

SENATE No. 1192

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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 relative to the town charter of Groton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>

SENATE No. 1192

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1192) of Edward J. Kennedy, Sheila C. Harrington and José F. Tosado (by vote of the town) for legislation relative to the town charter of Groton. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the town charter of Groton.

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 “Voters”, registered voters of the town.

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

79 ARTICLE 2: LEGISLATIVE BRANCH

80 Section 2.1: Town Meeting

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

83 The annual town meeting shall meet in regular session twice in each calendar year. The
84 first meeting, which shall be the spring town meeting, shall be held during March, April or May
85 on a date fixed by by-law and shall be primarily concerned with the determination of matters
86 involving the expenditure of town funds including, but not limited to, the adoption of an annual
87 operating budget for all town agencies, electing officers and determining all other matters to be
88 decided by ballot of the voters. The second meeting, which shall be the fall town meeting, shall
89 be held during the last 4 months of the calendar year on a date fixed by by-law; provided,
90 however, that the fall town meeting shall not include the election of officers.

91 Section 2.2: Presiding Officer

92 2.2.1 The moderator elected pursuant to section 3.4 shall preside at all sessions of the
93 annual and special town meetings. The moderator at all town meetings shall regulate the
94 proceedings, decide all questions of order and make public declaration of all votes and may
95 exercise such additional powers and duties as may be authorized by law, this charter, by-law or
96 other vote of the town meeting.

97 2.2.2 The moderator shall, at the spring town meeting, appoint a deputy moderator,
98 subject to ratification of the town meeting, to serve at any session of an annual or special town
99 meeting in the event of the moderator’s absence or disability. The deputy moderator may also
100 temporarily serve when the moderator has a conflict of interest or when the appearance of a
101 conflict of interest arises, as determined by the moderator, with regard to a particular article or
102 matter under consideration.

103 2.2.3 In the absence of the moderator and the deputy moderator at any session of a town
104 meeting, the town clerk shall open the meeting and preside over the election of an acting
105 moderator; provided, however, that if the moderator, the deputy moderator and the town clerk
106 are absent, the presiding officer shall be determined as provided for by law.

107 Section 2.3: The Town Report

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

111 Section 2.4: Special Town Meetings

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

116 Section 2.5: Warrants

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

121 Section 2.6: Initiation of Warrant Articles

122 2.6.1 Initiation - Subject to section 2.6.3, the select board shall receive petitions
123 addressed to it that request the submission of any matter to the town meeting and that are filed
124 by: (i) a department head; (ii) a multiple member body acting by a majority of its members then
125 in office; (iii) any 10 voters for a session of the annual town meeting; or (iv) any 100 voters for a
126 special town meeting.

127 2.6.2 Inclusion on the Warrant - Spring and Fall Town Meeting - When a spring or fall
128 session of the town meeting is to be called, notice shall be given by posting attested copies of the
129 warrant in not less than 2 public places in the town and by publishing notice of the meeting in a
130 local newspaper not less than 14 days before the day appointed for the meeting. The select board
131 shall include in the warrant the subject matters of all petitions that have been received by it not
132 less than 60 days before the date fixed by by-law for the session of the spring or fall session of
133 the town meeting to convene. Unless specified otherwise in this charter, the content, scheduling

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

136 2.6.3 Inclusion on the Warrant - Special Town Meeting - If a special town meeting is to
137 be called, notice shall be given by posting attested copies of the warrant in not less than 2 public
138 places in the town and by publishing notice of the meeting in a local newspaper not less than 14
139 days before the day appointed for the meeting. The select board shall include in the warrant the
140 subject matters of all petitions that have been received by it not less than 20 days before the day
141 appointed for the meeting. Unless specified otherwise in this charter, the content, scheduling and
142 notice requirements for a special town meeting shall be as provided for a special town meeting in
143 section 10 of chapter 39 of the General Laws.

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

145 2.7.1 Every chairperson of each multiple member body and every department head shall
146 attend all sessions of town meetings. If a chairperson of a multiple member body or department
147 head shall be absent from a town meeting due to illness or other reasonable cause, that person
148 shall designate a deputy to attend the meeting and represent the multiple member body or
149 department. If a person designated to attend a town meeting under this section is not a voter, the
150 person may, notwithstanding their voter status, address the meeting to fulfill the objectives of
151 this section.

152 2.7.2 A meeting of a multiple member body or town agency shall not be convened or be
153 in session during a session of any town meeting except as part of the town meeting.

