. If the grievance involves the Chair, the Town Manager shall file the grievance with the Vice Chair, who shall schedule the meeting with the Town Manager and process the grievance through Step 3 if appealed to the full Board by the Town Manager.
- b. In the event the grievance involves the Chair and Vice Chair, the remaining members of the Board shall select a member among them to schedule a meeting with the Town Manager and process the grievance through the remaining steps of this procedure.
- c. In the event the Town Manager's grievance advances a complaint against a majority of the Select Board, the Town Manager and the Board shall engage the services of an independent mediator to engage in non-binding mediation, in an effort to resolve the grievance. The costs of the mediator shall be shared equally by the Town Manager and the Town. If mediation does not resolve the grievance by mutual agreement of the parties, the grievance shall be deemed denied and such denial shall be final and binding.

Step 2: If the grievance remains unresolved at Step 1, the parties agree that the Chair shall conduct informal and non-binding mediation concerning the grievance. If the grievance involves the Chair, the Vice Chair shall conduct the mediation. The Chair (or Vice Chair, when the grievance involves the Chair) shall serve as the mediator and shall have the sole discretion to determine which employee(s) are necessary to participate in the mediation, if any, so as to successfully facilitate an amicable resolution to the grievance. The Town Manager and the Chair (or Vice Chair, for the reason previously articulated) may waive this Step in writing and signed by both parties, and submit the grievance directly to Step 3.

Step 3: If the grievance remains unresolved at Step 2, the Town Manager may appeal to the Select Board, subject to the provisions of the Massachusetts Open Meeting Law. The presentation of the grievance shall, to the extent permitted by law, be held in executive session. The Board shall resolve the grievance at that meeting. The decision of the Board shall be final and binding.

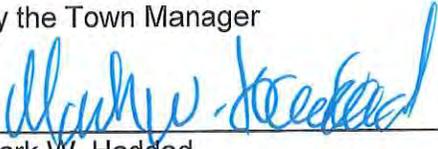
- D. The Town Manager shall not be entitled to pursue a grievance as set forth in Section 48-11 of the Town's Personnel By-Law.

XII. Entire Agreement and Severability

- A. This Instrument contains the entire Agreement between the Board and the Employee. The Agreement may be amended from time to time as mutually agreed upon by both parties in writing.
- B. This Agreement is subject to the laws of Massachusetts. If any one or more of the provisions of this Agreement shall be ruled to be invalid by any reason by a court of law in any jurisdiction, such ruling shall not affect the validity of the remaining provisions of this Agreement.

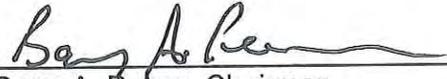
IN WITNESS WHEREOF, the parties have hereunto signed and sealed their Agreement this 22nd day of April in the year Two Thousand and Nineteen.

By the Town Manager



Mark W. Haddad

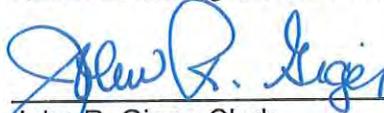
For the Select Board:



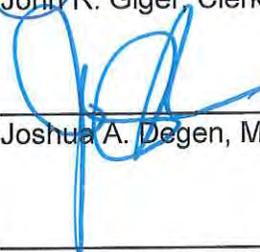
Barry A. Pease, Chairman



Alison S. Manugian, Vice Chairman



John R. Giger, Clerk



Joshua A. Degen, Member



Rebecca H. Pine, Member



Town of Groton Annual Performance Summary Evaluation

TOWN MANAGER

Name: Mark W. Haddad

Position Title: Town Manager

Date of Hire: October 21, 2008

Time in Current Position: Ten Years, Three Months

Department: Town Manager

Date: TBD

Reviewed by: Groton Select Board - Members: Joshua Degen, John Giger, Alison Manugian, Barry Pease (Chair), Becky Pine

*Summary Evaluation prepared by: 2018-2019 Select Board Chairman, Barry Pease on March 23, 2019.
Town Manager Response added on March 24, 2019.*

The evaluation of an employee's daily work activities is an important means to ensure that high standards of performance are achieved by all employees. The Town of Groton is committed to a performance evaluation tool that provides feedback to all employees on their level of performance. The purpose of the evaluation is an opportunity for each employee and his/her manager to review the past year, set annual goals and objectives, as well as a way to measure performance.

Evaluations should be completed by the employee's immediate supervisor annually. The employee's signature on the form does not necessarily indicate his/her agreement with the evaluation given, but that he/she has reviewed the form and has been given an opportunity to discuss its contents with the evaluator.

Section 1: Town Manager to Complete

A. Previous Year's Goals

	Goal Set	Accomplished: Y or N	Status Update if goal incomplete	If complete: What were the outcomes/benefits of achieving this goal? If Incomplete: What steps do you plan/need to take to accomplish goal?	Town Manager/Select Board Comments:
1	Advise and support Senior Center Building Committee on new Design and Development of a new Senior Center.	Yes	Ongoing	I believe I played an important role in supporting the Senior Center Committee in their efforts to secure funding for a new Senior Center. The project is well underway and my goal for the coming year is to complete the project on time and on budget.	<i>Giger, Pease & Manugian agree.</i>
2	Work with Select Board to assure they complete, to the best of their ability, their 2018 Goals.	Yes and No	Some of the Board's goals were not completed, but we accomplished much of what the Board set out to do in 2018.	Some of the goals, such as Developing a Strategic Plan for the town was out of my control to assist, while a majority of the goals were accomplished with my assistance such as developing the OPEB Policy, etc.	<i>Member Pease: "The Town Manager made efforts to assist the Select Board in completing their goals where possible and viable. The SelectBoard has acknowledged that some goals were unobtainable and they are no longer goals of the Board."</i>
3	Work in conjunction with the Select Board and Planning Board addressing Recreational Marijuana in Groton.	Yes	N/A	Through the excellent work of the Planning Board and Select Board, the Town has zoning in place to deal with Recreational Marijuana. I provided assistance to develop Town Meeting and election processes.	<i>Member Manugian: "Completed and well done. Process included public input and was a community-based decision."</i>
4	Determine final policy for Select Board approval to address the Town's OPEB Liability.	Yes	N/A	I drafted and proposed to the Select Board and Finance committee an OPEB Policy that was adopted by both Board's in October, 2018. This was one of the policies that helped us maintain our AAA Bond Rating.	<i>Giger, Pease & Manugian agree. Member Manugian adds: "The tremendous exposure through the GDRSD remains unaddressed."</i>

5	Work with Department Heads to implement Audit Recommendations.	Yes	Ongoing	I developed a matrix to assist the Board and Department Heads to implement audit recommendations. This is an on-going goal.	<i>Giger, Pease & Manugian agree that this is done well-to-date.</i>
6	In conjunction with the Department Heads, work to attract more businesses in the Town of Groton.	No	Work in progress	While we had success in attracting some businesses to the Four Corners District, we are still working with Shaws to connect to the Sewer to allow for further development of the Shaws Property.	<i>Member Manugian: "This goal has not been successfully met; as I believe it is well outside of the viable purview of the Town Manager!"</i>
7	Develop communication format to provide public with updates and access to the issues before the Select Board and their status.	Yes	On-going	We have rolled out new interactive feature on our website. New additional agenda item for on-going issues has helped keep the public informed of issues before the Board. We have been using Facebook very effectively informing the public and the new website, when completed will enhance public engagement.	<i>Member Giger: "I rate this as Yes and No. Facebook has been in use by Town government for some time, not really new. Timely and reliable content management of the Town's web site still not achieved."</i> <i>Member Manugian: "Efforts have been made but are not entirely effective at keeping the public informed. That said, being informed requires a commitment from members of the public that is also lacking. I'm not sure how effectively this can be accomplished."</i>

B. Self-Evaluation and New Year Goals

1. Describe your past year working for the Town of Groton. Please include accomplishments (part of your goals or other) and struggles.

