

HOUSE No. 4893

The Commonwealth of Massachusetts

PRESENTED BY:

Sheila C. Harrington

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Groton Charter.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>8/7/2018</i>

HOUSE No. 4893

By Mrs. Harrington of Groton, a petition (accompanied by bill, House, No. 4893) of Sheila C. Harrington (by vote of the town) relative to the charter of the town of Groton. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act Groton Charter.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

4 **ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY**

5 Section 1.1: Incorporation

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

9 Section 1.2: Short Title

10 This instrument shall be known and cited as the Groton charter.

11 Section 1.3: Powers of the Town

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

16 Section 1.4: Division of Powers

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

20 Section 1.5: Interpretation of Powers

21 The powers reserved or granted to the town under this charter shall be construed liberally
22 and interpreted broadly in the town's favor and the specific mention of any particular power is
23 not intended to limit in any way the general powers of the town under section 1.3.

24 Section 1.6: Intergovernmental Relations

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

27 Section 1.7: Precedence of Charter Provisions

28 All general laws, special laws, by-laws, votes, rules and regulations of or pertaining to the
29 town that are in force when the charter takes effect and that are not specifically or by implication

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

32 Section 1.8: Ethical Standards and Conduct

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

43 Section 1.9: Definitions

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

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

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

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

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

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

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

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

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

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

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

67 “Town”, the town of Groton.

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

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

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

75

76 “Voters”, registered voters of the town.

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

80 ARTICLE 2: LEGISLATIVE BRANCH

81 Section 2.1: Town Meeting

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

84 The annual town meeting shall meet in regular session twice in each calendar year. The
85 first meeting, which shall be the spring town meeting, shall be held during March, April or May
86 on a date fixed by by-law and shall be primarily concerned with the determination of matters
87 involving the expenditure of town funds including, but not limited to, the adoption of an annual
88 operating budget for all town agencies, electing officers and determining all other matters to be
89 decided by ballot of the voters. The second meeting, which shall be the fall town meeting, shall

90 be held during the last 4 months of the calendar year on a date fixed by by-law; provided,
91 however, that the fall town meeting shall not include the election of officers.

92 Section 2.2: Presiding Officer

93 2.2.1 The moderator elected pursuant to section 3.4 shall preside at all sessions of the
94 annual and special town meetings. The moderator at all town meetings shall regulate the
95 proceedings, decide all questions of order and make public declaration of all votes and may
96 exercise such additional powers and duties as may be authorized by law, this charter, by-law or
97 other vote of the town meeting.

98 2.2.2 The moderator shall, at the spring town meeting, appoint a deputy moderator,
99 subject to ratification of the town meeting, to serve at any session of an annual or special town
100 meeting in the event of the moderator's absence or disability. The deputy moderator may also
101 temporarily serve when the moderator has a conflict of interest or when the appearance of a
102 conflict of interest arises, as determined by the moderator, with regard to a particular article or
103 matter under consideration.

104 2.2.3 In the absence of the moderator and the deputy moderator at any session of a town
105 meeting, the town clerk shall open the meeting and preside over the election of an acting
106 moderator; provided, however, that if the moderator, the deputy moderator and the town clerk
107 are absent, the presiding officer shall be determined as provided for by law.

108 Section 2.3: The Town Report

109 The select board shall publish an annual town report and make it available not less than
110 14 days before the spring town meeting; provided, however, that failure to comply with this
111 section shall not prevent the town meeting from proceeding.

112 Section 2.4: Special Town Meetings

113 A special town meeting shall be held at the call of a majority of the full select board in
114 order to transact the legislative business of the town in an orderly manner. A special town
115 meeting shall also be held on the petition of the lesser of not less than 200 voters or 20 per cent
116 of the total number of voters.

117 Section 2.5: Warrants

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

122 Section 2.6: Initiation of Warrant Articles

123 2.6.1 Initiation - Subject to section 2.6.3, the select board shall receive petitions
124 addressed to it that request the submission of any matter to the town meeting and that are filed
125 by: (i) a department head; (ii) a multiple member body acting by a majority of its members then
126 in office; (iii) any 10 voters for a session of the annual town meeting; or (iv) any 100 voters for a
127 special town meeting.

128 2.6.2 Inclusion on the Warrant - Spring and Fall Town Meeting - When a spring or fall
129 session of the town meeting is to be called, notice shall be given by posting attested copies of the

130 warrant in not less than 2 public places in the town and by publishing notice of the meeting in a
131 local newspaper not less than 14 days before the day appointed for the meeting. The select board
132 shall include in the warrant the subject matters of all petitions that have been received by it not
133 less than 60 days before the date fixed by by-law for the session of the spring or fall session of
134 the town meeting to convene. Unless specified otherwise in this charter, the content, scheduling
135 and notice requirements for a spring or fall session of the town meeting shall be as provided for
136 an annual town meeting under section 10 of chapter 39 of the General Laws.

137 2.6.3 Inclusion on the Warrant - Special Town Meeting - If a special town meeting is to
138 be called, notice shall be given by posting attested copies of the warrant in not less than 2 public
139 places in the town and by publishing notice of the meeting in a local newspaper not less than 14
140 days before the day appointed for the meeting. The select board shall include in the warrant the
141 subject matters of all petitions that have been received by it not less than 20 days before the day
142 appointed for the meeting. Unless specified otherwise in this charter, the content, scheduling and
143 notice requirements for a special town meeting shall be as provided for a special town meeting in
144 section 10 of chapter 39 of the General Laws.