154 Section 2.8: Clerk of the Meeting

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

159 Section 2.9: Rules of Procedure

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

162 Section 2.10: General Powers and Duties

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

166 Section 2.11: Report to the Voters

167 There shall be published for every town meeting a copy of the warrant, together with its
168 articles, and a report to the voters that shall contain the explanation and relevant data submitted
169 by the proponents of each article; provided, however, that the town manager may direct that
170 voluminous supporting material necessary for consideration of particular articles be made
171 reasonably available for inspection at public locations before the town meeting in lieu of
172 inclusion in the written report to the voters. The written report for each spring town meeting shall
173 include: (i) the written report of the planning board setting forth its findings and
174 recommendations as to all zoning articles; (ii) the written report of the finance committee which
175 shall set forth its findings, conclusions and recommendations and its reasons therefor regarding

176 all of the monetary articles in the warrant; and (iii) with respect to each warrant article, in
177 addition to the reports of the planning board and the finance committee, the written report of a
178 proponent or sponsor of a warrant article and of a multiple member body or town agency that is
179 required to review, recommend or sponsor the warrant article by law, appointment or otherwise.

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

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

191 ARTICLE 3: ELECTED OFFICERS

192 Section 3.1: General

193 3.1.1 Elective Town Offices - The town offices that the voters shall fill by ballot shall be:
194 the town moderator; the members of the select board; the town clerk; the town's component of
195 the Groton-Dunstable Regional School Committee; the commissioners of trust funds; the elected
196 members of the Groton Housing Authority; the members of the planning board, public library
197 board of trustees Groton electric light commission, Groton water commission, Groton sewer

198 commission, park commission, board of health and board of assessors; and other officers or
199 representatives to regional authorities or districts as may be established by law or by interlocal
200 agreement that shall also be filled by ballot at a town election.

201 3.1.2 Town Election - The annual election by ballot of elective town officers and voting
202 on any questions required by law to be placed upon the official ballot shall be held on a date
203 fixed by by-law.

204 3.1.3 Eligibility - A voter shall be eligible to hold an elective town office unless
205 prohibited by law; provided, however, that a select board member shall not simultaneously hold
206 another elected position.

207 3.1.4 Compensation - Elected officers shall receive the compensation for their services
208 that may be appropriated at the spring town meeting for such purpose.

209 3.1.5 Notwithstanding their election by the voters, a town officer under this section shall
210 be subject to the call of the select board or the town manager at all reasonable times for
211 consultation, conference and discussion on any matter related to the officer's respective office.
212 Similarly, multiple member bodies or other appointees shall be subject to the call of the select
213 board or the town manager at all reasonable times for discussion on any matter related to their
214 respective offices.

215 3.1.6 Filling of Vacancies

216 3.1.6.1 Moderator - If there is a failure to elect a town moderator or if a vacancy occurs in
217 the office of town moderator, the select board shall appoint a suitable person to serve until the
218 next town election.

219 3.1.6.2 Elected Multiple Member Body - If there is a failure to elect a member of a
220 multiple member body or if a vacancy occurs in the membership of an elected multiple member
221 body, the remaining members of the multiple member body shall give notice to the select board
222 and to the public of the vacancy. The select board and the remaining members of the multiple
223 member body shall, not less than 1 week after notice of the date on which the vote is to be taken,
224 fill the vacancy until the next town election by a joint vote. The affirmative votes of the majority
225 of the persons entitled to vote on the vacancy shall be necessary for the election.

226 3.1.6.3 Select Board - If there is a failure to elect a select board member or if a vacancy
227 occurs in the membership of the select board , the remaining select board members may call a
228 special election to fill the vacancy or shall call the special election upon the written request of
229 not less than 200 voters.

230 3.1.7 Recall Provision for Elected Officers

231 3.1.7.1 Application - An elected officer may be recalled if the recall election occurs more
232 than 6 months from the end of the officer’s elective term.

233 3.1.7.2 Recall Petition - Two per cent of the voters may file with the town clerk an
234 affidavit containing the name of the officer sought to be recalled and a statement of the grounds
235 for the recall. The town clerk shall thereupon deliver to the voters making the affidavit copies of
236 petition blanks demanding the recall. The petition blanks shall contain the following heading:
237 “Initiating a recall is a serious process and should not be undertaken lightly.”. The blanks shall
238 be issued by the town clerk with an official signature and official seal. The blanks shall be dated,
239 addressed to the select board, contain the names of the first 10 signers of the affidavit, the name
240 of the person whose recall is sought and the grounds for recall as stated in the affidavit and

241 demand the election of a successor to the office. A copy of the affidavit and recall petition shall
242 be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be
243 returned and filed with the town clerk not more than 45 days after the date of the filing of the
244 affidavit and shall be signed by not less than 20 per cent of the voters as of the date the affidavit
245 was filed with the town clerk.