Calendar Year 2018 was probably my best year as Groton's Town Manager. I am extremely proud of the job I did in support of the Select Board and all of the Departments that I am responsible for managing. I achieved almost all of my goals and objectives and did a very good job helping the Board achieve most of theirs as well. In addition to my job managing the day to day operations of the Town (including the Select Board and Town Manager's Office), I would like to provide a small sample of my accomplishments and work over the past year:

FY 2019 Budget

The Fiscal Year 2019 budget process was extremely challenging given the needs of our public safety departments and the Groton Dunstable Regional School District. While I wish I had fought harder for the needs of our Police and Fire Departments when I presented the original budget, I was able to assist the Fire Chief in adding additional manpower at the Fall Town Meeting without negatively impacting the operating budget and was able to work with our Private Schools, the Groton Dunstable Regional School District and the Town of Dunstable to obtain funding to hire an additional School Resource Officer. In addition, we were able to fully fund the needs of the GDRSD, including the first year of funding their approved Capital Plan. I am proud of the work I did during the FY 2019 budget development process. I worked closely with the Finance Committee, Select Board, Finance Team and Groton Dunstable Regional School Committee to develop a budget that maintained services and met the needs of the School District. Based on my budgeting skills and my recommendations, the Town continues to be strong financially and was able to meet all operational and capital needs in FY 2019. As I stated in my review last year, The Town continues to fund its capital needs through our strong Free Cash position and we were able to provide \$600,000 at the 2018 Fall Town Meeting to fund the capital needs of the Groton Dunstable Regional School District. I look forward to working closely with everyone again as we address the Fiscal Year 2020 Budget.

Operational Audit Recommendations

With the assistance of Select Board Member Giger, I developed a matrix to assist the Board in reviewing and determining which recommendations from the Operational Audit should be implemented. I have been working closely with our Department Heads to determine how best to proceed in moving forward. This is an on-going issue, but we are well underway with this process. The one thing that the Audit proved, and of which I am most proud, is that we run and maintain a very good organization and I am proud of the work I have done to accomplish this level of service and organizational operation.

Police Chief Search

I believe I instituted a very good process to hire the new Groton Police Chief. Working with our Human Resources Director, I established a very comprehensive process to bring the Board at least two candidates (we brought forward three) for the Board to consider appointing our next Police Chief. I established a Search Committee made up of both Town Officials and Residents who helped narrow the list of candidates. From there, we established a panel of area Police Chiefs who gave us a unique perspective on the qualities needed to be a good chief. We also had the Department Heads interview the finalists to allow us to see how the candidates would interact with staff. From there, in conjunction with the Select Board, we hired a consultant to perform an Assessment Center, which gave the Board good information to help them make a final decision. At the end of the process, the Board was unanimous in its decision to hire Mike Luth as our Police Chief. I believe this process was excellent and am extremely proud of my work in the search.

Senior Center Project

I believe I have done a very good job, thus far, managing the construction of the new Senior Center, with the outstanding support of the Senior Center Building Committee, Architect, Clerk of the Works and Dawn Dunbar, our Executive Assistant. While dealing with the Contractor, who obtained the work through the "low bid" process is never easy, we are progressing nicely with the project and expect it to be completed next summer on budget. I believe my experience in managing construction projects has been beneficial to the Town and look forward to the next several months as we complete the project.

Prescott School Lease

While this has been a very difficult and, at times, frustrating process, I am pleased that in working with Alison Manugian and Bud Robertson, we were able to propose, and the Board accept and approve, a lease with the Friends of Prescott to manage the Prescott School. We were also able to recommend to Town Meeting that they approve the necessary funding to allow the Town to insure and maintain the grounds of the Building. It is my hope and intent to continue to work with Alison, Bud and the Friends of Prescott to make this project a success for the residents and tax payers of Groton.

OPEB/Debt Service/Planning for the Future/AAA Bond Rating

I am combining all of these items into one topic as they were all closely related. Working with my Finance Team and Financial Advisors, we were able to develop an OPEB Funding Policy and plan for current and future debt service that was approved by both the Select Board and Finance Committee. These two items have put the Town in a good position to address our current and future capital needs. I believe I did a good job as your Town Manager and de-facto Finance Director in addressing these very important matters. As a matter of fact, we were recognized by Wall Street for our outstanding budgeting, policies and planning. S&P Global Direct recognized these efforts by maintaining our bond rating at AAA with a stable outlook. I continue to be proud of my work in this area of my job and will continue to work hard in the future to maintain our strong budgeting and financial planning.

Collective Bargaining

This was probably my proudest and most difficult accomplishment over the past year. At the direction of the Select Board and Finance Committee, I was tasked with the very difficult goal of increasing employee health insurance cost share from 80/20 to 70/30. With the assistance of our Town Accountant, Human Resources Director and Executive Assistant, we were able to negotiate Collective Bargaining Agreements that accomplished this goal over the course of two years, without negatively impacting the budget for salaries. As a matter of fact, because of this accomplishment, it made developing the FY 2020 budget much easier as we were able to maintain services and recommend major increases to both our regional school districts. While morale took a hit, we have worked hard to restore it and it appears that we are moving in the right direction.

Board Relations

This is an area that has had some success as well as frustration for me and the Board. I think I have done a very good job working with John Giger as the newest member and helping him with his transition on the Board. That said, I need to continue to work harder in providing the Board with more information than in the past to help them make informed decisions. Since three members of the Board are relatively new, I need to change some of my management techniques to serve their needs as well as the two senior members. I believe we are making progress in this regard and will work harder over the next year to make even more progress.

This is just a small sample of what me and my team has accomplished over the past year. As I stated earlier, I believe I had my best year as Groton Town Manager and look forward to another strong year in 2019.