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

146 2.7.1 Every chairperson of each multiple member body and every department head
147 shall attend all sessions of town meetings. If a chairperson of a multiple member body or
148 department head shall be absent from a town meeting due to illness or other reasonable cause,
149 that person shall designate a deputy to attend the meeting and represent the multiple member
150 body or department. If a person designated to attend a town meeting under this section is not a

151 voter, the person may, notwithstanding their voter status, address the meeting to fulfill the
152 objectives of this section.

153 2.7.2 A meeting of a multiple member body or town agency shall not be convened or be
154 in session during a session of any town meeting except as part of the town meeting.

155 Section 2.8: Clerk of the Meeting

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

160 Section 2.9: Rules of Procedure

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

163 Section 2.10: General Powers and Duties

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

167 Section 2.11: Report to the Voters

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

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

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

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

192 ARTICLE 3: ELECTED OFFICERS

193 Section 3.1: General

194 3.1.1 Elective Town Offices - The town offices that the voters shall fill by ballot shall
195 be: the town moderator; the members of the select board; the town clerk; the town's component
196 of the Groton-Dunstable Regional School Committee; the commissioners of trust funds; the
197 elected members of the Groton Housing Authority; the members of the planning board, public
198 library board of trustees Groton electric light commission, Groton water commission, Groton
199 sewer commission, park commission, board of health and board of assessors; and other officers
200 or representatives to regional authorities or districts as may be established by law or by interlocal
201 agreement that shall also be filled by ballot at a town election.

202 3.1.2 Town Election - The annual election by ballot of elective town officers and voting
203 on any questions required by law to be placed upon the official ballot shall be held on a date
204 fixed by by-law.

205 3.1.3 Eligibility - A voter shall be eligible to hold an elective town office unless
206 prohibited by law; provided, however, that a select board member shall not simultaneously hold
207 another elected position.

208 3.1.4 Compensation - Elected officers shall receive the compensation for their services
209 that may be appropriated at the spring town meeting for such purpose.

210 3.1.5 Notwithstanding their election by the voters, a town officer under this section
211 shall be subject to the call of the select board or the town manager at all reasonable times for
212 consultation, conference and discussion on any matter related to the officer's respective office.
213 Similarly, multiple member bodies or other appointees shall be subject to the call of the select

214 board or the town manager at all reasonable times for discussion on any matter related to their
215 respective offices.

216 3.1.6 Filling of Vacancies

217 3.1.6.1 Moderator - If there is a failure to elect a town moderator or if a vacancy occurs in
218 the office of town moderator, the select board shall appoint a suitable person to serve until the
219 next town election.

220 3.1.6.2 Elected Multiple Member Body - If there is a failure to elect a member of a
221 multiple member body or if a vacancy occurs in the membership of an elected multiple member
222 body, the remaining members of the multiple member body shall give notice to the select board
223 and to the public of the vacancy. The select board and the remaining members of the multiple
224 member body shall, not less than 1 week after notice of the date on which the vote is to be taken,
225 fill the vacancy until the next town election by a joint vote. The affirmative votes of the majority
226 of the persons entitled to vote on the vacancy shall be necessary for the election.

227 3.1.6.3 Select Board - If there is a failure to elect a select board member or if a vacancy
228 occurs in the membership of the select board , the remaining select board members may call a
229 special election to fill the vacancy or shall call the special election upon the written request of
230 not less than 200 voters.

231 3.1.7 Recall Provision for Elected Officers

232 3.1.7.1 Application - An elected officer may be recalled if the recall election occurs more
233 than 6 months from the end of the officer's elective term.

234 3.1.7.2 Recall Petition - Two per cent of the voters may file with the town clerk an
235 affidavit containing the name of the officer sought to be recalled and a statement of the grounds
236 for the recall. The town clerk shall thereupon deliver to the voters making the affidavit copies of
237 petition blanks demanding the recall. The petition blanks shall contain the following heading:
238 “Initiating a recall is a serious process and should not be undertaken lightly.”. The blanks shall
239 be issued by the town clerk with an official signature and official seal. The blanks shall be dated,
240 addressed to the select board, contain the names of the first 10 signers of the affidavit, the name
241 of the person whose recall is sought and the grounds for recall as stated in the affidavit and
242 demand the election of a successor to the office. A copy of the affidavit and recall petition shall
243 be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be
244 returned and filed with the town clerk not more than 45 days after the date of the filing of the
245 affidavit and shall be signed by not less than 20 per cent of the voters as of the date the affidavit
246 was filed with the town clerk.

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

250 3.1.7.3 Recall Election - If the petitions are certified by the registrars of voters to be
251 sufficient, the town clerk shall submit the petitions with the certificate to the select board. Upon
252 receipt of the certificate, the select board shall immediately give written notice of the petition and
253 certificate by certified mail to the officer whose recall is sought. If the officer does not resign the
254 office within 5 days after delivery of the notice, the select board shall immediately order an
255 election to be held on a date fixed by them not less than 64 days nor more than 90 days after the
256 date that the election is called; provided, however, that if another town election is to occur within

257 100 days after the date the election is called, the select board shall postpone the holding of the
258 recall election to the date of the other election. If the officer resigns after a recall election has
259 been ordered, the election shall nevertheless proceed as provided in this section.