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

249 3.1.7.3 Recall Election - If the petitions are certified by the registrars of voters to be
250 sufficient, the town clerk shall submit the petitions with the certificate to the select board. Upon
251 receipt of the certificate, the select board shall immediately give written notice of the petition and
252 certificate by certified mail to the officer whose recall is sought. If the officer does not resign the
253 office within 5 days after delivery of the notice, the select board shall immediately order an
254 election to be held on a date fixed by them not less than 64 days nor more than 90 days after the
255 date that the election is called; provided, however, that if another town election is to occur within
256 100 days after the date the election is called, the select board shall postpone the holding of the
257 recall election to the date of the other election. If the officer resigns after a recall election has
258 been ordered, the election shall nevertheless proceed as provided in this section.

259 3.1.7.4 Nomination of Candidates - An officer whose recall is sought may be a candidate
260 to succeed to the office if the vote on the recall is in the affirmative. The nomination of other
261 candidates, the publication of the warrant for the recall election and the conduct of the recall

262 election shall be in accordance with the laws relating to elections unless otherwise provided in
263 this section.

264 3.1.7.5 Office Holder - The incumbent shall continue to perform the duties of the office
265 during the recall procedure. If the incumbent is not removed, the incumbent shall continue in the
266 office for the remainder of the unexpired term, subject to recall as before. If recalled at the recall
267 election, the incumbent shall be deemed removed.

268 3.1.7.6 Ballot Proposition - Ballots used in a recall election shall contain the following
269 propositions in the order indicated:

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

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

277 3.1.7.7 Repeat of Recall Election - A recall shall not be filed against an officer subjected
278 to a recall election and not recalled thereby until not less than 6 months after the election at
279 which the recall was submitted to the voters.

280 3.1.7.8 Office Holder Recalled - A person who has been recalled from an office or who
281 has resigned from an office while recall proceedings were pending against the person shall not be
282 appointed to a town office within 2 years after the date of the recall vote or resignation.

283 Section 3.2: Select Board

284 3.2.1 Composition, Term of Office - There shall be a select board consisting of 5
285 members elected for terms of 3 years each, arranged so that the terms of office of as nearly an
286 equal number of members as is possible shall expire each year. A select board member shall not
287 hold another position of the town that is compensated and medical benefits-eligible during the
288 member's term of office.

289 3.2.2 Powers and Duties - The executive powers of the town shall be vested in the select
290 board, which shall be the chief executive office of the town. The select board shall possess all of
291 the executive powers that a select board may possess and exercise, except those powers and
292 duties assigned by this charter, by-law or town meeting vote to the town Manager. The select
293 board shall:

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

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

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

301 award and execute all contracts for services and supplies for all departments and agencies
302 of the town, other than the Groton-Dunstable Regional School Committee; provided, however,

303 that the select board, at its sole discretion, may delegate this authority to any department head or
304 agency by a vote of the board at a posted meeting; and

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

309 3.2.3 Licensing Authority - The select board shall be the licensing board of the town and
310 may issue licenses, make reasonable rules and regulations regarding the issuance of licenses and
311 attach to a license the conditions and restrictions that it deems to be in the public interest;
312 provided, however, that such rules, regulations, conditions and restrictions shall not be
313 incompatible with applicable law. The select board shall enforce the laws relating to all
314 businesses for which it issues licenses. The select board may delegate its licensing authority
315 unless specifically prohibited by law.

316 3.2.4 Appointing Authority - The select board shall appoint the town manager, town
317 counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a
318 police chief and a fire chief consistent with clause (v) of section 4.2; provided, however, that the
319 police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief
320 shall serve under section 42 of chapter 48 of the General Laws. The select board shall appoint a
321 conservation commission, council on aging, housing partnership, local cultural council and other
322 committees as required by law, by-law or town meeting vote.

323 3.2.5 Investigations - The select board may investigate the affairs of the town and the
324 conduct of any town agency, including any doubtful claims against the town. Copies of the full

325 text of the report on the results of any such investigation shall be placed on file in the office of
326 the select board, the office of the town clerk and the public library and a report summarizing the
327 results of the investigation shall be printed in the next annual town report.

328 3.2.6 Day to Day Business - Except in the case of an emergency, this section shall not
329 authorize a select board member or a majority of its members to become involved in the day-to-
330 day administration of a town board, department or agency.

331 Section 3.3: Regional School Committee

332 3.3.1 The Groton-Dunstable Regional School District provides public education, pre-
333 kindergarten to high school, inclusive, and related services to the towns of Groton and Dunstable
334 under the terms of a regional agreement between the towns. Pursuant to the regional agreement,
335 there is a Groton-Dunstable Regional School Committee consisting of 7 members elected for
336 terms of 3 years each, the terms being arranged so that the terms of office of as nearly an equal
337 number of members as possible shall expire each year. The number of members elected by each
338 town is governed by the terms of the regional agreement, as it may be amended.