2. What goals have been established by the Select Board for the Town Manager to accomplish over the next year:

	Goal	How are you going to achieve this goal?	What support will you need?	Chairman Comments/ Approval:
1	Oversee Architect, Clerk of Works and Contractor for the construction of the New Senior Center in West Groton.	Continue to meet regularly with Building Committee, Architect, Clerk of the Works and Contractor to make sure project is moving forward in a positive direction.	Support from all involved in the project.	Note that as of 3/23/2019 Town Manager Goals have not been finalized by a vote of the Select Board.
2	Work to address anticipated Budget Deficit in Fiscal Year 2021, while incorporating major building projects, including new Highway Garage, Library Roof Repair and Florence Roche Elementary School.	Planning and years of experience dealing with difficult budgets will help me and the Finance Team address this issue.	Support from the Finance Team, Select Board, School Administration and Finance Committee.	Note that as of 3/23/2019 Town Manager Goals have not been finalized by a vote of the Select Board.
3	Review all Town properties under the jurisdiction of the Select Board and Town Manager to determine if any community needs, including housing and other related uses can be addressed.	Provide process recommendations and plans/proposals for Select Board approval.	Support from Land Use Departments, Select Board and general public.	Note that as of 3/23/2019 Town Manager Goals have not been finalized by a vote of the Select Board.
4	Develop a succession plan to replace the current Building Commissioner when he retires in September, 2019.	In conjunction with Land Use Director, provide the Select Board with a proposed plan for the position. In addition, work with the current Building Commissioner to identify areas of opportunity, such as improvement of the current Zoning Bylaw.	Support from Land Use Director and Human Resources Director.	Note that as of 3/23/2019 Town Manager Goals have not been finalized by a vote of the Select Board.
5	Improve functionality and communication with the Select Board.	Implement process improvements for providing members of the Board with information so that they have an understanding of issues and ability to address matters in a timely manner.	Support from the Select Board and Executive Assistant.	Note that as of 3/23/2019 Town Manager Goals have not been finalized by a vote of the Select Board.

Section 2: Compiled Groton Select Board Review

2.A: PERSONAL DEVELOPMENT - An effective Manager must develop personal characteristics, which are conducive to the smooth operation of the governing body and government.

Majority Score	Item	Average Score
5 – Outstanding Performance	2.A.1: Takes responsibility seriously and works hard.	4.8
3 – Satisfactory	2.A.2: Is sensitive to residents, staff and media	3.2
2 – Improvement Needed	2.A.3: Is tactful, diplomatic and tolerant	2.4
4 – Good Performance	2.A.4: Has a positive approach to position	3.6
3 - Satisfactory	2.A.5: Recognizes and learns from past mistakes	2.8
3 - Satisfactory	2.A.6: Devotes time and effort to personal and professional excellence	3.2
2 – Improvement Needed	2.A.7: Respects opposition	2.6

2.A PERSONAL DEVELOPMENT COMMENTS:

Item 2.A.5 Comments:

Member Pease: “Once a mistake is made and is understood, Mark avoids it. Listening to counsel of when he might be making a mistake would be an improvement here. “

Section 2.A General Comments:

Member Giger: “Mark needs to improve how he manages his anger.”

Member Pine: “Mark’s continues to respond to criticism far too often with anger ... Despite feedback about this (such as in my Annual Review of him one year ago), this behavior continues to occur, and significantly mars the many positive aspects of his job performance.”

Member Pease: “Mark should develop skills to handle and deflate negative situations regarding some of the more challenging residents within Groton. Additionally, Mark continues to take items personally when they are intended in a matter-of-fact or professional approach. Levels of misunderstanding and/or conflict are inevitable in Mark’s position, and there is room for improvement on handling these situations.”

Member Degen: “Mark continues excellent management and budgets. Project oversight is excellent. He continues a pattern of opposition to those who hold alternative positions to his. Mark needs to work to embrace opposing views.”

Member Manugian: “Generally, when treated respectfully, Mark is willing to engage in debate and discussion of approach and plans. Response when faced with accusatory tones can be problematic given the years of experience that Mark has. Seeming unwillingness to acknowledge and address this behavior in the bigger picture is concerning.”

2.B PLANNING – In order for the government to be efficient and meet its future needs, decisions must be deliberate rather than reactionary. Planning is the instrument of deliberate action.

Majority Score	Item	Average Score
4 – Good Performance	2.B.1: Sees the big picture – is aware of the full range of services	4
4 – Good Performance	2.B.2: Thinks and plans for the long term.	4.2
3 - Satisfactory	2.B.3: Recognizes the need for improvement and believes positive change is possible	3
4 – Good Performance	2.B.4: Understands all major planning processes and actively participates where appropriate	4.2
3 - Satisfactory	2.B.5: Is willing and able to prioritize competing needs	3.6
5 – Outstanding Performance	2.B.6: Plans for the long term purchasing, replacement and maintenance to Town equipment	4.6
5 – Outstanding Performance	2.B.7: Recognizes the value of excellent employee's and uses all reasonable efforts to insure that the best available individuals are recruited and hired.	5

2.B PLANNING COMMENTS:

Item 2.B.1 Comments:

Member Pease: "I reiterate my guidance of last year: There are too many things in today's governance landscape, and some subject matter experts should be defined and groomed to guide and assist the Town Manager on complex, non-financial matters."

Item 2.B.2 Comments:

Member Pease: "Mark is especially strong in fiscal matters and internal employment matters. Recently it was identified that there's no actual succession planning for key positions. This places Groton into a vulnerable position should any of these key individuals depart suddenly (for whatever reason)."

Section 2.B General Comments:

Member Pease: "Mark is a planner, especially strong with fiscal matters, and develops strategies which contend with the worst-possible-case while constantly seeking the best outcomes. Mark has not expressed any prioritization of town needs. The Select Board could use more guidance from the Town Manager on which town needs are more important in his perspective. If directed by the Select Board, has shown a willingness to change processes to enable more efficient and effective long-term governing."

Member Manugian: "Underestimating the public need to understand options and make decisions could become a road block to successfully completing projects. Building consensus and moving toward compromise is vital to long term success."

Member Degen: "Mark excels in this area. He is innovative and acknowledges his peers. This area is Mark's strongest attribute."

Member Giger: "Mark excels at budget preparation and financial planning."

2.C TEAM PLAYER – Excellence in government requires teamwork. A good team member must constantly strive to cooperate with other members of the governing body.

Majority Score	Item	Average Score
4 – Good Performance	2.C.1 Understands the importance of teamwork	3.6
4 – Good Performance	2.C.2 Willing to develop and work toward common goals	3.8
4 – Good Performance	2.C.3 Recognizes the efforts and accomplishments of other team members	4.4
3 - Satisfactory	2.C.4 Spends the time and effort necessary to build the team	3.4
2 – Improvement Needed	2.C.5 Avoids bitter and unfair political rhetoric	2.2
4 – Good Performance	2.C.6 Recognizes and respects that staff members are part of the team	4.4

2.C TEAM PLAYER COMMENTS:

Item 2.C.5 Comments:

Member Pease: “A majority of the time Mark is good about avoiding situations which can cause issues (baiting, etc.), This would be better handled in a more active approach, with skills related to calm, honest dialogue about the issue, rather than avoiding or tolerating negative behavior. “

Member Degen: “Again, Mark does well in these topics with the exception of stepping into Political Rhetoric. He needs to takes steps to avoid unnecessary conflicts with those he disagrees with.”