260 3.1.7.4 Nomination of Candidates - An officer whose recall is sought may be a candidate
261 to succeed to the office if the vote on the recall is in the affirmative. The nomination of other
262 candidates, the publication of the warrant for the recall election and the conduct of the recall
263 election shall be in accordance with the laws relating to elections unless otherwise provided in
264 this section.

265 3.1.7.5 Office Holder - The incumbent shall continue to perform the duties of the office
266 during the recall procedure. If the incumbent is not removed, the incumbent shall continue in the
267 office for the remainder of the unexpired term, subject to recall as before. If recalled at the recall
268 election, the incumbent shall be deemed removed.

269 3.1.7.6 Ballot Proposition - Ballots used in a recall election shall contain the following
270 propositions in the order indicated:

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

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

278 3.1.7.7 Repeat of Recall Election - A recall shall not be filed against an officer subjected
279 to a recall election and not recalled thereby until not less than 6 months after the election at
280 which the recall was submitted to the voters.

281 3.1.7.8 Office Holder Recalled - A person who has been recalled from an office or who
282 has resigned from an office while recall proceedings were pending against the person shall not be
283 appointed to a town office within 2 years after the date of the recall vote or resignation.

284 Section 3.2: Select Board

285 3.2.1 Composition, Term of Office - There shall be a select board consisting of 5
286 members elected for terms of 3 years each, arranged so that the terms of office of as nearly an
287 equal number of members as is possible shall expire each year. A select board member shall not
288 hold another position of the town that is compensated and medical benefits-eligible during the
289 member's term of office.

290 3.2.2 Powers and Duties - The executive powers of the town shall be vested in the
291 select board, which shall be the chief executive office of the town. The select board shall possess
292 all of the executive powers that a select board may possess and exercise, except those powers
293 and duties assigned by this charter, by-law or town meeting vote to the town Manager. The select
294 board shall:

295 serve as the principal goal-setting and policy making town agency for matters within its
296 statutory authority and for those matters for which the town meeting has directed the board to
297 act;

298 be responsible for the formulation and promulgation of policy to be followed by all town
299 agencies serving under it;

300 in conjunction with other elected officers and multiple member bodies, develop and
301 promulgate policy guidelines designed to bring all town agencies into harmony;

302 award and execute all contracts for services and supplies for all departments and agencies
303 of the town, other than the Groton-Dunstable Regional School Committee; provided, however,
304 that the select board, at its sole discretion, may delegate this authority to any department head or
305 agency by a vote of the board at a posted meeting; and

306 sign all payroll and expense warrants; provided, however, that the select board, at its sole
307 discretion, may delegate this authority, for a period of not more than 30 days, to a select board
308 member and the town manager or a select board member and the acting town manager by a vote
309 of the board at a posted meeting.

310 3.2.3 Licensing Authority - The select board shall be the licensing board of the town
311 and may issue licenses, make reasonable rules and regulations regarding the issuance of licenses
312 and attach to a license the conditions and restrictions that it deems to be in the public interest;
313 provided, however, that such rules, regulations, conditions and restrictions shall not be
314 incompatible with applicable law. The select board shall enforce the laws relating to all
315 businesses for which it issues licenses. The select board may delegate its licensing authority
316 unless specifically prohibited by law.

317 3.2.4 Appointing Authority - The select board shall appoint the town manager, town
318 counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a
319 police chief and a fire chief consistent with clause (v) of section 4.2; provided, however, that the

320 police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief
321 shall serve under section 42 of chapter 48 of the General Laws. The select board shall appoint a
322 conservation commission, council on aging, housing partnership, local cultural council and other
323 committees as required by law, by-law or town meeting vote.

324 3.2.5 Investigations - The select board may investigate the affairs of the town and the
325 conduct of any town agency, including any doubtful claims against the town. Copies of the full
326 text of the report on the results of any such investigation shall be placed on file in the office of
327 the select board, the office of the town clerk and the public library and a report summarizing the
328 results of the investigation shall be printed in the next annual town report.

329 3.2.6 Day to Day Business - Except in the case of an emergency, this section shall not
330 authorize a select board member or a majority of its members to become involved in the day-to-
331 day administration of a town board, department or agency.

332 Section 3.3: Regional School Committee

333 3.3.1 The Groton-Dunstable Regional School District provides public education, pre-
334 kindergarten to high school, inclusive, and related services to the towns of Groton and Dunstable
335 under the terms of a regional agreement between the towns. Pursuant to the regional agreement,
336 there is a Groton-Dunstable Regional School Committee consisting of 7 members elected for
337 terms of 3 years each, the terms being arranged so that the terms of office of as nearly an equal
338 number of members as possible shall expire each year. The number of members elected by each
339 town is governed by the terms of the regional agreement, as it may be amended.

340 3.3.2 The Groton-Dunstable Regional School Committee shall have all of the powers
341 and duties that are given to regional school committees under the constitution, laws and

342 regulations of the commonwealth and such additional powers and duties as may be authorized by
343 the regional agreement, by-law or other vote of the town meetings of both the towns of Groton
344 and Dunstable.

345 Section 3.4: Town Moderator

346 3.4.1 Term of Office - There shall be a moderator elected for a term of 3 years.

347 3.4.2 Powers and Duties – The moderator shall be the presiding officer of the town
348 meeting, as provided in section 2.2, and regulate its proceeding and perform other duties as may
349 be provided by law, this charter, by-law or town meeting vote.