339 3.3.2 The Groton-Dunstable Regional School Committee shall have all of the powers and
340 duties that are given to regional school committees under the constitution, laws and regulations
341 of the commonwealth and such additional powers and duties as may be authorized by the
342 regional agreement, by-law or other vote of the town meetings of both the towns of Groton and
343 Dunstable.

344 Section 3.4: Town Moderator

345 3.4.1 Term of Office - There shall be a moderator elected for a term of 3 years.

346 3.4.2 Powers and Duties – The moderator shall be the presiding officer of the town
347 meeting, as provided in section 2.2, and regulate its proceeding and perform other duties as may
348 be provided by law, this charter, by-law or town meeting vote.

349 3.4.3 Appointments – The moderator shall make appointments provided for by law, the
350 charter or by-law.

351 3.4.4 Deputy Moderator – At the opening of the spring town meeting, the moderator shall
352 appoint a voter to serve as deputy moderator in accordance with section 2.2.

353 Section 3.5: Groton Housing Authority

354 3.5.1 Composition, Term of Office - There shall be a Groton Housing Authority that shall
355 have the membership and terms of office prescribed in the General Laws.

356 3.5.2 Powers and Duties - The Groton Housing Authority shall conduct studies of the
357 housing needs of the community and shall provide programs to make available housing for low-
358 income families and elderly persons. The Groton Housing Authority shall have such other
359 powers and duties as are assigned to housing authorities by law.

360 Section 3.6: Planning Board

361 3.6.1 Composition, Term of Office - There shall be a planning board that shall consist of
362 7 members, each elected for a term of 3 years. The terms shall be arranged in order that the terms
363 of as nearly an equal number of members as possible shall expire each year.

364 3.6.2 Powers and Duties - The planning board shall have the powers and duties given to
365 planning boards under the constitution and laws of the commonwealth and such additional
366 powers and duties as may be authorized by this charter, by-law or town meeting vote.

367 Section 3.7: Groton Electric Light Commission

368 3.7.1 Composition, Term of Office - There shall be a Groton electric light commission
369 that shall consist of 3 members, each serving for a term of 3 years. The terms shall be arranged in
370 order that the term of 1 member shall expire each year.

371 3.7.2 Powers and Duties – The Groton electric light commission shall set the policy
372 direction of the Groton electric light department, which provides electric power to the town,
373 consistent with chapter 164 of the General Laws; provided, however, that a if a provision of this
374 charter shall conflict with said chapter 164, said Chapter 164 shall govern.

375 Section 3.8: Library Board of Trustees

376 3.8.1 Composition, Term of Office - There shall be a board of trustees of the public
377 library that shall consist of 6 members, each serving for a term of 3 years. The terms shall be
378 arranged in order that the terms of 2 members shall expire each year.

379 3.8.2 Powers and Duties - The trustees of the public library shall establish written policies
380 governing library activities and services, engage in ongoing planning that assesses the needs and
381 the role of the library in the community, ensure that the library meets the community's needs,
382 work on preparation of the annual library budget and its adoption by the town, monitor and
383 oversee maintenance of the buildings and grounds and regularly review facility needs, hire and
384 evaluate the library director and work with the human resources director on job classifications
385 for all staff, promote the library and act as library advocates in the community, study and support
386 legislation that will benefit the library and the larger community and have such other powers and
387 duties as provided for by law, this charter and by-law.

388 3.8.3 Appointments - The trustees of the public library shall appoint the library director
389 and such other appointments as provided for by law, this charter or by-law.

390 Section 3.9: Town Clerk

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

394 Section 3.10: Board of Assessors

395 3.10.1 Composition, Term of Office and Eligibility for Office - There shall be a board of
396 assessors that shall consist of 3 members elected for terms of 3 years. An employee in the
397 assessors' office shall not simultaneously hold an elected position as a member of the board of
398 assessors.

399 3.10.2 Powers and Duties - The board of assessors shall have the powers and duties given
400 to boards of assessors under the constitution and laws of the commonwealth and directives of the
401 commissioner of revenue and such additional powers and duties as may be authorized by this
402 charter, by-law or town meeting vote that are not in conflict with laws of the commonwealth and
403 regulations and directives of the department of revenue except as otherwise provided in this
404 charter.