Member Giger: “Mark will benefit from avoiding bitter and unfair political rhetoric.”

Section 2.C General Comments:

Member Pease: “The Select Board has the potential to change every year ... the past 3 years have seen 80% turnover (4 out of 5). ... Elected members of the public are not likely to be former managers, and this makes dealing with them as “bosses” as well as “colleagues” very difficult, and requires a tremendous amount of patience ... I appreciate Mark’s honest evaluation of his performance with regards to Board Relations. A focused, deliberate, strategic, and planned improvement in this area would likely improve Mark’s overall teamwork rating. “

Member Manugian: “Mark is a great supporter of his staff and employees – which is fabulous and they are very deserving. Collaboration with other political boards and such is not as strong and needs development.”

Member Pine: “Mark does an excellent job of highlighting the skills and contributions of his department heads and staff. I would like him to give more value to the contributions made by Town Committees and the Select Board.”

2.D CONDUCT AT MEETINGS – The success of a local government depends on the productivity of the meeting of the governing body.

Majority Score	Item	Average Score
5 – Outstanding Performance	2.D.1 Stays on the topic and follows the agenda.	4.4
4 – Good Performance	2.D.2 Abides by the rules of procedure for meetings	4
4 – Good Performance	2.D.3 Participates actively in the meeting	4.2
4 – Good Performance	2.D.4 Keeps comments concise and does not monopolize the meeting	3.8
5 – Outstanding Performance	2.D.5 Prepares for all meetings	4.8
5 – Outstanding Performance	2.D.6 Regularly attends meetings	4.8
4 – Good Performance	2.D.7. Displays a competent and professional attitude	3.8

2.D CONDUCT AT MEETINGS COMMENTS:

Item 2.D.6 Comments:

Member Degen: “Yes on Select Board. No to other peer boards, specifically at times School Committee.”

Section 2.D General Comments:

Member Pease: “Repeated from last year: Mark is ... exceptional in facilitating our meetings, providing background, providing follow-up, and reminding Board members of their commitments. He’s always available for questions prior to meetings, and regularly reviews meeting outcomes or ideas with me during our weekly calls.”

Member Pine: “Mark is always well-prepared and his behavior and performance at meetings is generally professional, with the exception that he does not respond well to comments that he perceives as critical.”

Member Manugian: “The vast majority of time’s Mark’s role in meetings is very well executed and his preparation is very strong. He is willing and able to answer questions but does not try to control discussion or the meeting as a whole. Sharing of details and alternatives (in totality) for meetings would be helpful as volunteer board members and the public do not have the ability to recall and pull past documents on the spot.”

Member Giger: “With the exception of how Mark manages his anger, he does very well in this category.”

Member Degen: “Mark is very organized and provides good guidance. He needs to supply more documentation to those board members that do not understand various issues that he clearly sees. Sometimes when he’s so close to an issue that he understands, he sometimes overlooks those that need more backup information.”

A. Summary of Competency Review

Competencies	Exceeds Expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations
Interpersonal Skills			Select Board Majority	
Courtesy towards co-workers		Select Board Majority		
Customer Service		Select Board Majority		
Communication		Select Board Majority		
Quality of Work and Productivity	Select Board Majority			
Skills, Knowledge and Technical Ability	Select Board Majority			
Cooperation and Teamwork		Select Board Majority		
Dependability and Attendance		Select Board Majority		
Problem Solving		Select Board Majority		
Job Site Initiative	Select Board Majority			
Safety		Select Board Majority		
Management Effectiveness		Select Board Majority		

B. Accomplishments or new abilities demonstrated since last review Summary of overall rating. Please include summary of which areas most significantly affected the overall review:

Member Pease: “Mark did a great job of handling 7 labor contract negotiations simultaneously, and meeting the given goals of reducing the Town’s share of health insurance. ... His financial acumen and ability to run smooth operations are highly influential in the final scoring of this review. ... I appreciate Mark’s honest evaluation of his performance with regards to Board Relations. While Mark and I are able to work out our differences based on mutual trust, we’ve found that not all Select Board members have the same style as I do. A focused, deliberate, strategic, adaptive and planned improvement in this area would likely improve Mark’s overall performance rating moving forward.”

Member Degen: “Mark has great knowledge of municipal government. His budgeting, personnel management, and project management skills are excellent.”

Member Pine: “While I am pleased with the progress that has been made on the Prescott School project, and Mark’s stated hope to help this project be successful for the Town, I would like Mark to take more interest in developing a creative public-private management model for Prescott’s long-term success, and the potential new revenue stream that could be realized from this project.”

Member Giger: “Positively: Work ethic. Financial planning and financial management skills. Being available to Select Board members almost 24 hours a day, seven days a week. Negatively: On-goings difficulties controlling his anger. Putting the cart in front of the horse when contemplating new initiatives. Making what appear to be unilateral decisions which have not been properly coordinated with other involved parties.”

Member Manugian: “I have found that Mark is increasingly willing to discuss his budgeting approaches. While he remains conservative, he is willing to engage in debate and discussion of alternatives and implications.”

C. Specific areas of needed improvement, and suggestions if applicable:

Member Degen: “Mark needs to work on interpersonal relation skills with those who have opposing views. He needs professional development classes in this area. He has been told this for many years. It is long overdue for the Board to compel him to take classes to be handle this aspect of the job.”

Member Pease: “Personal skill development is recommended in preparing for, identifying and neutralizing challenging events during public meetings. This has risen to the level of requiring immediate action, and reduced the overall performance rating accordingly.”

Member Giger: “Interpersonal skills: It is critical to his future that Mark get his anger under control. His difficulties with anger management detract significantly from all the good work he does. While Mark has worked on improvement in this area, his results are somewhat limited. I strongly encourage Mark to get some “professional” help in his improvement efforts.
Communications: Mark has a tendency to make what appear to be unilateral decisions in situations where coordination with others, especially the Select Board, are needed and appropriate. He tends to come across as very assertive when speaking with others. Softening, a bit, how he comes across, listening better, and seriously considering what the other party has communicated will help Mark’s improve his communication skills.
Management Effectiveness: Mark can enhance his management effectiveness by leading his workforce to embrace the concepts of continuous improvement, smart goals, and management by objective.”

Member Pine: “Response to Criticism: Managing his temper and learning to deal with criticism without resorting to anger ... is the most glaring area where Mark needs to improve. Mark needs to learn to disagree without taking offense, without becoming ‘insulted’ .. I mentioned this on my review last year, and have seen no improvement.
Mark has seemed oblivious to the impression that his actions ... have created; that he does not value the input of the Board, and that he enjoys the trappings of power and authority. [A] year ago, I had urged Mark to work more collaboratively with the Board in order to reduce the perception that he is ‘running the town.’”