350 3.4.3 Appointments – The moderator shall make appointments provided for by law, the
351 charter or by-law.

352 3.4.4 Deputy Moderator – At the opening of the spring town meeting, the moderator
353 shall appoint a voter to serve as deputy moderator in accordance with section 2.2.

354 Section 3.5: Groton Housing Authority

355 3.5.1 Composition, Term of Office - There shall be a Groton Housing Authority that
356 shall have the membership and terms of office prescribed in the General Laws.

357 3.5.2 Powers and Duties - The Groton Housing Authority shall conduct studies of the
358 housing needs of the community and shall provide programs to make available housing for low-
359 income families and elderly persons. The Groton Housing Authority shall have such other
360 powers and duties as are assigned to housing authorities by law.

361 Section 3.6: Planning Board

362 3.6.1 Composition, Term of Office - There shall be a planning board that shall consist
363 of 7 members, each elected for a term of 3 years. The terms shall be arranged in order that the
364 terms of as nearly an equal number of members as possible shall expire each year.

365 3.6.2 Powers and Duties - The planning board shall have the powers and duties given to
366 planning boards under the constitution and laws of the commonwealth and such additional
367 powers and duties as may be authorized by this charter, by-law or town meeting vote.

368 Section 3.7: Groton Electric Light Commission

369 3.7.1 Composition, Term of Office - There shall be a Groton electric light commission
370 that shall consist of 3 members, each serving for a term of 3 years. The terms shall be arranged in
371 order that the term of 1 member shall expire each year.

372 3.7.2 Powers and Duties – The Groton electric light commission shall set the policy
373 direction of the Groton electric light department, which provides electric power to the town,
374 consistent with chapter 164 of the General Laws; provided, however, that a if a provision of this
375 charter shall conflict with said chapter 164, said Chapter 164 shall govern.

376 Section 3.8: Library Board of Trustees

377 3.8.1 Composition, Term of Office - There shall be a board of trustees of the public
378 library that shall consist of 6 members, each serving for a term of 3 years. The terms shall be
379 arranged in order that the terms of 2 members shall expire each year.

380 3.8.2 Powers and Duties - The trustees of the public library shall establish written
381 policies governing library activities and services, engage in ongoing planning that assesses the
382 needs and the role of the library in the community, ensure that the library meets the community's

383 needs, work on preparation of the annual library budget and its adoption by the town, monitor
384 and oversee maintenance of the buildings and grounds and regularly review facility needs, hire
385 and evaluate the library director and work with the human resources director on job
386 classifications for all staff, promote the library and act as library advocates in the community,
387 study and support legislation that will benefit the library and the larger community and have such
388 other powers and duties as provided for by law, this charter and by-law.

389 3.8.3 Appointments - The trustees of the public library shall appoint the library director
390 and such other appointments as provided for by law, this charter or by-law.

391 Section 3.9: Town Clerk

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

395 Section 3.10: Board of Assessors

396 3.10.1 Composition, Term of Office and Eligibility for Office - There shall be a board of
397 assessors that shall consist of 3 members elected for terms of 3 years. An employee in the
398 assessors' office shall not simultaneously hold an elected position as a member of the board of
399 assessors.

400 3.10.2 Powers and Duties - The board of assessors shall have the powers and duties
401 given to boards of assessors under the constitution and laws of the commonwealth and directives
402 of the commissioner of revenue and such additional powers and duties as may be authorized by
403 this charter, by-law or town meeting vote that are not in conflict with laws of the commonwealth

404 and regulations and directives of the department of revenue except as otherwise provided in this
405 charter.

406 Section 3.11: Other Elected Officers

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

409 ARTICLE 4: TOWN MANAGER

410 Section 4.1: Appointment, Qualifications and Review Procedure

411 4.1.1 The select board shall, by an affirmative vote of the majority of the full board,
412 appoint or reappoint a town manager for a term of not more than 3 years and fix the
413 compensation of the town manager within the amount annually appropriated for that purpose. If
414 a vacancy shall occur in the office of town manager, the select board shall appoint a town
415 manager screening committee to identify qualified candidates for the position. The office of the
416 town manager shall not be subject to the town's salary administration plan. The town manager
417 shall be appointed solely on the basis of the town manager's executive and administrative
418 qualifications. The town manager shall be a professionally qualified person of proven ability,
419 especially fitted by education, training and previous experience to perform the duties of the
420 office. The town manager shall not have served in an elective office in the town government for
421 at least 1 year before being appointed. The town may establish additional qualifications for the
422 town manager by by-law as necessary or appropriate.

423 4.1.2 The position of town manager shall be a full-time position. The town manager
424 shall devote the town manager's best efforts to the office and shall not hold another public office,

425 elective or appointive, or engage in any business or occupation during the town manager's term
426 unless the action is fully disclosed and approved by the select board in advance and in writing.

427 4.1.3 The select board shall provide for an annual review of the job performance of the
428 town manager that shall, at least in summary form, be a public record in accordance with the
429 personnel by-laws or accepted evaluation process.