405 Section 3.11: Other Elected Officers

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

408 ARTICLE 4: TOWN MANAGER

409 Section 4.1: Appointment, Qualifications and Review Procedure

410 4.1.1 The select board shall, by an affirmative vote of the majority of the full board,
411 appoint or reappoint a town manager for a term of not more than 3 years and fix the
412 compensation of the town manager within the amount annually appropriated for that purpose. If
413 a vacancy shall occur in the office of town manager, the select board shall appoint a town
414 manager screening committee to identify qualified candidates for the position. The office of the
415 town manager shall not be subject to the town's salary administration plan. The town manager
416 shall be appointed solely on the basis of the town manager's executive and administrative
417 qualifications. The town manager shall be a professionally qualified person of proven ability,
418 especially fitted by education, training and previous experience to perform the duties of the
419 office. The town manager shall not have served in an elective office in the town government for
420 at least 1 year before being appointed. The town may establish additional qualifications for the
421 town manager by by-law as necessary or appropriate.

422 4.1.2 The position of town manager shall be a full-time position. The town manager shall
423 devote the town manager's best efforts to the office and shall not hold another public office,
424 elective or appointive, or engage in any business or occupation during the town manager's term
425 unless the action is fully disclosed and approved by the select board in advance and in writing.

426 4.1.3 The select board shall provide for an annual review of the job performance of the
427 town manager that shall, at least in summary form, be a public record in accordance with the
428 personnel by-laws or accepted evaluation process.

429 Section 4.2: Powers and Duties

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

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

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

442 appointing and removing department heads, other employees and paid members of town
443 government for whom another method of appointment or removal is not provided in this charter
444 or by by-law; provided, however, that an appointment made by the town manager shall be
445 confirmed by the select board not more than 15 days after the date on which the town manager
446 files notice of the action with the select board; and provided further, that failure by the select
447 board to confirm an appointment in that 15-day period shall constitute rejection of the
448 appointment;

449 nominating for appointment or removal volunteer members of town government for
450 whom another method of appointment or removal is not provided for in this charter or by by-law;
451 provided, however, that a nomination for appointment or removal made by the town manager

452 shall be confirmed by the select board not more than 15 days after the date on which the town
453 manager files notice of the action with the select board ; provided further, that failure by the
454 select board to confirm a nomination in not more than 15 days shall constitute rejection of the
455 nomination;

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

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

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

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

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

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

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

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

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

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

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

483 Section 4.3: Removal and Suspension

484 4.3.1 The select board may, by the affirmative vote of 4 of its members, terminate and
485 remove or suspend the town manager from office in accordance with the procedure under this
486 section.

487 4.3.1.1 The select board shall adopt a preliminary resolution of removal which shall state
488 the reason for removal, by the affirmative vote of 4 members. The preliminary resolution may
489 provide for the suspension of the town manager for not more than 45 days. A copy of the
490 preliminary resolution shall be delivered to the town manager not more than 48 hours after its
491 adoption.

492 4.3.1.2 Not more than 7 days after receipt of the preliminary resolution, the town
493 manager may request a public hearing by filing a written request therefor with the select board.

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

499 4.3.1.3 If the town manager has not requested a hearing pursuant to paragraph 4.3.1.2, the
500 select board may, by the affirmative vote of 4 of its members, adopt a final resolution of removal
501 not less than 10, but not more than 21, days after the date of delivery of a copy of the preliminary
502 resolution to the town manager. If the town manager has requested a public hearing pursuant to
503 paragraph 4.3.1.2, the select board may, by the affirmative vote of 4 of its members, adopt a final
504 resolution of removal not more than 21 days after the close of the hearing unless the parties agree
505 to a longer period. Failure to adopt a final resolution of removal within the time allowed in this
506 section shall nullify the preliminary resolution of removal and the town manager shall, at the
507 expiration of the time, resume the duties of the office.

508 4.3.1.4 Any action by the select board to terminate and remove or suspend the town
509 manager shall be conducted pursuant to sections 18 to 25, inclusive, of chapter 30A of the
510 General Laws.

511 4.3.2 The action of the select board in terminating and removing or suspending the town
512 manager shall be final.

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

514 4.4.1 Permanent Vacancy - The select board shall fill a permanent vacancy in the office
515 of the town manager, in accordance with section 4.1.1, as soon as possible after a vacancy

516 occurs. Pending the appointment of a town manager or the filling of a vacancy in the office of
517 the town manager, the select board shall, within 14 days, appoint a person capable of temporarily
518 performing the duties of the town manager until a permanent replacement is appointed.

519 4.4.2 Temporary Absence or Disability - The town manager may designate, by letter filed
520 with the town clerk and select board, a capable person to perform the duties of town manager
521 during a temporary absence or disability lasting for not less than 7. If the town manager fails to
522 make such a designation or if the person so designated is unable to serve, the select board may
523 designate some other capable person to perform the duties of the town manager. If the absence or
524 disability lasts more than 30 days, a designation by the town manager shall be subject to
525 approval by the select board.