Member Manugian: "... Investment in public understanding, transparency and collaborative development now pays off well into the future. ... Inability to manage anger in public meetings when confronted by specific individuals and around specific topics is problematic; overshadowing success in the eyes of the public. The most recent incident has been acknowledged and apologies offered;"

D. Overall Performance Rating

- 1. Does Not Meet Expectations _____
- 2. Needs Improvement _____
- 3. Meets Expectations SELECT BOARD MAJORITY
- 4. Exceeds Expectations _____

Section 3: Employee to complete

A. Employee's Comments (Optional)

While I appreciate the overall review of the Board, I cannot accept the needs improvement on my Interpersonal Skills and the comments from the Board on needing to control my anger. The Board does not provide one concrete example of anger issues in my review. If I am going to be rated this way, examples should be provided. They are not, because they do not exist. With the exception of what happened on January 7, 2019 when I did not handle a false accusation as well as I could have, the Board does not provide any examples of events where I need to "control my anger". I immediately acknowledged my behavior and apologized that same evening. In my opinion, this is a statement solely based on what happened on one night during the course of a year where no other issues exist. It makes me wonder what my review would have been like before January 7, 2019 (the review is supposed to cover January 1, 2018 through December 31, 2018).

I had an exceptional year as Town Manager for the Town of Groton, yet I received a needs improvement rating on Interpersonal Skills. Interpersonal skills are the qualities and behaviors a person uses to interact with others properly. In the business domain, the term refers to an employee's ability to work well with others while performing their job. Interpersonal skills range from communication and listening to attitude and deportment. With the exception of the way I handled the night of January 7, 2019, I showed strong interpersonal skills over the past year. Examples of this include my work with the Finance Committee on difficult budget issues; my work with the Senior Center Building Committee on developing the plans for the new Senior Center and carrying out the construction; my work with the Highway Department Building Committee in putting together a construction plan for a new highway garage; the way I handled a very difficult personnel issue in the Police Department; my work with the Search Committee I established to hire a new Police Chief; my leadership of the Department Heads during the course of the year managing the day to day operations of the Town; my work with the Finance Team and Financial Advisors in maintaining the Town's AAA Bond Rating; my work negotiating seven very difficult contracts with all of our unions in which we negotiated a ten percent cost share shift on health insurance premiums; and, last but not least,

my ability to work for a Board with five very distinct and different personalities, with different demands and expectations (daily meetings with some members and weekly meetings with others to address their concerns). I could add more, but I believe I have made my point. I wonder what I could have accomplished if I had extraordinary interpersonal skills.

None of these examples are contained in my review, yet I received a needs improvement rating on interpersonal skills and a vague reference to "anger issues." I believe the Board needs to reconsider these statements given the outstanding year I had as Groton's Town Manager.

Section 4

A. Signatures

I have read and discussed this evaluation with my Department Manager, Board, Commission or Designee and have had the opportunity to provide comments. My signature does not indicate my agreement with this evaluation; rather it indicates that I have had an opportunity to read and discuss it.

Town Manager's Signature: _____

Date: _____

Select Board Chairman: _____

Date: _____

Human Resources Director Signature: _____

Date: _____

TOWN CHARTER



TOWN OF GROTON MA

APPROVED 2010

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Note: This document is not an approved part of the Groton Charter.

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CHARTER

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

ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY

Section 1-1: Incorporation

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

Section 1-2: Short Title

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

Section 1-3: Powers of the Town

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

Section 1-4: Division of Powers

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

Section 1-5: Interpretation of Powers

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

Section 1-6: Intergovernmental Relations

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

Section 1-7: Precedence of Charter Provisions

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

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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

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.

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.

(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.

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.

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

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

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

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

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

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

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

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

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

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

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

Section 5-1: Organization of Town Agencies

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

Section 5-2: Merit Principle

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

Section 5-3: Department of Finance

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

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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

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

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

Groton Charter – 2010

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

Groton Charter – 2010

- (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

Groton Charter – 2010

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.



TOWN OF GROTON MA
CHARTER REVISION SUBMISSION
FINAL VERSION (June 13, 2018)

I ATTEST THAT THE FOLLOWING PAGES 2 THROUGH 25 ARE TRUE TO THE APRIL 24, 2017 TOWN MEETING VOTE, INCORPORATING THE EDITS FROM SENATE COUNSEL AND HADDAD/MANUGIAN/BOUCHARD RECOMMENADTION IN SECTION 3.1.7.2 ACCEPTED BY THE SELECT BOARD OF GROTON AT A MEETING OF SAID BOARD ON JANUARY 27, 2018, AND THE NAME CHANGE TO SELECT BOARD AS VOTED BY THE APRIL 30, 2018 TOWN MEETING, AND IS THE FINAL VERSION OF THE CHARTER DOCUMENT.

A TRUE COPY, ATTEST

Michael Bouchard, Town Clerk

The charter of the town of Groton, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out articles 1 to 8, inclusive, and inserting in place thereof the following 8 articles:-

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 select board and a town manager. The legislative powers shall be exercised by an open town meeting.

Section 1.5: Interpretation of Powers

The powers reserved or granted to the town under this charter shall be construed liberally and interpreted broadly in the town’s favor and the specific mention of any particular power is not intended to limit in any way the general powers of the town under 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, by-laws, votes, rules and regulations of or pertaining to the town that are in force when the charter takes effect and that are not specifically or by implication

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

Section 1.8: Ethical Standards and Conduct

Elected officers, appointed officials, employees and volunteers of the town shall demonstrate, by their example, with their general conduct and in the performance of their duties and responsibilities, the highest ethical standards to the end that the public may justifiably have trust and confidence in the integrity of its government. Such individuals shall 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 faithfully discharge the duties of their offices regardless of personal considerations. Such individuals 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:

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

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

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

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

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

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

“Local newspaper”, a newspaper of general circulation in the town.

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

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

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

“Town”, the town of Groton.

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

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

“Town meeting” - the open town meeting established in article 2, whether annual or special.

“Voters”, registered voters of the town.

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

ARTICLE 2: LEGISLATIVE BRANCH

Section 2.1: Town Meeting

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

The annual town meeting shall meet in regular session twice in each calendar year. The first meeting, which shall be the spring town meeting, shall be held 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, electing officers and determining all other matters to be decided by ballot of the voters. The second meeting, which shall be the fall town meeting, shall be held during the last 4 months of the calendar year on a date fixed by by-law; provided, however, that the fall town meeting shall not include the election of officers.

Section 2.2: Presiding Officer

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

2.2.2 The moderator shall, at the spring town meeting, appoint a deputy moderator, subject to ratification of the town meeting, to serve at any session of an annual or special town meeting in

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

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

Section 2.3: The Town Report

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

Section 2.4: Special Town Meetings

A special town meeting shall be held at the call of a majority of the full select board in order to transact the legislative business of the town in an orderly manner. A special town meeting shall also be held on the petition of the lesser of not less than 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 select board which shall state the time and place at which the meeting is to convene and, by separate articles, shall identify the subject matters to be acted upon. The publication of the warrant for every town meeting shall be in accordance with the General Laws and by-laws governing such matters.