430 Section 4.2: Powers and Duties

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

435 managing, supervising and being responsible for the efficient and coordinated
436 administration of all town functions under the town manager's control as may be authorized by
437 this charter, by-law, town meeting vote or the select board, including all department heads and
438 their respective departments;

439 unless otherwise required by law, this charter or by-law, managing and coordinating the
440 administrative activities of all town agencies; provided, however, that elected officers or their
441 representatives shall be required to meet with the town manager at reasonable times to effect
442 coordination and cooperation among all town agencies;

443 appointing and removing department heads, other employees and paid members of town
444 government for whom another method of appointment or removal is not provided in this charter
445 or by by-law; provided, however, that an appointment made by the town manager shall be

446 confirmed by the select board not more than 15 days after the date on which the town manager
447 files notice of the action with the select board; and provided further, that failure by the select
448 board to confirm an appointment in that 15-day period shall constitute rejection of the
449 appointment;

450 nominating for appointment or removal volunteer members of town government for
451 whom another method of appointment or removal is not provided for in this charter or by by-law;
452 provided, however, that a nomination for appointment or removal made by the town manager
453 shall be confirmed by the select board not more than 15 days after the date on which the town
454 manager files notice of the action with the select board ; provided further, that failure by the
455 select board to confirm a nomination in not more than 15 days shall constitute rejection of the
456 nomination;

457 if a vacancy occurs in the office of police chief or fire chief, selecting and presenting not
458 less than 2 qualified candidates to the select board for appointment by the board to the office as
459 provided for in section 3.2.4;

460 acting as a negotiator for all collective bargaining agreements to which the select board is
461 a party, subject to ratification by the select board ;

462 conducting or reviewing annual performance evaluations of all employees subject to the
463 town manager's or the select board's appointment and consulting with elected and appointed
464 boards to contribute to the preparation of the evaluations of department heads associated with the
465 boards;

466 fixing the compensation of all employees appointed by the town manager within the
467 limits established by the overall approved budget, the personnel by-laws, the town's wage and
468 classification schedule and collective bargaining or other agreements;

469 attending all regular and special meetings of the select board unless excused at the town
470 manager's request and having a voice, but not a vote, in all discussions;

471 attending all sessions of the town meeting and answering all questions directed to the
472 town manager that are related to the office of the town manager or concerning which the town
473 manager possesses the relevant information;

474 assuring that all laws, this charter, by-laws, town meeting votes and directives of the
475 select board that require enforcement by the town manager or employees subject to the town
476 manager's direction and supervision are faithfully carried out;

477 preparing and submitting annual operating budgets and capital improvement programs as
478 provided in article 6;

479 coordinating the preparation of the town's annual report;

480 overseeing the preservation, management and administration of all town records so as to
481 facilitate access to them; and

482 performing such duties as necessary or as may be assigned by this charter, by-law, town
483 meeting vote or the select board.

484 Section 4.3: Removal and Suspension

485 4.3.1 The select board may, by the affirmative vote of 4 of its members, terminate and
486 remove or suspend the town manager from office in accordance with the procedure under this
487 section.

488 4.3.1.1 The select board shall adopt a preliminary resolution of removal which shall state
489 the reason for removal, by the affirmative vote of 4 members. The preliminary resolution may
490 provide for the suspension of the town manager for not more than 45 days. A copy of the
491 preliminary resolution shall be delivered to the town manager not more than 48 hours after its
492 adoption.

493 4.3.1.2 Not more than 7 days after receipt of the preliminary resolution, the town
494 manager may request a public hearing by filing a written request therefor with the select board.
495 The hearing shall be held at a meeting of the select board not more than 20 days, but not less
496 than 3 days, after the request has been filed. The town manager may file a written statement with
497 the select board responding to the reason stated in the preliminary resolution of removal;
498 provided, however, the statement shall be received at the office of the select board more than 48
499 hours before the public hearing.

500 4.3.1.3 If the town manager has not requested a hearing pursuant to paragraph 4.3.1.2, the
501 select board may, by the affirmative vote of 4 of its members, adopt a final resolution of removal
502 not less than 10, but not more than 21, days after the date of delivery of a copy of the preliminary
503 resolution to the town manager. If the town manager has requested a public hearing pursuant to
504 paragraph 4.3.1.2, the select board may, by the affirmative vote of 4 of its members, adopt a final
505 resolution of removal not more than 21 days after the close of the hearing unless the parties agree
506 to a longer period. Failure to adopt a final resolution of removal within the time allowed in this

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

509 4.3.1.4 Any action by the select board to terminate and remove or suspend the town
510 manager shall be conducted pursuant to sections 18 to 25, inclusive, of chapter 30A of the
511 General Laws.

512

513 4.3.2 The action of the select board in terminating and removing or suspending the
514 town manager shall be final.

515 Section 4.4: Vacancy in the Office of the Town Manager

516 4.4.1 Permanent Vacancy - The select board shall fill a permanent vacancy in the office
517 of the town manager, in accordance with section 4.1.1, as soon as possible after a vacancy
518 occurs. Pending the appointment of a town manager or the filling of a vacancy in the office of
519 the town manager, the select board shall, within 14 days, appoint a person capable of temporarily
520 performing the duties of the town manager until a permanent replacement is appointed.

521 4.4.2 Temporary Absence or Disability - The town manager may designate, by letter
522 filed with the town clerk and select board, a capable person to perform the duties of town
523 manager during a temporary absence or disability lasting for not less than 7. If the town manager
524 fails to make such a designation or if the person so designated is unable to serve, the select board
525 may designate some other capable person to perform the duties of the town manager. If the
526 absence or disability lasts more than 30 days, a designation by the town manager shall be subject
527 to approval by the select board.

528 4.4.3 Powers and Duties - The powers and duties of the acting town manager under
529 paragraphs 4.4.1 and 4.4.2 shall be limited to matters not permitting of delay and shall include
530 authority to make temporary, emergency appointments or designations to town offices or
531 employment; provided, however, that an acting town manager shall not make permanent
532 appointments or designations unless authorized by the select board.

533 Section 4.5: Screening Committee

534 4.5.1 If a vacancy shall occur in the office of town manager, a screening committee
535 shall be established to solicit, receive and evaluate applications for the position of town manager.
536 The screening committee shall consist of 7 persons, 3 of whom shall be designated by the select
537 board, of which only 1 may be a select board member, 2 of whom shall be designated by the
538 finance committee, of which only 1 may be a member of the finance committee, 1 of whom shall
539 be designated by the town moderator and 1 of whom shall be designated by the town clerk. A
540 person chosen by an appointing authority may be a member of the appointing authority's agency;
541 provided, however, that there shall not be more than 1 select board member and not more than 1
542 member of the finance committee on the screening committee.

543 4.5.2 Not more than 21 days after the notice of the vacancy or pending vacancy in the
544 office of town manager, the town clerk shall call and convene a meeting of the screening
545 committee. The screening committee shall meet to organize and plan a process to advertise the
546 vacancy or pending vacancy and to solicit by other means candidates for the office. The
547 committee shall proceed to meet, notwithstanding the failure of any town appointing authority to
548 designate a representative to it.

549 4.5.3 The screening committee shall review all applications that are received by it,
550 screen all such applicants by checking and verifying work records and other credentials and
551 provide for interviews to be conducted with the number of candidates as it deems necessary,
552 desirable or expedient.

553 4.5.4 Not more than 90 days after the date on which the screening committee meets to
554 organize, the committee shall submit to the select board the names of not less than 3 and not
555 more than 5 persons that the screening committee believes to be best suited to perform the duties
556 of the town manager. The select board shall, not more than 60 days after the date of receipt of the
557 list of nominees, choose 1 candidate from the list to fill the position of town manager or reject
558 the nominees and direct that the committee resume its search.

559 4.5.5 Upon the appointment of a town manager, the screening committee shall be
560 discharged.

561 ARTICLE 5: ADMINISTRATIVE ORGANIZATION

562 Section 5.1: Organization of Town Agencies

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

569 Section 5.2: Merit Principle

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

572 Section 5.3: Department of Finance

573 5.3.1 There shall be a department of finance in the town that shall report to the town
574 manager. There shall be within the department an appointed town accountant, an appointed
575 treasurer-collector and an appointed principal assistant assessor. The department shall be
576 responsible for the performance of all the fiscal and financial activities of the town. The town
577 manager shall serve as the finance director; provided, however, that the town manager may, at
578 the town manager's discretion, appoint another person to serve as the finance director. The
579 appointment shall be subject to confirmation by the select board in accordance with clause (iii)
580 of section 4.2.

581 5.3.2 The town manager and the department of finance shall assume all of the powers,
582 duties and responsibilities related to municipal finance activities and the coordination of those
583 activities with the activities of all other town agencies. The department of finance shall have such
584 additional powers, duties and responsibilities with respect to municipal finance as the town may
585 provide by by-law.

586 5.3.3 The department of finance shall assure that complete and full records of the
587 financial and administrative activities of the town are maintained and shall render written reports,
588 which shall include a full accounting of all town administrative and financial operations, to the
589 select board and the finance committee at least once each calendar quarter. The quarterly reports
590 shall be rendered not more than 30 days after the end of the calendar quarter to which they apply
591 and shall be made available to the public in accordance with the requirements of section 10 of

592 chapter 66 of the General Laws. Additional reports shall be rendered to the select board at its
593 request.

594 5.3.4 The town manager and the department of finance shall collaborate with the
595 finance committee to prepare, maintain and present to the select board and the town meeting a 5-
596 year financial plan for the town.

597 5.3.5 Town Accountant - The town accountant shall be appointed by the town manager
598 for a term of not more than 3 years, subject to confirmation by the select board pursuant to clause
599 (iii) of section 4.2. The town accountant shall have all of the powers and duties vested in the
600 office of town accountant by law, this charter, by-law or town meeting vote.

601 5.3.6 Treasurer-Collector - The treasurer-collector shall be appointed by the town
602 manager for a term of not more than 3 years, subject to confirmation by the select board pursuant
603 to clause (iii) of section 4.2. The treasurer-collector shall have all the powers and duties vested in
604 the office of treasurer-collector by law, this charter, by-law or town meeting vote.

605 5.3.7 Principal Assistant Assessor - The principal assistant assessor shall be appointed
606 by the town manager for a term of not more than 3 years, subject to confirmation by the select
607 board pursuant to subsection (iii) of section 4.2. The principal assistant assessor shall have all of
608 the powers and duties vested in the office of principal assistant assessor by this charter, by-law or
609 town meeting vote and in the office of assistant assessor by law.

610 Section 5.4: Department of Public Works

611 5.4.1 There shall be a department of public works which shall be under the direction of
612 a director. The director shall be appointed by the town manager, subject to confirmation by the

613 select board, pursuant to clause (iii) of section 4.2. The director shall serve as and perform the
614 duties of a highway surveyor as set forth in the General Laws.

615 5.4.2 The principal functions of the department of public works shall include:

616 construction, maintenance, repair and cleaning of town roads, sidewalks, storm drains,
617 bridges, dikes and other public way related structures;

618 maintenance, repair and cleaning of all buildings owned or leased by the town, except
619 those of the regional school district;

620 maintenance of the old cemetery, parks, parking areas and recreational and beach
621 facilities, except those of the regional school district;

622 snow removal, including the salting and sanding of roads, except those of the regional
623 school district;

624 supervision of the collection and disposal of garbage and other refuse and the
625 maintenance and operation of all facilities for the disposal of the same;

626 supervision, care and replacement of trees;

627 providing for, or causing to be provided for, the maintenance and repair of certain town-
628 owned vehicles; and

629 such other functions as may be prescribed by the town manager

630

631 5.4.3 Powers and Duties. The department of public works shall work in close
632 coordination with the necessary town boards and departments to enable the effective and
633 efficient performance of its duties pursuant to the General Laws, this charter, the by-laws or by
634 vote of the town meeting.

635 Section 5.5: Information Technology

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

638 Section 5.6: Personnel Board

639 5.6.1 Composition, Term of Office – There shall be a personnel board that shall consist
640 of 3 members appointed by the select board. Members shall serve for terms of 3 years; provided,
641 however, that the terms shall be arranged in such a manner that the term of office of 1 member
642 shall expire each year.

643 5.6.2 Powers and Duties – The personnel board shall function as an advisory board to
644 the human resources director, town manager and select board in the management of human
645 resources for the town.

646 ARTICLE 6: FINANCE AND FISCAL PROCEDURES

647 Section 6.1: Fiscal Year

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

650 Section 6.2: Finance Committee

651 6.2.1 Composition, Term of Office - There shall be a finance committee that shall
652 consist of 7 voters appointed by a 3-person committee that shall consist of the chair of the select
653 board, the chair of the finance committee and the town moderator; provided, however, that if the
654 chair of the finance committee is being considered for reappointment, the finance committee
655 shall select another member who is not being considered for reappointment. Members of the
656 finance committee shall serve terms of 3 years; provided, however, that the terms shall be so
657 arranged that the terms of office of as nearly an equal number of members as possible shall
658 expire each year. The finance committee shall appoint a chair and a deputy chair to run meetings
659 and present the finance committee's recommendations during the town budget process.

660 6.2.2 Roles and Responsibilities

661 The finance committee shall:

662 serve as the advisors to the town meeting, the select board, the town manager and the
663 department of finance on all matters pertaining to the budget, including budgeting strategy and
664 goals and the balancing of revenues and expenditures;

665 together with the select board, town manager and department of finance, develop a
666 budget strategy and set financial goals for each fiscal year;

667 present the finance committee's annual budget at the spring town meeting;

668 consult with the select board and the town manager prior to collective bargaining to
669 develop a strategy aligning with the town's long-term budgetary strategy and goals;

670 review the preliminary results of collective bargaining to ensure alignment with long-
671 term budgetary strategy and goals; and

672 perform any other duties as may be required by law.

673 Section 6.3: Annual Review of Financial Policies

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

678 Section 6.4: The Budget

679 6.4.1 Budget Process – The select board, the town manager, the department of finance
680 and the finance committee shall meet annually not later than October 31 to determine the
681 budgetary goals for the subsequent fiscal year. The town manager shall, after that meeting but
682 not later than December 31, submit to the finance committee and the select board a proposed
683 budget for the next fiscal year that shall be accompanied by a budget message, a summary and
684 supporting documents that follow the agreed-upon budget goals. The proposed budget shall be
685 balanced.

686 6.4.2 Proposed Budget – The proposed budget shall provide a complete financial plan
687 for all town funds and activities for the ensuing fiscal year. Except as may be otherwise required
688 by the General Laws, the proposed budget shall be in the form that the town manager, the select
689 board and the finance committee shall deem desirable. In the presentation of the proposed
690 budget, the town manager shall furnish information in a complete, clear and concise manner and
691 in accordance with best practices of financial reporting and control. The proposed budget shall
692 show, in detail, all estimated income from the proposed property tax levy and all other sources
693 and all proposed expenditures, including debt service, for the following year. The proposed

694 budget shall be arranged to show the actual and estimated income and expenditures for the
695 previous, current and ensuing fiscal years and shall indicate in separate sections:

696 proposed expenditures for current operations during the ensuing fiscal year, detailed by
697 town agency and position in terms of work programs, and the proposed method for financing
698 each such expenditure; and

699 proposed capital expenditures during the ensuing fiscal year, detailed by town agency,
700 and the proposed method for financing each such capital expenditure.

701 6.4.3 Budget Summary – The summary of the proposed budget shall identify deviations
702 from the current operating budget and outline the reasons for these changes. The town manager
703 shall cause a summary of the operating budget to be published in a local newspaper and placed
704 on the town’s website contemporaneously with the submission to the finance committee. The
705 publication shall indicate the times and places at which copies of the proposed budget with the
706 accompanying documentation shall be available for examination by the public.

707 6.4.4 Budget Message – The budget message of the town manager shall: (i) explain the
708 budget for all town agencies, both in fiscal terms and in terms of work programs; (ii) outline
709 proposed financial policies of the town for the ensuing fiscal year; (iii) describe important
710 features of the budget; (iv) indicate any major variations from the current year in financial
711 policies, expenditures and revenues, together with the reasons for such changes; (v) summarize
712 the town's debt position; and (vi) include any other material that the town manager deems
713 desirable or that the select board may reasonably require.

714 Section 6.5: Action on the Budget

715 6.5.1 The finance committee shall, upon receipt of the proposed budget from the town
716 manager, consider in public meetings detailed expenditures for each town department and
717 agency and may confer with representatives of each town agency in connection with its review
718 and consideration. The finance committee may require the town manager or any town agency to
719 furnish it with such additional information as it may deem necessary to assist it in its review and
720 consideration of the proposed budget.

721 The finance committee shall file with the town clerk a report containing its proposed
722 budget and its comments or recommendations regarding differences between its proposed budget
723 and the proposed budget submitted by the town manager not less than 14 days before the opening
724 of the spring town meeting. The report shall be made available to voters of the town by
725 publication on the town's website and by leaving copies of the report in not less than 3 public
726 places in the town not less than 14 days before the opening of the spring town meeting. Copies of
727 the report shall be made available to voters at the opening of the spring town meeting. The
728 failure to file the report with the town clerk in a timely manner or to publicize the report by
729 posting on the town's website or in 3 public places in the town shall not prohibit the town
730 meeting from voting on the budget and shall not affect the validity of any vote taken on the
731 budget at town meeting.

732 6.5.2 The finance committee's proposed budget shall be presented to the town meeting
733 by motion made by the finance committee; provided, however, the finance committee shall also
734 present its comments and recommendations with respect to the budget. The town manager or the
735 select board, or both, shall present their comments and recommendations with respect to the
736 budget, if any, at the town meeting. The budget shall be voted upon in accordance with the by-
737 laws.

738 Section 6.6: Capital Improvement Plan

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

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

749 Section 6.7: Audits

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

756 Section 6.8: Transparency of Financial Holdings

757 Not later than 90 days after the end of each fiscal year, the town accountant shall prepare
758 a summary of all town funds in accordance with customary financial reporting. The summary

759 shall include a snapshot balance as of the first day of the fiscal year, a summary of additions and
760 deletions during the preceding 12 months and a final year-end balance. The information in the
761 summary shall be provided to the town manager and the town manager shall disseminate the
762 information to the finance committee and the select board. The information shall be made
763 available to members of the public upon request and on the town's website.

764 ARTICLE 7: GENERAL PROVISIONS

765 Section 7.1: Charter Changes

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

768 Section 7.2: Severability

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

774 Section 7.3: Specific Provisions to Prevail

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

777 Section 7.4: Number and Gender

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

781 Section 7.5: Rules and Regulations

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

787 Section 7.6: Periodic Charter Review

788 Not less than once in every 10-year period after the effective date of this charter, a charter
789 review committee shall, by an affirmative vote of the majority of the full select board, be
790 established to review this charter and report its recommendations to an annual town meeting
791 concerning any proposed amendments that the committee may determine to be necessary or
792 desirable. The charter review committee shall consist of 7 members, 3 of whom shall be
793 appointed by the select board, 2 of whom shall be appointed by the finance committee, 1 of
794 whom shall be appointed by the Groton-Dunstable Regional District school committee and 1 of
795 whom shall be appointed by the town moderator. An appointed person may be a member of the
796 agency from which they are appointed; provided, however, that the charter review committee
797 shall not include more than 1 select board member, more than 1 member of the finance
798 committee or more than 1 member of the Groton-Dunstable Regional School District school
799 committee. The charter review committee shall meet to organize immediately after the full

800 charter review committee has been appointed. The charter review committee shall hold a public
801 hearing not more than 60 days after the date on which it meets to organize and shall hold at least
802 1 additional public hearing before filing its final report.

803 Section 7.7: Removals

804 7.7.1 Notwithstanding any general or special law to the contrary, an appointed official,
805 appointed member of a multiple-member body or employee of the town not covered by the terms
806 of a collective bargaining or other agreement addressing removal and, whether appointed for a
807 fixed or an indefinite term, may be removed from office by the appointing authority.

808 7.7.2 When removing any such official, appointed member of a multiple-member body
809 or employee of the town, the appointing authority shall act in accordance with the town's
810 personnel by-laws or rules and regulations.

811 Section 7.8: Loss of Office

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

816 Section 7.9: Notice of Vacancies

817 If a vacancy occurs in a town office, position or position of employment or, whenever by
818 reason of a pending retirement or expiration of a fixed term, a vacancy can be anticipated, the
819 appointing authority shall cause public notice of the vacancy to be posted on the town bulletin
820 board for not less than 10 days. The notice shall contain a description of the duties of the office,

821 position or position of employment and a listing of the necessary or desirable qualifications to
822 fill the office, position or position of employment. A permanent appointment to fill the office,
823 position or position of employment shall not be effective until 14 days after the date the notice
824 was posted to permit reasonable consideration of all applicants. This section shall not apply to
825 positions governed by a collective bargaining or other agreement.

826 Section 7.10: Waiver of Administrative Fees

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

831 ARTICLE 8: TRANSITIONAL PROVISIONS

832 Section 8.1: Continuation of Government

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

837 Section 8.2: Continuation of Administrative Personnel

838 A person holding a town office or a position in the administrative service of the town or a
839 person holding full-time employment under the town shall retain that person's office, position or
840 employment and shall continue to perform the duties of that person's office, position or position
841 of employment until provision shall have been made for the performance of those duties by

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

850 Section 8.3: Transfer of Records and Property

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