526 4.4.3 Powers and Duties - The powers and duties of the acting town manager under
527 paragraphs 4.4.1 and 4.4.2 shall be limited to matters not permitting of delay and shall include
528 authority to make temporary, emergency appointments or designations to town offices or
529 employment; provided, however, that an acting town manager shall not make permanent
530 appointments or designations unless authorized by the select board.

531 Section 4.5: Screening Committee

532 4.5.1 If a vacancy shall occur in the office of town manager, a screening committee shall
533 be established to solicit, receive and evaluate applications for the position of town manager. The
534 screening committee shall consist of 7 persons, 3 of whom shall be designated by the select
535 board, of which only 1 may be a select board member, 2 of whom shall be designated by the
536 finance committee, of which only 1 may be a member of the finance committee, 1 of whom shall
537 be designated by the town moderator and 1 of whom shall be designated by the town clerk. A

538 person chosen by an appointing authority may be a member of the appointing authority's agency;
539 provided, however, that there shall not be more than 1 select board member and not more than 1
540 member of the finance committee on the screening committee.

541 4.5.2 Not more than 21 days after the notice of the vacancy or pending vacancy in the
542 office of town manager, the town clerk shall call and convene a meeting of the screening
543 committee. The screening committee shall meet to organize and plan a process to advertise the
544 vacancy or pending vacancy and to solicit by other means candidates for the office. The
545 committee shall proceed to meet, notwithstanding the failure of any town appointing authority to
546 designate a representative to it.

547 4.5.3 The screening committee shall review all applications that are received by it, screen
548 all such applicants by checking and verifying work records and other credentials and provide for
549 interviews to be conducted with the number of candidates as it deems necessary, desirable or
550 expedient.

551 4.5.4 Not more than 90 days after the date on which the screening committee meets to
552 organize, the committee shall submit to the select board the names of not less than 3 and not
553 more than 5 persons that the screening committee believes to be best suited to perform the duties
554 of the town manager. The select board shall, not more than 60 days after the date of receipt of the
555 list of nominees, choose 1 candidate from the list to fill the position of town manager or reject
556 the nominees and direct that the committee resume its search.

557 4.5.5 Upon the appointment of a town manager, the screening committee shall be
558 discharged.

559 ARTICLE 5: ADMINISTRATIVE ORGANIZATION

560 Section 5.1: Organization of Town Agencies

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

567 Section 5.2: Merit Principle

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

570 Section 5.3: Department of Finance

571 5.3.1 There shall be a department of finance in the town that shall report to the town
572 manager. There shall be within the department an appointed town accountant, an appointed
573 treasurer-collector and an appointed principal assistant assessor. The department shall be
574 responsible for the performance of all the fiscal and financial activities of the town. The town
575 manager shall serve as the finance director; provided, however, that the town manager may, at
576 the town manager's discretion, appoint another person to serve as the finance director. The
577 appointment shall be subject to confirmation by the select board in accordance with clause (iii)
578 of section 4.2.

579 5.3.2 The town manager and the department of finance shall assume all of the powers,
580 duties and responsibilities related to municipal finance activities and the coordination of those

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

584 5.3.3 The department of finance shall assure that complete and full records of the
585 financial and administrative activities of the town are maintained and shall render written reports,
586 which shall include a full accounting of all town administrative and financial operations, to the
587 select board and the finance committee at least once each calendar quarter. The quarterly reports
588 shall be rendered not more than 30 days after the end of the calendar quarter to which they apply
589 and shall be made available to the public in accordance with the requirements of section 10 of
590 chapter 66 of the General Laws. Additional reports shall be rendered to the select board at its
591 request.

592 5.3.4 The town manager and the department of finance shall collaborate with the finance
593 committee to prepare, maintain and present to the select board and the town meeting a 5-year
594 financial plan for the town.

595 5.3.5 Town Accountant - The town accountant shall be appointed by the town manager
596 for a term of not more than 3 years, subject to confirmation by the select board pursuant to clause
597 (iii) of section 4.2. The town accountant shall have all of the powers and duties vested in the
598 office of town accountant by law, this charter, by-law or town meeting vote.

599 5.3.6 Treasurer-Collector - The treasurer-collector shall be appointed by the town
600 manager for a term of not more than 3 years, subject to confirmation by the select board pursuant
601 to clause (iii) of section 4.2. The treasurer-collector shall have all the powers and duties vested in
602 the office of treasurer-collector by law, this charter, by-law or town meeting vote.

603 5.3.7 Principal Assistant Assessor - The principal assistant assessor shall be appointed by
604 the town manager for a term of not more than 3 years, subject to confirmation by the select board
605 pursuant to subsection (iii) of section 4.2. The principal assistant assessor shall have all of the
606 powers and duties vested in the office of principal assistant assessor by this charter, by-law or
607 town meeting vote and in the office of assistant assessor by law.

608 Section 5.4: Department of Public Works

609 5.4.1 There shall be a department of public works which shall be under the direction of a
610 director. The director shall be appointed by the town manager, subject to confirmation by the
611 select board, pursuant to clause (iii) of section 4.2. The director shall serve as and perform the
612 duties of a highway surveyor as set forth in the General Laws.

613 5.4.2 The principal functions of the department of public works shall include:

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

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

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

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

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

624 supervision, care and replacement of trees;
625 providing for, or causing to be provided for, the maintenance and repair of certain town-
626 owned vehicles; and
627 such other functions as may be prescribed by the town manager

628 5.4.3 Powers and Duties. The department of public works shall work in close
629 coordination with the necessary town boards and departments to enable the effective and
630 efficient performance of its duties pursuant to the General Laws, this charter, the by-laws or by
631 vote of the town meeting.

632 Section 5.5: Information Technology

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

635 Section 5.6: Personnel Board

636 5.6.1 Composition, Term of Office – There shall be a personnel board that shall consist of
637 3 members appointed by the select board. Members shall serve for terms of 3 years; provided,
638 however, that the terms shall be arranged in such a manner that the term of office of 1 member
639 shall expire each year.

640 5.6.2 Powers and Duties – The personnel board shall function as an advisory board to the
641 human resources director, town manager and select board in the management of human resources
642 for the town.

643 ARTICLE 6: FINANCE AND FISCAL PROCEDURES

644 Section 6.1: Fiscal Year

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

647 Section 6.2: Finance Committee

648 6.2.1 Composition, Term of Office - There shall be a finance committee that shall consist
649 of 7 voters appointed by a 3-person committee that shall consist of the chair of the select board,
650 the chair of the finance committee and the town moderator; provided, however, that if the chair
651 of the finance committee is being considered for reappointment, the finance committee shall
652 select another member who is not being considered for reappointment. Members of the finance
653 committee shall serve terms of 3 years; provided, however, that the terms shall be so arranged
654 that the terms of office of as nearly an equal number of members as possible shall expire each
655 year. The finance committee shall appoint a chair and a deputy chair to run meetings and present
656 the finance committee's recommendations during the town budget process.

657 6.2.2 Roles and Responsibilities

658 The finance committee shall:

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

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

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

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

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

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

670 Section 6.3: Annual Review of Financial Policies

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

675 Section 6.4: The Budget

676 6.4.1 Budget Process – The select board, the town manager, the department of finance
677 and the finance committee shall meet annually not later than October 31 to determine the
678 budgetary goals for the subsequent fiscal year. The town manager shall, after that meeting but
679 not later than December 31, submit to the finance committee and the select board a proposed
680 budget for the next fiscal year that shall be accompanied by a budget message, a summary and
681 supporting documents that follow the agreed-upon budget goals. The proposed budget shall be
682 balanced.

683 6.4.2 Proposed Budget – The proposed budget shall provide a complete financial plan for
684 all town funds and activities for the ensuing fiscal year. Except as may be otherwise required by
685 the General Laws, the proposed budget shall be in the form that the town manager, the select

686 board and the finance committee shall deem desirable. In the presentation of the proposed
687 budget, the town manager shall furnish information in a complete, clear and concise manner and
688 in accordance with best practices of financial reporting and control. The proposed budget shall
689 show, in detail, all estimated income from the proposed property tax levy and all other sources
690 and all proposed expenditures, including debt service, for the following year. The proposed
691 budget shall be arranged to show the actual and estimated income and expenditures for the
692 previous, current and ensuing fiscal years and shall indicate in separate sections:

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

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

698 6.4.3 Budget Summary – The summary of the proposed budget shall identify deviations
699 from the current operating budget and outline the reasons for these changes. The town manager
700 shall cause a summary of the operating budget to be published in a local newspaper and placed
701 on the town’s website contemporaneously with the submission to the finance committee. The
702 publication shall indicate the times and places at which copies of the proposed budget with the
703 accompanying documentation shall be available for examination by the public.

704 6.4.4 Budget Message – The budget message of the town manager shall: (i) explain the
705 budget for all town agencies, both in fiscal terms and in terms of work programs; (ii) outline
706 proposed financial policies of the town for the ensuing fiscal year; (iii) describe important
707 features of the budget; (iv) indicate any major variations from the current year in financial

708 policies, expenditures and revenues, together with the reasons for such changes; (v) summarize
709 the town's debt position; and (vi) include any other material that the town manager deems
710 desirable or that the select board may reasonably require.

711 Section 6.5: Action on the Budget

712 6.5.1 The finance committee shall, upon receipt of the proposed budget from the town
713 manager, consider in public meetings detailed expenditures for each town department and
714 agency and may confer with representatives of each town agency in connection with its review
715 and consideration. The finance committee may require the town manager or any town agency to
716 furnish it with such additional information as it may deem necessary to assist it in its review and
717 consideration of the proposed budget.

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

729 6.5.2 The finance committee's proposed budget shall be presented to the town meeting by
730 motion made by the finance committee; provided, however, the finance committee shall also
731 present its comments and recommendations with respect to the budget. The town manager or the
732 select board, or both, shall present their comments and recommendations with respect to the
733 budget, if any, at the town meeting. The budget shall be voted upon in accordance with the by-
734 laws.

735 Section 6.6: Capital Improvement Plan

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

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

746 Section 6.7: Audits

747 The select board shall provide annually for an independent audit of all financial books
748 and records of the town and whenever it deems an audit of the whole town or of any particular
749 town agency to be necessary. An audit of the town's financial books and records shall be
750 conducted by a certified public accountant or a firm of certified public accountants; provided,

751 however, that the accountant or firm shall not have a direct or indirect interest in the affairs of
752 the town.

753 Section 6.8: Transparency of Financial Holdings

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

761 ARTICLE 7: GENERAL PROVISIONS

762 Section 7.1: Charter Changes

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

765 Section 7.2: Severability

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

771 Section 7.3: Specific Provisions to Prevail

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

774 Section 7.4: Number and Gender

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

778 Section 7.5: Rules and Regulations

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

784 Section 7.6: Periodic Charter Review

785 Not less than once in every 10-year period after the effective date of this charter, a charter
786 review committee shall, by an affirmative vote of the majority of the full select board, be
787 established to review this charter and report its recommendations to an annual town meeting
788 concerning any proposed amendments that the committee may determine to be necessary or
789 desirable. The charter review committee shall consist of 7 members, 3 of whom shall be
790 appointed by the select board, 2 of whom shall be appointed by the finance committee, 1 of
791 whom shall be appointed by the Groton-Dunstable Regional District school committee and 1 of
792 whom shall be appointed by the town moderator. An appointed person may be a member of the

793 agency from which they are appointed; provided, however, that the charter review committee
794 shall not include more than 1 select board member, more than 1 member of the finance
795 committee or more than 1 member of the Groton-Dunstable Regional School District school
796 committee. The charter review committee shall meet to organize immediately after the full
797 charter review committee has been appointed. The charter review committee shall hold a public
798 hearing not more than 60 days after the date on which it meets to organize and shall hold at least
799 1 additional public hearing before filing its final report.

800 Section 7.7: Removals

801 7.7.1 Notwithstanding any general or special law to the contrary, an appointed official,
802 appointed member of a multiple-member body or employee of the town not covered by the terms
803 of a collective bargaining or other agreement addressing removal and, whether appointed for a
804 fixed or an indefinite term, may be removed from office by the appointing authority.

805 7.7.2 When removing any such official, appointed member of a multiple-member body or
806 employee of the town, the appointing authority shall act in accordance with the town's personnel
807 by-laws or rules and regulations.

808 Section 7.8: Loss of Office

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

813 Section 7.9: Notice of Vacancies

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

823 Section 7.10: Waiver of Administrative Fees

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

828 ARTICLE 8: TRANSITIONAL PROVISIONS

829 Section 8.1: Continuation of Government

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

834 Section 8.2: Continuation of Administrative Personnel

835 A person holding a town office or a position in the administrative service of the town or a
836 person holding full-time employment under the town shall retain that person's office, position or
837 employment and shall continue to perform the duties of that person's office, position or position
838 of employment until provision shall have been made for the performance of those duties by
839 another person or agency; provided, however, that a person in the permanent full-time service of
840 the town shall not forfeit their pay grade or time in the service of the town as a result of the
841 adoption of this charter; provided further, that this section shall not provide a person holding an
842 administrative office or position or a person serving in the employment of the town on the
843 effective date of this charter with any greater rights or privileges with regard to that person's
844 continued service or employment with the town than that person had before the effective date of
845 this charter. Nothing in this paragraph shall impair the rights of any person under an individual
846 employment contract or collective bargaining agreement.

847 Section 8.3: Transfer of Records and Property

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