Section 2.6: Initiation of Warrant Articles

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

2.6.2 Inclusion on the Warrant - Spring and Fall Town Meeting - When a spring or fall session of the town meeting is to be called, notice shall be given by posting attested copies of the warrant in not less than 2 public places in the town and by publishing notice of the meeting in a local newspaper not less than 14 days before the day appointed for the meeting. The select board shall include in the warrant the subject matters of all petitions that have been received by it not less than 60 days before the date fixed by by-law for the session of the spring or fall session of the town meeting to convene. Unless specified otherwise in this charter, the content, scheduling and

notice requirements for a spring or fall session of the town meeting shall be as provided for an annual town meeting under section 10 of chapter 39 of the General Laws.

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

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

2.7.1 Every chairperson of each multiple member body and every department head shall attend all sessions of town meetings. If a chairperson of a multiple member body or department head shall be absent from a town meeting due to illness or other reasonable cause, that person shall designate a deputy to attend the meeting and represent the multiple member body or department. If a person designated to attend a town meeting under this section is not a voter, the person may, notwithstanding their voter status, address the meeting to fulfill the objectives of this section.

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

Section 2.8: Clerk of the Meeting

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

Section 2.9: Rules of Procedure

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

Section 2.10: General Powers and Duties

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

Section 2.11: Report to the Voters

There shall be published for every town meeting a copy of the warrant, together with its articles, and a report to the voters that shall contain the explanation and relevant data submitted by the proponents of each article; provided, however, that the town manager may direct that

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

The report for the spring town meeting shall also include, as an appendix, the capital improvement plan defined in section 6.6 setting forth a 5-year capital outlay program for the information and guidance of town meeting. The select board shall have the opportunity to include in the report its conclusions and recommendations, including its reasons therefor, regarding articles in the warrant that relate to its general superintendence over the administration of town affairs.

The report shall be made available to residents of the town by a method determined by the select board not later than 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 any matters set forth in the warrant and shall not affect the validity of the proceedings at a town meeting.

ARTICLE 3: ELECTED OFFICERS

Section 3.1: General

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

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

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

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

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

3.1.6 Filling of Vacancies

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

3.1.6.2 Elected Multiple Member Body - If there is a failure to elect a member of a multiple member body or if a vacancy occurs in the membership of an elected multiple member body, the remaining members of the multiple member body shall give notice to the select board and to the public of the vacancy. The select board 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.

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

3.1.7 Recall Provision for Elected Officers

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

3.1.7.2 Recall Petition - Two per cent of the voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. 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. The blanks shall be dated, addressed to the select board, contain the names of the first 10 signers of the affidavit, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit and demand the election of a successor to the office. A copy of the affidavit and recall petition shall be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be returned and filed with the town clerk not more than 45 days after the date of the filing of the affidavit and shall be signed by not less than 20 per cent of the voters as of the date the affidavit was filed with the town clerk.

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

3.1.7.3 Recall Election - If the petitions are certified by the registrars of voters to be sufficient, the town clerk shall submit the petitions with the certificate to the select board. Upon receipt of the certificate, the select board shall immediately give written notice of the petition and certificate by certified mail to the officer whose recall is sought. If the officer does not resign the office within 5 days after delivery of the notice, the select board shall immediately order an election to be held on a date fixed by them not less than 64 days nor more than 90 days after the date that the election is called; provided, however, that if another town election is to occur within 100 days after the date the election is called, the select board shall postpone the holding of the recall election to the date of the other election. If the officer resigns after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

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

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

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

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

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

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

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

Section 3.2: Select Board

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

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

- (i) serve as the principal goal-setting and policy making town agency for matters within its statutory authority and for those matters for which the town meeting has directed the board to act;
- (ii) be responsible for the formulation and promulgation of policy to be followed by all town agencies serving under it;
- (iii) in conjunction with other elected officers and multiple member bodies, develop and promulgate policy guidelines designed to bring all town agencies into harmony;
- (iv) award and execute all contracts for services and supplies for all departments and agencies of the town, other than the Groton-Dunstable Regional School Committee; provided, however, that the select board, at its sole discretion, may delegate this authority to any department head or agency by a vote of the board at a posted meeting; and
- (v) sign all payroll and expense warrants; provided, however, that the select board, at its sole discretion, may delegate this authority, for a period of not more than 30 days, to a select board member and the town manager or a select board member and the acting town manager by a vote of the board at a posted meeting.

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

3.2.4 Appointing Authority - The select board shall appoint the town manager, town counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a police chief and a fire chief consistent with clause (v) of section 4.2; provided, however, that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws. The select board shall appoint a

conservation commission, council on aging, housing partnership, local cultural council and other committees as required by law, by-law or town meeting vote.

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

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

Section 3.3: Regional School Committee

3.3.1 The Groton-Dunstable Regional School District provides public education, pre-kindergarten to high school, inclusive, and related services to the towns of Groton and Dunstable under the terms of a regional agreement between the towns. Pursuant to the regional agreement, there is a Groton-Dunstable Regional School Committee consisting of 7 members elected for 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.

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

Section 3.4: Town Moderator

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

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

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

3.4.4 Deputy Moderator – At the opening of the spring town meeting, the moderator shall appoint a voter to serve as deputy moderator in accordance with section 2.2.

Section 3.5: Groton Housing Authority

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

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

Section 3.6: Planning Board

3.6.1 Composition, Term of Office - There shall be a planning board that shall consist of 7 members, each elected for a 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.

3.6.2 Powers and Duties - The planning board shall have the powers and duties given to planning boards under the constitution and laws of the commonwealth and such additional powers and duties as may be authorized by this charter, by-law or town meeting vote.

Section 3.7: Groton Electric Light Commission

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

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

Section 3.8: Library Board of Trustees

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

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

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

Section 3.9: Town Clerk

There shall be a town clerk who shall be elected for a term of 3 years, have all of the duties established for a town clerk by the General Laws and be the records access officer pursuant to chapter 66 of the General Laws.

Section 3.10: Board of Assessors

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

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

Section 3.11: 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 town meeting vote.

ARTICLE 4: TOWN MANAGER

Section 4.1: Appointment, Qualifications and Review Procedure

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

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

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

Section 4.2: Powers and Duties

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

- (i) managing, supervising and being responsible for the efficient and coordinated administration of all town functions under the town manager's control as may be authorized by this charter, by-law, town meeting vote or the select board, including all department heads and their respective departments;
- (ii) unless otherwise required by law, this charter or by-law, managing and coordinating the administrative activities of all town agencies; provided, however, that elected officers or their representatives shall be required to meet with the town manager at reasonable times to effect coordination and cooperation among all town agencies;
- (iii) appointing and removing department heads, other employees and paid members of town government for whom another method of appointment or removal is not provided in this charter or by by-law; provided, however, that an appointment made by the town manager shall be confirmed by the select board not more than 15 days after the date on which the town manager files notice of the action with the select board; and provided further, that failure by the select board to confirm an appointment in that 15-day period shall constitute rejection of the appointment;
- (iv) nominating for appointment or removal volunteer members of town government for whom another method of appointment or removal is not provided for in this charter or by by-law; provided, however, that a nomination for appointment or removal made by the town manager shall be confirmed by the select board not more than 15 days after the date on which the town manager files notice of the action with the select board ; provided further, that failure by the select board to confirm a nomination in not more than 15 days shall constitute rejection of the nomination;
- (v) if a vacancy occurs in the office of police chief or fire chief, selecting and presenting not less than 2 qualified candidates to the select board for appointment by the board to the office as provided for in section 3.2.4;
- (vi) acting as a negotiator for all collective bargaining agreements to which the select board is a party, subject to ratification by the select board ;
- (vii) conducting or reviewing annual performance evaluations of all employees subject to the town manager's or the select board's appointment and consulting with elected and appointed boards to contribute to the preparation of the evaluations of department heads associated with the boards;

- (viii) fixing the compensation of all employees appointed by the town manager within the limits established by the overall approved budget, the personnel by-laws, the town's wage and classification schedule and collective bargaining or other agreements;
- (ix) attending all regular and special meetings of the select board unless excused at the town manager's request and having a voice, but not a vote, in all discussions;
- (x) attending all sessions of the town meeting and answering all questions directed to the town manager that are related to the office of the town manager or concerning which the town manager possesses the relevant information;
- (xi) assuring that all laws, this charter, by-laws, town meeting votes and directives of the select board that require enforcement by the town manager or employees subject to the town manager's direction and supervision are faithfully carried out;
- (xii) preparing and submitting annual operating budgets and capital improvement programs as provided in article 6;
- (xiii) coordinating the preparation of the town's annual report;
- (xiv) overseeing the preservation, management and administration of all town records so as to facilitate access to them; and
- (xv) performing such duties as necessary or as may be assigned by this charter, by-law, town meeting vote or the select board.

Section 4.3: Removal and Suspension

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

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

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

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

section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of the time, resume the duties of the office.

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

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

Section 4.4: Vacancy in the Office of the Town Manager

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

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

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

Section 4.5: Screening Committee

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

4.5.2 Not more than 21 days after the notice of the vacancy or pending vacancy in the office of town manager, the town clerk shall call and convene a meeting of the screening committee. The screening committee shall meet to organize and plan a process to advertise the vacancy or

pending vacancy and to solicit by other means candidates for the office. The committee shall proceed to meet, notwithstanding the failure of any town appointing authority to designate a representative to it.

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

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

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

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

Section 5.1: Organization of Town Agencies

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

Section 5.2: Merit Principle

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

Section 5.3: Department of Finance

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

5.3.2 The town manager and the department of finance shall assume all of the powers, duties and responsibilities related to municipal finance activities and the coordination of those activities

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

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

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

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

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

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

Section 5.4: Department of Public Works

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

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

- (i) construction, maintenance, repair and cleaning of town roads, sidewalks, storm drains, bridges, dikes and other public way related structures;
- (ii) maintenance, repair and cleaning of all buildings owned or leased by the town, except those of the regional school district;

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

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

Section 5.5: Information Technology

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

Section 5.6: Personnel Board

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

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

ARTICLE 6: FINANCE AND FISCAL PROCEDURES

Section 6.1: Fiscal Year

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

Section 6.2: Finance Committee

6.2.1 Composition, Term of Office - There shall be a finance committee that shall consist of 7 voters appointed by a 3-person committee that shall consist of the chair of the select board, the chair of the finance committee and the town moderator; provided, however, that if the chair of the finance committee is being considered for reappointment, the finance committee shall select another member who is not being considered for reappointment. Members of the finance committee shall serve terms of 3 years; provided, however, that the terms shall be so arranged

that the terms of office of as nearly an equal number of members as possible shall expire each year. The finance committee shall appoint a chair and a deputy chair to run meetings and present the finance committee's recommendations during the town budget process.

6.2.2 Roles and Responsibilities

The finance committee shall:

- (i) serve as the advisors to the town meeting, the select board, the town manager and the department of finance on all matters pertaining to the budget, including budgeting strategy and goals and the balancing of revenues and expenditures;
- (ii) together with the select board, town manager and department of finance, develop a budget strategy and set financial goals for each fiscal year;
- (iii) present the finance committee's annual budget at the spring town meeting;
- (iv) consult with the select board and the town manager prior to collective bargaining to develop a strategy aligning with the town's long-term budgetary strategy and goals;
- (v) review the preliminary results of collective bargaining to ensure alignment with long-term budgetary strategy and goals; and
- (vi) perform any other duties as may be required by law.

Section 6.3: Annual Review of Financial Policies

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

Section 6.4: The Budget

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

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

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

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

6.4.4 Budget Message – The budget message of the town manager shall: (i) explain the budget for all town agencies, both in fiscal terms and in terms of work programs; (ii) outline proposed financial policies of the town for the ensuing fiscal year; (iii) describe important features of the budget; (iv) indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes; (v) summarize the town's debt position; and (vi) include any other material that the town manager deems desirable or that the select board may reasonably require.

Section 6.5: Action on the Budget

6.5.1 The finance committee shall, upon receipt of the proposed budget from the town manager, consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each town agency in connection with its review and consideration. The finance committee may require the town manager or any town agency to furnish it with such 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 a report containing its proposed budget and its comments or recommendations regarding differences between its proposed budget and the proposed budget submitted by the town manager not less than 14 days before the opening of the spring town meeting. The report shall be made available to voters of the town by publication on the town’s website and by leaving copies of the report in not less than 3 public places in the town not less than 14 days before the opening of the spring town meeting. Copies of the report shall be made available to voters at the opening of the spring town meeting. The failure to file the report with the town clerk in a timely manner or to publicize the report by posting on the town's website or in 3 public places in the town shall not prohibit the town meeting from voting on the budget and shall not affect the validity of any vote taken on the budget at town meeting.

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

budget, if any, at the town meeting. The budget shall be voted upon in accordance with the by-laws.

Section 6.6: Capital Improvement Plan

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

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

Section 6.7: Audits

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

Section 6.8: Transparency of Financial Holdings

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

ARTICLE 7: GENERAL PROVISIONS

Section 7.1: Charter Changes

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

Section 7.2: Severability

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

be invalid, the application of any such provision to any other person or circumstances shall not be affected thereby.

Section 7.3: Specific Provisions to Prevail

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

Section 7.4: Number and Gender

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

Section 7.5: Rules and Regulations

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

Section 7.6: Periodic Charter Review

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

Section 7.7: Removals

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

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

Section 7.8: Loss of Office

A person appointed to serve as a member of a multiple-member body may be removed from office by the appointing authority if the person does not take the person's oath of office at the beginning of the current appointment or if the person exhibits excessive absences from the properly-scheduled meetings of the multiple-member body.

Section 7.9: Notice of Vacancies

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

Section 7.10: Waiver of Administrative Fees

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

ARTICLE 8: TRANSITIONAL PROVISIONS

Section 8.1: Continuation of Government

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

Section 8.2: Continuation of Administrative Personnel

A person holding a town office or a position in the administrative service of the town or a person holding full-time employment under the town shall retain that person's office, position or employment and shall continue to perform the duties of that person's office, position or position of employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, that a person in the permanent full-time service of

the town shall not forfeit their pay grade or time in the service of the town as a result of the adoption of this charter; provided further, that this section shall not provide a person holding an administrative office or position or a person serving in the employment of the town on the effective date of this charter with any greater rights or privileges with regard to that person's continued service or employment with the town than that person had before the effective date of this charter. Nothing in this paragraph shall impair the rights of any person under an individual employment contract or collective bargaining agreement.

Section 8.3: Transfer of Records and Property

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

SELECT BOARD MEETING MINUTES
MONDAY, NOVEMBER 18, 2019
UN-APPROVED

SB Members Present: Alison S. Manugian, Chair; Joshua A. Degen, Vice Chair; John F. Reilly, Clerk; John R. Giger, Member;

Absent: Rebecca H. Pine, Member

Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Ms. Manugian called the meeting to order at 6:30pm and asked for a motion to enter into Executive Session Pursuant to M.G.L. c. 30A, §21(a) Clause 7 - "To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements" - Purpose - Review and Approve and Consider Release of Executive Session Minutes

Mr. Degen made the motion. Mr. Reilly seconded the motion. Roll Call: Reilly-aye; Degen-aye; Manugian-aye; Giger-aye

Mr. Degen moved to adjourn to Open Session at 6:40pm. Mr. Reilly seconded the motion. Roll Call: Reilly-aye; Degen-aye; Manugian-aye; Giger-aye

Ms. Manugian re-convened the Open Session meeting at 7:00pm and reviewed the agenda.

ANNOUNCEMENTS

Mr. Haddad announced the 14th annual Greens Sale put on by the Women's Club on December 7th from 9am-1pm at Williams Barn.

Mr. George Wheatly said that now that the maple tree was gone outside of Town Hall, he wanted to make people aware that the corner of Station Ave and Main Street had been memorialized twice. He provided some history of the memorials and talked about ways in which to memorialize both parties that the square had been named after.

TOWN MANAGER'S REPORT

1. Mr. Haddad asked the Board to consider reappointing David Manugian and Art Prest to the Finance Committee to new 3 years terms through June 30, 2022.

Mr. Giger moved to appoint Mr. Prest to the Finance Committee. Mr. Reilly seconded the motion. The motion carried unanimously.

Mr. Giger moved to appoint Mr. Manugian to the Finance Committee. Mr. Reilly seconded. The motion carried 3-0-1 with Ms. Manugian abstaining.

2. Mr. Haddad asked the Board to appoint Mary Linskey to the Finance Committee with a term to end June 30, 2020. Mr. Robertson said that they were fortunate to have 2 very qualified candidates apply. He said that both applicants said that they had plenty of time to give to the busy schedule. He said that they were also both interested in seeking reappointment in June. He said that they ended up unanimous after discussing Ms. Linskey who received 4 votes after the first vote.

Mr. Giger made a motion to appoint Ms. Linskey to the Finance Committee. Mr. Reilly seconded the motion. The motion carried unanimously.

3. Mr. Haddad said that the Capital Planning Advisory Committee met on November 12th and had a great first meeting. He said that Steve Lane was appointed Chair. He said that they determined their work plan for the coming budget season. He said that their next meeting would be on December 2nd at which time they would meet with department heads to hear their capital budgets. Mr. Haddad said that the Capital Planning Advisory Committee discussed amending the charge to prohibit compensated Town officials from serving on the Committee. He said that he was recommending that the Board vote to make this change. Mr. Haddad said that the Capital Planning Advisory

Committee unanimously approved this change at their meeting. Ms. Manugian asked if it was true that the Committee had no involvement in the school's capital plans. Mr. Haddad said that was correct adding the only thing they knew was that there was a placeholder for a new school.

Mr. Degen moved to approve the revised committee charge as presented this evening. He withdrew this motion.

Mr. Degen moved to approve the Capital Planning Advisory Committee document including the changes to appointments as presented. Mr. Reilly seconded the motion. The motion carried unanimously.

TAX CLASSIFICATION HEARING

Mr. Haddad read the public hearing notice for the tax classification hearing at 7:15pm. He asked the Board to open the hearing and continue the hearing until December 9, 2019.

Mr. Degen moved to open the public hearing on the tax classification. Mr. Reilly seconded the motion. The motion carried unanimously.

Mr. Reilly made a motion to continue the public hearing for tax classification until December 9, 2019 at 7:15pm. Mr. Degen seconded the motion. The motion carried unanimously.

TOWN MANAGER'S REPORT CONT.

4. Mr. Haddad said that during the Board's work session on November 7th, the Board reviewed the Response to Public Records Request Policy. He said that they asked for feedback from the Town Clerk which he had provided the Board. Mr. Haddad asked the Board to consider adopting this revised policy.

Ms. Manugian made a motion to approve the Public Records Request Policy as presented. Mr. Reilly seconded the motion. The motion carried unanimously.

Mr. Giger made a request that the Town Manager and Records Holder draft a policy and send it to those that would receive requests on how public records should be handled.

ON-GOING ISSUES

A: Mr. Haddad said that he would have the final accounting to them on the Senior Center as soon as they received final bills.
D: Mr. Haddad said that they were working to set up a meeting to discuss the MS4 permit. He said that in discussing the MVP grant today, there may be money available to them for this.

F: Mr. Haddad said that the Green Communities would be meeting on Wednesday to discuss potential projects.

G: Mr. Haddad said that the House and Senate approved the Charter. He said that the Governor's office emailed them and asked the Town to give it a once over which they did. He said that he hoped to have the approved Charter tomorrow signed by the Governor.

H: Mr. Haddad said that the Florence Roche Building Committee and School Department worked hard to get the word out about the outreach session on Saturday. He said he was disappointed that turnout was not what they hoped for. He said that this was important and wanted to receive feedback. Ms. Gilbert said that there would be other opportunities to participate. Mr. Haddad said that State reimbursement would be potentially 51% of eligible costs and wanted to get the word out about that. He said that something might be needed but might not be eligible for reimbursement. Mr. Giger asked that a list be kept for those costs that are eligible and those that are not.

Mr. Haddad reminded the Board about their workshop beginning at 6pm next Monday to discuss, with Town Counsel, policies they had reviewed.

LIAISON REPORTS

Mr. Giger said that the Master Plan Implementation Committee provided the Planning Board with their report.

Mr. Giger said he participated in a Court of Honor last Sunday for Ryan Donaruma. He said he was an outstanding citizen in this Town.

MINUTES

Mr. Degen moved to approve the meeting minutes of November 4, 2019 as presented. Ms. Manugian seconded the motion. The motion carried unanimously.

Mr. Reilly moved to approve the work session minutes of November 7, 2019. Ms. Manugian seconded the motion. The motion carried 3-0-1 with Mr. Degen abstaining.

Ms. Manugian adjourned the meeting at 7:35pm.

Approved: _____
John Reilly, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: