

Case Study: The Charter Process in Groton, MA

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1. History

Groton, founded in 1655, has a population of 10,406 (2006 Town Census) and is located in the Nashoba Valley area in northwestern Middlesex County. The town is governed by an Open Town Meeting and a five-member Board of Selectmen. With an area of 32.54 square miles, Groton is the largest town in Middlesex County. There are 106 miles of plowed or maintained roads within the town.

At the turn of the 21st century, Groton entered an era of increasing growth, made significant by the passing of the 10,000 population line. As it grew in size and complexity, the Town began to struggle to fill all the roles and responsibilities of its government with qualified elected volunteers.

2. Charter Process in Groton

The first attempt to update Groton's governance came by citizen petition in the early 1990s, using MGL Chapter 43B. The town elected a charter commission which in the end did not vote in favor of a charter. Lessons from this unsuccessful process sowed some of the seeds for the later charter process, however. Advocates for change in the Town recognized that the 1990s process had moved too quickly and without enough opportunities for resident and town official input.

In 2004 the Department of Revenue's Division of Local Services (DLS) completed one of its free financial management reviews for the Town, and made a number of suggestions for improvement. The report stated: "However, for all of these positives, there are other areas that warrant attention. The most critical involves the lack of line authority in town government. A horizontal, or decentralized, structure of government is clearly seen in the town's organizational chart and further evident by the silence of the town by-laws on matters of appointing authority, performance reviews and procedures in general. In the further absence of a charter, the town runs the risk of operating on an ad hoc set of rules which are subject to change as the personalities in office and philosophies of government shift." (DLS, 2004, see attached report).

Most of the DLS' recommendations were quickly enacted, but the Charter process took much of the next three years. An Ad Hoc committee appointed by the Board of Selectmen -- the

Blue Ribbon Town Governance Committee -- was established in 2007. Members included a former and a current selectman, a finance committee member, a school committee member, an assessor, and one other citizen, a retired businessman. The Blue Ribbon Town Governance Committee's goal was to increase professionalism, accountability, and modernization in the Town's Government. They made a few important decisions early on:

- To pursue the model of charter process that includes a Town Meeting vote, approval by the legislature, and an approval at Town Election. This process, which may appear to take more time, actually sped up the timeline, according to Committee members. The Committee chose this process because members felt it ensured better checks and balances in the project.
- To pursue a model of governance featuring a Town Manager versus a Town Administrator. There was a strong sense that the professional hired to run the Town needed to have as much authority and responsibility as possible. The main purpose for installing a Town Manager was to provide someone with the authority to manage the day-to-day operational issues that arise in a town such as Groton. Centralized control, with authority, was deemed key to this.
- To preserve Groton's Open Town Meeting as a part of the governmental structure.

The Committee created a website, www.grotoncharter.com, which includes information on the proposed charter, links to legal information, and answers to frequently asked questions. The Commission held both public hearings and meetings with every board, commission, and other public entity in Groton. Members also consulted charters from many other Massachusetts communities for ideas.

After listening to the concerns of the citizens and volunteers of Groton, the Blue Ribbon Town Governance Committee released a draft Charter, including a proposal that the town hire a strong Town Manager and adopt a policy of filling all administrative positions through appointments. Elections would continue to be held to fill all policy-making roles, thus balancing democracy with the assurance of filling the jobs in Town Hall with qualified professionals. One compromise included in the Charter was that the Town Manager would create the budget, but that the Finance Committee would present it to Town Meeting. The DLS report had recommended "the town manager should have a central role, on a substantive level, in the development of budget guidelines and the annual budget process. He or she should lead a financial management team and orchestrate analyses of financial data, coordinate long range revenue and expenditure forecasting, and oversee fiscal procedures"(DLS, 2004, p.8). The Committee felt that it was key to have the Town Manager prepare the budget, but to provide checks and balances, it decided to have the independently appointed Finance Committee prepare its own budget based on the Town Manager's recommendations, and have the Finance Committee present the proposed budget to Town Meeting.

The Charter passed at a Fall Special Town Meeting in 2007, with some changes:

- A motion to remove the Board of Health members from Town Manager appointment passed 138 to 79.
- A motion to remove the Board of Assessors from Town Manager appointment passed 106 to 86.
- A motion to remove the Highway Surveyor (Supervisor) from the list of Town Manager appointments passed 138 to 79.
- A motion to remove the Principal Assessor from the list of Town Manager appointments failed, 67 to 101.

None of these amendments were unexpected, and they were based, in the opinion of the Committee, on the public's fear of unchecked power on the part of the Town Manager.

The Charter subsequently passed the Legislature, was signed by the Governor, and passed an Annual Town Election vote 744 to 328 on May 20, 2008.

3. Implementation

Groton hired its first Town Manager in October 2008. The DLS Financial Management Review had noted: "missing in town government is the essential ability of one person to execute town goals, to take initiatives to improve operations and to establish equal accountability over all those responsible for the day-to-day administration of town business" (DLS, 2004, p.8). By all reports the transition was smooth, and the advantages of the new streamlined structure have been obvious. Specific benefits include:

- The Town Manager can provide quicker answers to questions for Dept. Heads who previously had to wait for a weekly Select Board meeting. Even after waiting for the meeting they were possibly faced with additional requests for information or time to consider before they could get a response. The business of government moves more quickly now.
- The Town has a far quicker budget process. Even with the compromise position on budget creation that was included in the charter, the FY 2010 budget creation was done far in advance of all previous years. The Town Manager met with every department, created revenue projections, and negotiated with Boards and Commissions on recommended funding levels. He then brought the results of this work to the Finance Committee.
- The Town Manager is able to negotiate on behalf of the Town to resolve difficult issues that previously had to be fielded by the Board of Selectmen.

The hotly debated power of appointment has thus far been uncontroversial. The Town Manager makes recommendations for nearly all appointments, but each must be approved by the Board of Selectmen within 15 days or the appointment becomes void. Since the Board of Selectmen must approve all appointments, some committee appointments are made solely by the Board of Selectmen.

Almost immediately following the final approval of the Charter, the Town convened a Bylaws Committee to review any changes needed as a result of the change in form of government. This Committee finished its work in February 2009, and made a number of recommendations. One key recommendation was to propose some changes to the Charter itself. Most of these changes were to fix minor flaws discovered during implementation, but a key reorganization proposal proposed by the Town Manager will also be included. Proposed bylaw changes passed at Town Meeting in April 2009, and the changes to the Charter will most likely follow a route parallel to the original implementation: Fall 2009 Town Meeting vote, Legislative and Gubernatorial approval, followed by town-wide ballot approval.

4. Advice for towns considering same process

After reviewing the process and speaking to key stakeholders, the Groton Charter process offers a few clear lessons for Towns interested in embarking on a similar change:

- **The process is lengthy, and should only be undertaken if there is a strong perceived need for change.** Groton had clearly outgrown its former form of Government, and with the addition of the DLS review, there was clear political will to have the conversation.
- **A multi-stage, open process will result in a smoother outcome.** The Blue Ribbon Committee took its time and created as transparent a process as possible. They chose the Special Act of the Legislature route precisely because of the many steps it contained. Charter Commission members should be prepared to spend months meeting with town stakeholders to hear their concerns and explain their recommendations. In Groton this resulted in a very smooth implementation.
- **Keep in mind that Charter changes are “set in stone.”** Charter designers should thoughtfully consider which items to determine in bylaws instead.
- **Don’t be surprised if changes to the Charter are needed immediately.** Despite the care and many stages of deliberation in Groton, changes to the Charter have already been proposed for the next Town Meeting. Such changes can come from the realization of an omission or, as in the case in Groton, from recommendations for further improvement by a new Town Manager.
- **Take the opportunity to reconcile and improve the legal structure of the Town during the Charter process.**
- **Using another Town’s Charter as a starting point is helpful.** Groton’s would be useful to any community considering a strong Town Manager.
- **Consider immediately convening a Bylaws Committee after the Charter is passed.** This group can reconcile any differences between old bylaws and new procedures established by the Charter.

Interview Sources:

Michael Bouchard, Groton Town Clerk & Bylaws Committee Member

Peter Cunningham, Groton Blue Ribbon Governance Committee & Select Board

Steve Webber, Citizen at large, Finance Committee & Bylaws Committee

Mark Haddad, Groton Town Manager

Attached Documents:

- Division of Local Services *Town of Groton Financial Management Review*
- Town of Groton *Charter*
- Town of Groton *Special Town Meeting Minutes 10-22-2007*
- Town of Groton By-law Review Committee *Recommendations to the Board of Selectmen*
- Town of Groton *Organizational Chart*

Related Links:

- Groton Blue Ribbon Governance Commission web site:
<http://www.grotoncharter.com/default.aspx>
- Town of Groton website: www.townofgroton.org

TOWN OF GROTON, MASSACHUSETTS CHARTER



**As Approved at Town Meeting on October 22, 2007
Signed by Governor Patrick on April 15, 2008
Approved at the Ballot on May 21, 2008**

CHARTER FOR THE TOWN OF GROTON, MASSACHUSETTS

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PREAMBLE:

We, the people of the Town of Groton, Massachusetts, in order to affirm the customary and traditional liberties of the people with respect to the conduct of our local government, and to take the fullest advantage inherent in the home rule amendment of the constitution of the Commonwealth, do hereby adopt the following Charter for this Town.

ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY

Section 1-1: Incorporation

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

Section 1-2: Short Title

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

Section 1-3: Powers of the Town

It is the intent and purpose of the voters of the Town of Groton, through the adoption of this Charter, to secure for the Town all the powers possible under the Constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1-4: Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Board of Selectmen and a Town Manager. The legislative powers shall be exercised by an open Town Meeting.

Section 1-5: Interpretation of Powers

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

Section 1-6: Intergovernmental Relations

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

Section 1-7: Precedence of Charter Provisions

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

Section 1-8: Ethical Standards

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

Section 1-9: Definitions

Unless another meaning is clearly apparent from the manner in which a word is used, the following words as used in this Charter shall have the following meanings:

- (a) Charter** – Shall mean this Charter and any amendments to it, which may hereafter be adopted.
- (b) Days** – Shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days. When the time set is seven days or more, every day shall be counted.
- (c) Emergency** – Shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) General laws** – The words “general laws” (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Groton is a member.
- (e) He/him** – Words importing the masculine gender shall include the female gender.
- (f) Local Newspaper** – Shall mean a newspaper of general circulation in the Town of Groton.
- (g) M.G.L.A.** – The abbreviation “M.G.L.A.” shall refer to Massachusetts General Laws Annotated.

(h) Majority Vote – Shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken.

(i) Multiple Member Body – Shall mean any town body, consisting of two or more persons and whether styled as a board, commission, committee, subcommittee, or otherwise and however elected, appointed or otherwise constituted.

(j) Quorum – Except for Town Meeting and unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies which might then exist.

(k) Town – Shall mean the Town of Groton, Massachusetts.

(l) Town Agency – Shall mean any board, commission, committee, department, division or office of the town government.

(m) Town Bulletin Board – Shall mean the bulletin board, or bulletin boards, in the town hall on which office notices are posted and those at other town buildings and/or facilities which may from time to time be designated as town bulletin boards.

(n) Town Meeting – Shall mean the open Town Meeting established in Article 2, whether annual or special.

(o) Town Officer - When used with or without further qualification or description, shall mean a person having charge of an office or department of the Town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the Town.

(p) Voters – Shall mean registered voters of the Town of Groton, Massachusetts.

(q) Warrant – Shall mean a document required to warn and notify residents and inhabitants of the Town, qualified to vote in Town affairs, to meet at a specific place to act on published articles relating to the governance of the Town.

ARTICLE 2: LEGISLATIVE BRANCH

Section 2-1: Town Meeting

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

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

Section 2-2: Presiding Officer

The Moderator, elected as provided in Section 3-4, shall preside at all sessions of Annual and Special Town Meetings. He shall, at the first session of the Spring Town Meeting, appoint a Deputy Moderator, provided that the Town Meeting shall ratify such appointment, to serve at any session of an annual or special town meeting in the event of his absence or disability. The Deputy Moderator may also temporarily serve in the case where the Moderator is placed in conflict or the appearance of conflict arises, as determined by the Moderator, with regard to the substance of a particular article or matter under consideration.

The Moderator, at all Town Meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by the general laws, by this charter, by bylaw or by other vote of the Town Meeting.

Section 2-3: The Town Report

The Board of Selectmen shall publish an Annual Town Report and make it available at least 14 days in advance of the Spring Town Meeting, provided, however, that failure to comply with this Section shall not prevent Town Meeting from proceeding.

Section 2-4: Special Town Meetings

Special Town Meetings shall be held at the call of a majority of the full Board of Selectmen at such times as it deems necessary, in order to transact the legislative business of the Town in an orderly manner. Special Town Meetings shall also be held on the petition of 200 or more registered voters of the Town or twenty percent of the total number of registered voters of the Town, whichever is lesser.

Section 2-5: Warrants

Every Town Meeting shall be called by a warrant issued by the Board of Selectmen, which shall state the time and place at which the meeting is to convene and, by separate articles, identify the subject matter to be acted upon. The publication of the warrant for every Town Meeting shall be in accordance with general laws and Town bylaws governing such matters.

Section 2-6: Initiation of Warrant Articles

(a) Initiation – Subject to paragraph (c) below, the Board of Selectmen shall receive at any time petitions addressed to it which request the submission of any matter to the Town Meeting and which are filed by: (1) any town officer, (2) any multiple member body acting by a majority of its members then in office, (3) any ten (10) voters for a session of the Spring or Fall Town Meeting and any one hundred (100) voters for a Special Town Meeting.

(b) Referral – Following receipt of any petition containing a proposed warrant article, the Board of Selectmen shall cause a copy of the proposal to be delivered to the chairman of the Finance Committee, and shall cause such other distribution to be made of each such proposal as may be required by the general laws or by bylaw.

(c) Inclusion on the Warrant – Spring and Fall Town Meeting – Whenever a Spring or Fall Town Meeting is to be called, notice shall be given by posting attested copies of the Warrant calling the same in two or more public places in the Town, and by publishing notice of the meeting in a local newspaper, at least 14 days before the day appointed for the meeting. The Board of Selectmen shall include in the warrant, for a session of the Spring and Fall Town Meeting, the subject matter of all petitions which have been received by it sixty (60) or more days prior to the date fixed by Town bylaw for such session to convene. Unless specified otherwise in this Charter, the content, scheduling and notice requirements for a Spring or Fall Town Meeting shall be as provided for in M.G.L.A. Chapter 39, Section 10, for an annual town meeting.

(d) Inclusion on the Warrant – Special Town Meeting - Whenever a Special Town Meeting is to be called, notice shall be given by posting attested copies of the Warrant calling the same in two or more public places in the Town, and by publishing notice of the meeting in a local newspaper, at least fourteen (14) days before the day appointed for the meeting. The Board of Selectmen shall include in the warrant for such Special Town Meeting the subject matter of all petitions which have been received by it twenty (20) or more days before the day appointed for the meeting. Unless specified otherwise in this Charter, the content, scheduling and notice requirements for a Special Town Meeting shall be as provided for in M.G.L.A. Chapter 39, Section 10, for a special town meeting.

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

(a) Every Town officer, the chairperson of each multiple member body, the head of each department shall attend all sessions of Town Meetings.

In the event any Town officer, chairperson of a multiple member body, department or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to

attend a Town Meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of fulfilling the objectives of this section.

(b) No meeting of any Multiple Member Body or Town Agency shall be convened or be in session during a session of any Town Meeting.

Section 2-8: Clerk of the Meeting

The Town Clerk shall serve as clerk of the Town Meeting, give public notice of all adjourned sessions of the Town Meeting, record its proceedings, and perform such additional duties in connection therewith as may be provided by the general laws, by this Charter, by bylaw or by other Town Meeting vote.

Section 2-9: Rules of Procedure

The Town Meeting may, by bylaw, establish and from time to time amend, revise or repeal rules to govern the conduct of all Town Meetings.

Section 2-10: General Powers and Duties

The Town Meeting shall provide for the exercise of all of the powers of the Town and for the performance of all duties and obligations imposed upon the Town for which no other provision is made in this Charter, by the general laws or by bylaw.

Section 2-11: Report to the Voters

There shall be published for every Town Meeting a copy of the warrant, together with its articles, and a report to the voters which shall contain the explanation and relevant data submitted by the proponents of each article; provided, however, that, in the alternative, the Town Manager may direct that voluminous supporting material necessary for consideration of particular articles, in lieu of inclusion in the written report to the voters, may be made reasonably available for inspection at public locations prior to Town Meeting.

The written report for each Spring Town Meeting shall comprise:

- (1) the written report of the Planning Board setting out its findings and recommendations as to all zoning articles
- (2) the written report of the Finance Committee, setting out its findings, conclusions and recommendations, including the reasons therefore, regarding all of the monetary articles in the warrant; and
- (3) with respect to each warrant article, in addition to the reports of the Planning Board and the Finance Committee, the written report of any proponent or sponsor of such warrant article and of any Multiple Member Body or Town Agency that is required to review, recommend or sponsor such warrant article by bylaw, by appointment or otherwise.

The report for the Spring Town Meeting shall also include, as an appendix, the Capital Improvement Plan defined in Sec. 6-6 herein, setting forth a five-year capital outlay program for the information

and guidance of Town Meeting. In addition, the Board of Selectmen shall have the opportunity to include in the report its conclusions and recommendations, including the reasons therefore, regarding articles in the warrant that relate to its general superintendence over the administration of town affairs.

The report shall be made available to residents of the Town, by a method, or methods, determined by the Selectmen, not later than the seventh (7th) day prior to the date on which the opening session of the Spring Town Meeting is to be held. Notwithstanding the preceding sentence, however, failure to make said report available shall not prohibit town meeting from acting upon the matters set forth in the warrant and further, such failure shall not affect the validity of the proceedings at such town meeting.

ARTICLE 3: ELECTED OFFICERS

Section 3-1: General

- (a) Elective Town Offices** – The Town offices to be filled by the voters shall be a Town Moderator, the Board of Selectmen, a Town Clerk, the Groton component of the Regional School Committee, the Groton Housing Authority, a Highway Surveyor, the Planning Board, the Groton Board of Assessors, the Board of Library Trustees, the Commissioners of the Trust Fund, the Groton Electric Light Commission, the Groton Board of Health, the Groton Water Commission, the Groton Sewer Commission, the Parks Commission and such other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement which shall also be filled by ballot at Town elections.
- (b) Town Election** - The annual election for the purpose of election by ballot of Town officers and voting on any questions required by law to be placed upon the official ballot shall be held on a date fixed by bylaw.
- (c) Eligibility** - Any voter shall be eligible to hold any elective town office, unless specifically prohibited by general law or town by-law.
- (d) Compensation** - Elected Town officers shall receive such compensation for their services as may be appropriated at the Spring Town Meeting for such purpose.
- (e) Coordination** - Notwithstanding their election by the voters, the Town officers named in this section shall be subject to the call of the Board of Selectmen or of the Town Manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
- (f) Filling of Vacancies**
 - 1. Moderator** - If there is a failure to elect, or if a vacancy occurs in the office of Town Moderator, the Board of Selectmen shall appoint a suitable person to serve until the next town election.

2. Elected multiple member body – If there is a failure to elect, or if a vacancy occurs in the membership of an elected multiple member body, the remaining members of the multiple member body shall give notice to the Board of Selectmen and to the public of such vacancy in accordance with the provisions of Section 7-9. The Board of Selectmen, with the remaining members of such multiple member body shall, not less than one (1) week after notice of the date on which the vote is to be taken, fill such vacancy until the next town election by a joint vote. The affirmative votes of the majority of the persons entitled to vote on such a vacancy shall be necessary for such elections.

3. Board of Selectmen – If there is a failure to elect, or if a vacancy occurs in the membership of the Board of Selectmen, the remaining members of the Board of Selectmen may call a special election to fill such vacancy or shall call such special election upon the written request of two hundred (200) or more voters.

(g) Recall Provision for Elected Officers

- 1. Application** - Any holder of any elective Town office, as defined in Section 3-1(a), may be recalled provided that the recall election occurs prior to six months from the end of his elective term.
- 2. Recall Petition** – Two (2) percent of the voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall. The petition blanks shall contain the following heading: “Initiating a recall is a serious process and should not be undertaken lightly.” The blanks shall be issued by the Town Clerk with the Town Clerk’s signature and official seal. They shall be dated, shall be addressed to the board of selectmen, shall contain the names of the first ten (10) signers of said affidavit, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor to said office. A copy of the affidavit and recall petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petitions shall be returned and filed with the clerk within forty five (45) days following the date of the filing of the affidavit and shall be signed by at least 20% of the registered voters of the Town as of the date such affidavit was filed with the Town Clerk.

The Town Clerk shall, within one (1) business day of receipt, submit the petition to the Registrar of Voters in the Town, and the Registrar shall, within five (5) business days, certify thereon the number of signatures that are names of registered voters of the Town.

- 3. Recall Election** – If the petitions are certified by the Registrar of Voters to be sufficient, the Town Clerk shall submit the same with such certificate to the Board of Selectmen. Upon receipt of the certificate, the Board of Selectmen shall forthwith give written notice of such petition and certificate by certified mail to the officer whose recall is sought. If said officer does not resign his office within five (5) days after delivery of such notice, the Board of Selectmen shall forthwith order an election to be held on a date fixed by them not more than ninety (90) days after the date that the election is called. However, if any

other town election is to occur within one hundred (100) days after the date the election is called, the Selectman shall postpone the holding of the recall election to the date of such other election. If said officer resigns after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

4. **Nomination of Candidates** – An officer whose recall is sought may be a candidate to succeed to the office in the event the vote on the recall is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election, and conduct of the recall election shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.
5. **Office Holder** – The incumbent shall continue to perform the duties of the office during the recall procedure. If the incumbent is not removed, the incumbent shall continue in the office for the remainder of the unexpired term subject to recall as before. If recalled at the recall election, the incumbent shall be deemed removed.
6. **Ballot Proposition** – Ballots used in a recall election shall contain the following propositions in the order indicated:

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

Below the propositions shall appear the word “Candidates,” the directions to the voters required by M.G.L.A. Chapter 54, Section 42, and below the directions the names of candidates nominated in accordance with the provisions of law relating to elections. If a majority of the votes cast on the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the recall question is in the negative, the ballots for the candidates will not be counted.

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

Section 3-2: Board of Selectmen

(a) **Composition, Term of Office** - There shall be a Board of Selectmen consisting of five (5) members elected for terms of three (3) years each, so arranged that the term of office of as nearly equal number of members as is possible shall expire each year.

(b) **Powers and Duties** – The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the Town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and

to exercise, except those powers and duties assigned by this Charter, by bylaw or by other Town Meeting vote to the Town Manager. The Board of Selectmen:

1. Shall serve as the chief policy making agency of the Town.
2. Shall be responsible for the formulation and promulgation of policy to be followed by all Town Agencies serving under it.
3. Shall, in conjunction with other elected Town officers and multiple member bodies, develop and promulgate policy guidelines designed to bring all Town Agencies into harmony.
4. Shall award and execute all contracts for services and supplies for all departments and agencies of the Town, other than the School Committee, provided, however, that the Board of Selectmen, at its sole discretion, may delegate this authority to any officer or agency of the Town.

Other than in the case of an Emergency, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day-to-day administration of any Town Agency.

(c) Licensing Authority - The Board of Selectmen shall be the license board of the Town and shall have the power to issue licenses, to make reasonable rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest provided such rules, regulations, conditions and restrictions are not incompatible with applicable law. The Board of Selectmen shall enforce the laws relating to all businesses for which it issues licenses. The Board of Selectmen may delegate such licensing authority unless specifically prohibited by the general law.

(d) Appointing Authority - The Board of Selectmen shall appoint the Town Manager, Finance Committee, Town Counsel, a Zoning Board of Appeals, and a Board of Registrars. The Board of Selectmen shall also appoint, consistent with the provisions of Section 4-2(d) of this Charter, a Police Chief and a Fire Chief. The Police Chief shall serve as a ‘strong chief’ under M.G.L.A. Chapter 41, Section 97A. The Fire Chief shall serve as a ‘strong chief’ under M.G.L.A. Chapter 48, Section 42.

(e) Investigations - The Board of Selectmen may investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. Copies of the full text of the report of the results of any such investigation shall be placed on file in the office of the Board of Selectmen, the office of the Town Clerk and in the town library and a report summarizing the results of such investigation shall be printed in the next annual town report.

Section 3-3: Regional School Committee

(a) The Groton-Dunstable Regional School District provides public education (pre-K through high school) and related services to the towns of Groton and Dunstable under the terms of a regional agreement (the “Regional Agreement”) between the towns. Pursuant to the Regional Agreement, there is a Groton-Dunstable Regional School Committee consisting of seven (7) members elected for

terms of three years each, the terms being arranged so that the term of office of as nearly an equal number of members as is possible shall expire each year. The number of members elected by each town is governed by the terms of the Regional Agreement, as it may be amended from time to time.

(b) The Groton-Dunstable Regional School Committee shall have all of the powers and duties which are given to regional school committees under the constitution, laws and regulations of the Commonwealth of Massachusetts and such additional powers and duties as may be authorized by the Regional Agreement, by-law or by other vote of the Town Meetings of both Groton and Dunstable.

Section 3-4: Town Moderator

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

(b) Powers and Duties - The Town Moderator shall be the presiding officer of the Town Meeting, as provided in Section 2-2, regulate its proceedings and perform such other duties as may be provided by general law, by Charter, by bylaw or by other Town Meeting vote.

(c) Appointments - The Town Moderator shall make appointments provided for by this charter, by by-law, or by general laws.

(d) Deputy Moderator- At the first session of the Spring Town Meeting, the Moderator shall, in accordance with the provisions of Section 2-2, herein, appoint a voter to serve as Deputy Moderator.

In the absence of the Moderator and the duly ratified Deputy Moderator at any session of Town Meeting, the Town Clerk shall open the meeting and preside over the election of an Acting Moderator. In the absence of the Moderator and the Town Clerk, the presiding officer of the first session of a Town Meeting shall be determined in accordance with the general laws.

Section 3-5: Groton Housing Authority

(a) Composition, Term of Office - There shall be a Groton Housing Authority, which shall consist of five (5) members each serving for a term of five (5) years, such terms being arranged in order that the term of one (1) member shall expire each year. The voters shall elect four (4) of these members and the fifth member shall be appointed as provided in the general laws.

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

Section 3-6: Planning Board

(a) Composition, Term of Office - There shall be a Planning Board consisting of seven (7) members each elected for a term of three (3) years, such terms being so arranged in order that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties - The Planning Board shall have those powers and duties given to Planning Boards under the constitution and general laws, and shall also have such additional powers and duties as may be authorized by the Charter, by bylaw or by other Town Meeting vote.

Section 3-7: Groton Electric Light Commission

(a) Composition, Term of Office - There shall be a Groton Electric Light Commission, which shall consist of three (3) members each serving for a term of three (3) years, such terms being arranged in order that the term of one (1) member shall expire each year.

(b) Powers and Duties - The Groton Electric Light Department provides electric power to the Town. The Groton Electric Light Commission sets the policy direction to the Groton Electric Light Department, consistent with M.G.L.A. Chapter 164. In the event that a provision of this Charter shall conflict with the provisions of M.G.L.A. Chapter 164, the provisions of M.G.L. Chapter 164 shall govern.

Section 3-8: Trustees of the Groton Public Library

(a) Composition, Term of Office - There shall be a Board of Trustees of the Groton Public Library, which shall consist of six (6) members each serving for a term of three (3) years, such terms being arranged in order that the term of two (2) members shall expire each year.

(b) Powers and Duties - The Trustees of the Groton Public Library shall establish written policies governing library activities and services; engage in on-going planning which assesses the needs and the role of the library in the community; ensure that the library meets the community's needs; work on preparation of the annual library budget and its adoption by the Town; monitor and oversee maintenance of the buildings and grounds and regularly review facility needs; have responsibility for hiring and evaluation of the Library Director and working with the Personnel Board on job classifications for all staff; promote the library and act as library advocates in the community; study and support legislation which will benefit the library and the larger community; and shall have such other powers and duties as provided for in this Charter, by bylaw and by general law.

(c) Appointments - The Trustees of the Groton Public Library shall appoint the Library Director and such other appointments as provided for by this charter, by by-law, or by general laws.

Section 3-9: Other Elected Officers

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

ARTICLE 4: Town Manager

Section 4-1: Appointment, Qualifications and Review Procedure

(a) Pursuant to the provisions of Sec. 8.5(e), herein, the Board of Selectmen shall, by an affirmative vote of the majority of the full Board, appoint, or reappoint, a Town Manager for a term not to exceed three (3) years, and fix the compensation of the Town Manager within the amount annually appropriated for this purpose. Whenever a vacancy shall occur in the office of Town Manager, the Board of Selectmen shall appoint a Town Manager Search Committee to identify qualified candidates for the position. The office of the Town Manager shall not be subject to the Town's Salary Administration Plan. The Town Manager shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of this office. The Town Manager shall not have served in an elective office in the town government for at least twelve months prior to appointment. The town may from time to time, by bylaw, establish such additional qualifications for the Town Manager as deemed necessary and/or appropriate.

(b) The position of Town Manager shall be a full-time position and the Town Manager shall devote his best efforts to the office and shall not hold any other public office, elective or appointive, nor engage in any business or occupation during his term, unless said action is fully disclosed and approval is granted by the Board of Selectmen in advance, in writing.

(c) The Board of Selectmen shall provide for an annual review of the job performance of the Town Manager, which shall, at least in summary form, be a public record in accordance with the personnel bylaw or accepted evaluation process.

Section 4-2: Powers and Duties

The Town Manager shall be the chief administrator of the Town and shall be responsible to the Board of Selectmen for the proper administration of all Town affairs placed in his charge by this Charter. The powers and duties of the Town Manager shall include but are not intended to be limited to the following:

(a) To manage, supervise and be responsible for the efficient and coordinated administration of all Town functions under his control, as may be authorized by the Charter, by bylaw, by other Town Meeting vote or by the Board of Selectmen, including all appointed officers and their respective departments.

(b) Unless otherwise required by the general laws, by this Charter or by bylaw, to manage and coordinate the administrative activities of all Town Agencies. For this purpose, elected officials, or their representatives, shall be required to meet with the Town Manager at reasonable times for the purpose of effecting coordination and cooperation among all agencies of the Town.

(c) To appoint and remove department heads, officers and subordinates and employees for whom no other method of appointment or removal is provided in the Charter or by bylaw. Appointments made by the Town Manager shall be confirmed by the Board of Selectmen within fifteen (15) days of the date the Town Manager files notice of the action with the Board of Selectmen. Failure by the Board of Selectmen to confirm an appointment within fifteen (15) days shall constitute rejection of said appointment.

(d) Whenever a vacancy occurs in the office of Police Chief, Fire Chief or Highway Surveyor, to select and present two (2) or more qualified candidates to the Board of Selectmen for appointment by the Board to such office, as provided for in Sec. 3.2(d), herein.

(e) To act as a negotiator for all collective bargaining agreements to which the Board of Selectmen is a party.

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

(g) To fix the compensation of Town officers and employees appointed by him within the limits established by the Personnel Bylaws and Wage and Classification Schedule of the Town of Groton, by collective bargaining or other agreements or as required by the general laws.

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

(i) To attend all sessions of the Town Meeting and answer all questions directed to him which are related to the office of the Town Manager or concerning which he possesses the relevant information.

(j) To see that all provisions of the general laws, of the charter, of the bylaws and other Town Meeting votes, and directives of the Board of Selectmen that require enforcement by him or by officers or employees subject to his direction and supervision, are faithfully carried out.

(k) To prepare and submit annual operating budgets and capital improvement programs as provided in Article 6 of this charter.

(l) To coordinate the preparation of the Town's annual report.

(m) To perform such duties as necessary or as may be assigned by this Charter, by bylaw, by Town Meeting vote or by the Board of Selectmen.

Section 4-3: Removal and Suspension

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

1. The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of four (4) members, which must state the reason or reasons for removal. The preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Manager within forty-eight (48) hours of its adoption.

2. Within seven (7) days after receipt of the preliminary resolution, the Town Manager may request a public hearing by filing a written request for such a hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than twenty (20) days after the request is filed nor earlier than three (3) days after the request is filed. The Town Manager may file a written statement responding to the reasons stated in the resolution of removal with the Board of Selectmen, provided the same is received at the office of the Board of Selectmen more than forty-eight (48) hours in advance of the public hearing.

3. If the Town Manager has not requested a public hearing pursuant to paragraph (2) above, the Board of Selectmen, by the affirmative vote of four members of the Board of Selectmen, may adopt a final resolution of removal not less than ten (10) nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the Town Manager. If the Town Manager has requested a public hearing pursuant to paragraph (2) above, the Board of Selectmen, by the affirmative vote of four (4) members of the Board of Selectmen, may adopt a final resolution of removal at any time after the hearing but not more than twenty-one (21) days following close of said hearing, unless a longer period of time is agreed to by the parties. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Town Manager shall, at the expiration of said time, resume the duties of the office.

4. Any action by the Board of Selectmen to terminate, remove or suspend shall be conducted pursuant to the provisions of M.G.L.A. Chapter 39, Section.23B, the Open Meeting Law.

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

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

(a) **Permanent Vacancy** -The Board of Selectmen shall fill any permanent vacancy in the office of the Town Manager as soon as possible in accordance with section 4-1 (a) of this charter. Pending the appointment of a Town Manager or filling of any vacancy, the Board of Selectmen shall, within a reasonable period of time, not to exceed fourteen (14) days appoint some other capable person to temporarily perform the duties of the Town Manager until a permanent replacement is appointed.

(b) **Temporary Absence or Disability** - The Town Manager may designate by letter filed with the Town Clerk and Board of Selectmen a capable officer of the Town to perform the duties of Town Manager during a temporary absence or disability.

If such absence or disability exceeds thirty (30) days, any designation by the Town Manager shall be subject to approval by the Board of Selectmen. In the event of failure of the Town Manager to make such a designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other capable person to perform the duties of Town Manager.

(c) **Powers and Duties** - The powers and duties of the acting Town Manager, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make

temporary, emergency appointments or designations to Town office or employment, but not to make permanent appointments or designations unless authorized by the Board of Selectmen.

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

Section 5-1: Organization of Town Agencies

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

Section 5-2: Merit Principle

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

Section 5-3: Department of Finance

(a) There shall be a Department of Finance in the Town, reporting to the Town Manager, including an appointed Town Accountant, an appointed Treasurer-Collector and an appointed Principal Assessor. Said department shall be responsible for the performance of all the fiscal and financial activities of the town. The Town Manager shall serve as the Finance Director; provided, however, that the Town Manager may, at the Town Manager's discretion, appoint another to serve as the Finance Director. Such appointment shall be subject to confirmation by the Board of Selectmen in accordance with Section 4-2(c) of this Charter.

(b) The Department of Finance shall assume all of the powers, duties and responsibilities related to municipal finance activities which, prior to the adoption of this Charter, were performed by or under the authority of the town accountant, the tax collector, the town treasurer and the principal assessor and for the coordination of those activities with the activities of all other town agencies. The Department of Finance shall have such additional powers, duties and responsibilities with respect to municipal finance related functions and activities as the town may from time to time provide, by by-law.

(c) The Department of Finance shall assure that complete and full records of the financial and administrative activities of the Town are maintained and shall render written reports to the Board of Selectmen, not less often than once per calendar quarter, comprising a full accounting of all town administrative and financial operations. Such quarterly reports shall be rendered within (30) days after the end of the calendar quarter to which they apply and shall be made available to the public in accordance with the requirements of M.G.L.A. Chapter 66, Section 10. Additional reports shall be rendered to the Board of Selectmen at their request.

(d) The Department of Finance shall prepare, maintain and present to the Board of Selectmen and Town Meeting a five-year financial plan for the Town.

(e) **Town Accountant** – The Town Accountant shall be appointed by the Town Manager for a term not to exceed three (3) years. The Town Accountant shall have all the powers and duties vested in this office by the general laws, by this Charter, by by-laws or by other Town Meeting vote.

(f) **Treasurer/Collector** – The Treasurer/Collector shall be appointed by the Town Manager for a term not to exceed three (3) years. The Treasurer/Collector shall have all the powers and duties vested in this office by the general laws, by this Charter, by by-laws or by other Town Meeting vote.

(g) **Principal Assessor** – The Principal Assessor shall be appointed by the Town Manager for a term not to exceed three (3) years. The Principal Assessor shall have all the powers and duties vested in this office by the general laws, by this Charter, by bylaw or by other Town Meeting vote.

ARTICLE 6: FINANCE AND FISCAL PROCEDURES

Section 6-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by the General Laws of the Commonwealth of Massachusetts.

Section 6-2 Submission of Budget and Budget Message

Within the time fixed by by-law, but not later than December 31st of the year immediately preceding the year in which the next Spring Town Meeting is to convene, the Town Manager, after consultation with the Board of Selectmen, shall submit to the Finance Committee a proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Town Manager shall simultaneously provide for the publication of a general summary of the proposed budget in a local newspaper and via the town's website. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which the complete copies of the proposed operating budget are available for examination by the public.

Section 6-3 Budget Message

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

Section 6-4 The Budget

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

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

Section 6-5 Action on the Budget

The Finance Committee shall, upon receipt of the budget from the Town Manager, consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each such agency in connection with its review and consideration. The Finance Committee may require the Town Manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed budget. The Finance Committee shall file with the Town Clerk, at least fourteen days prior to the first session of Spring Town Meeting, a report containing its proposed budget and its comments or recommendations regarding differences between its proposed budget and the budget submitted by the Town Manager. Said report shall also be made available to voters of the town by publication on the town website and by leaving copies of said report at three or more public places in the town at least fourteen days prior to the first session of Spring Town Meeting. Additionally, copies of said report shall be made available to voters of the town at the first session of Spring Town Meeting. Provided, however, that failure to timely file the budget report with the town clerk and/or publicize said report by posting on the Town's website or in three public places in the Town, shall not prohibit the Town Meeting from voting on said budget, nor affect the validity of any vote taken thereon at Town Meeting.

The Finance Committee's proposed annual town budget shall be presented to Town Meeting by means of one or more motions made by the Finance Committee, and the Finance Committee shall also present its comments and recommendations with respect to the budget. The Town Manager or the Board of Selectmen, or both, shall also present their comments and recommendations, if any, at Town Meeting with respect to the budget. The budget shall be voted upon in accordance with the by-laws of the town.

Section 6-6 Capital Improvement Plan

The Town Manager shall submit a capital improvement plan to the Board of Selectmen and the Finance Committee at least six (6) months before the start of the fiscal year. Said plan shall include:

- (a) A clear, concise general summary of its contents;
- (b) A list of all capital improvements proposed to be undertaken during the next ensuing five (5) years, with supporting information as to the need for each capital improvement;
- (c) Cost estimates, methods of financing and recommended time schedules for each improvement; and
- (d) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the Town Manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

Section 6-7 Audits

The Board of Selectmen shall annually provide for an independent audit of all financial books and records of the town, and whenever it deems an audit of the whole town or of any particular town agency to be necessary. Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

ARTICLE 7: GENERAL PROVISIONS

Section 7-1 Charter Changes

This Charter may be replaced, revised, or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

Section 7-2 Severability

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

Section 7-3 Specific Provisions to Prevail

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

Section 7-4 Number and Gender

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

include the masculine gender; words importing the masculine gender shall include the feminine gender.

Section 7-5 Rules and Regulations

A copy of all rules and regulations adopted by any Town Agency shall be filed in the office of the Town Clerk and any such rule or regulation shall become effective on the date of such filing, unless otherwise provided for in the general laws or Town bylaws. Copies of all such rules and regulations shall be made available for review by any person who requests such information pursuant to the Public Records Law.

Section 7-6 Periodic Charter Review

At least once in every ten year period following the effective date of this Charter, a special committee consisting of seven (7) members shall, by an affirmative vote of the majority of the full Board of Selectmen, be established for the purpose of reviewing this Charter and reporting its recommendations to the Spring Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of seven (7) members who shall be appointed as follows: the Board of Selectmen shall designate three (3) persons, the Finance Committee shall designate two (2) persons and the Groton-Dunstable Regional School Committee and the Moderator shall each designate one (1) person. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the Spring Town Meeting. The committee shall hold a public hearing within thirty days following the date on which it meets to organize and at least one additional public hearing before filing its final report.

Section 7-7 Removals

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

(b) The appointing authority, when removing any such officer, appointed member of a multiple member body or employee of the Town, shall act in accordance with the Town's personnel by-laws or rules and regulations.

Section 7-8 Loss of Office, Excessive Absence

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

Section 7-9 Notice of Vacancies

Whenever a vacancy occurs in any Town office, position, or position of employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall cause public notice of such vacancy to be posted on the town bulletin

board for not less than ten (10) days. Such notice shall contain a description of the duties of the office, position, or position of employment and a listing of the necessary or desirable qualifications to fill the office, position, or position of employment. No permanent appointment to fill such office, position, or position of employment shall be effective until fourteen (14) days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions governed by the provisions of any collective bargaining or other agreement.

ARTICLE 8 TRANSITIONAL PROVISIONS

Section 8-1 Continuation of Existing Laws

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

Section 8-2: Continuation of Government

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

Section 8-3: Continuation of Administrative Personnel

Any person holding a town office, or a position in the administrative service of the town, or any person holding full time employment under the town, shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position, or position of employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the town shall forfeit their pay grade, or time in the service of the town as a result of the adoption of this charter. Provided, however, that this section shall not be deemed to provide any person holding an administrative office or position or person serving in the employment of the Town on the effective date of this charter with any greater rights or privileges with regard to their continued service or employment with the Town than they had prior to the effective date of this Charter. This provision shall not impair any individual employment contract or collective bargaining agreement.

Section 8-4: Transfer of Records and Property

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

Section 8-5: Time of Taking Effect

This charter shall take effect upon its adoption by the voters of Groton, except as is hereinafter provided:

(a) Not later than ninety days following the election at which this charter is adopted the Board of Selectmen shall appoint seven persons to be a committee to begin a review of the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. If possible, at least two of the persons appointed to the committee shall have been members of the Groton Blue Ribbon Governance Committee. The committee shall submit a report, with recommendations, to the Spring Town Meeting in the year following the year in which this charter is adopted. The review shall be conducted under the supervision of the town counsel, or, by special counsel appointed for that express purpose.

(b) The Board of Selectmen shall, consistent with the provisions of this Charter and the General Laws, have authority to adopt transitional measures in order to clarify, confirm and implement any provision of the charter in order that the transition may be made in the most expeditious and the least contentious manner possible.

(c) Until such time as a different form of organization is provided, in accordance with the provisions of section 5-1 of this charter, the administrative structure of the town, as it is presently constituted at the time of adoption, shall continue to be operative.

(d) All members of boards, commissions and committees which have until this charter been elected and which will hereafter under the provisions of this charter be appointed, shall serve for the balance of the term for which they were elected (subject to retirement or resignation); thereafter, their successors shall be appointed in accordance with the appropriate provisions of the Charter.

(e) Until such time as the town shall act, by by-law, to amend, to repeal, or to revise it, the following shall have the force and effect of a town by-law.

Screening Committee

Whenever a vacancy shall occur in the office of Town Manager a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of Town Manager. The screening committee shall consist of five persons who shall be chosen as follows: the Board of Selectmen shall designate two members, the town moderator, the Finance Committee and the personnel board shall each designate one member. Persons chosen by the said agencies may, but need not, be members of the agency by which they are designated.

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

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

Not more than ninety days following the date on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of Town Manager. The Board of Selectmen shall, within twenty days following the date of receipt of the list of nominees choose one candidate from the list to fill the position of Town Manager or reject such nominees and direct that the committee resume the search.

Upon the appointment of a Town Manager the committee established hereunder shall be considered discharged.

Massachusetts Department of Revenue Division of Local Services
Alan LeBovidge, Commissioner Gerard D. Perry, Acting Deputy Commissioner



Town of Groton

Financial Management Review

Municipal Data Management and Technical Assistance Bureau

May 2004

Introduction

At the request of the Board of Selectmen, the Department of Revenue's Division of Local Services (DLS) has completed a financial management review of the Town of Groton.

We have based our findings and recommendations on site visits by a Technical Assistance team consisting of staff from the Division's Bureau of Accounts, Bureau of Local Assessment, and Municipal Data Management & Technical Assistance Bureau. During these visits and by telephone, the team interviewed and received information from the members of the board of selectmen, the finance committee, the computer committee, the town accountant, treasurer/collector, assistant assessor, as well as other staff members, as available, in each office.

DLS staff examined such documents as the tax recapitulation sheet, warrants, annual budgets, balance sheets, cash reconciliation reports, statements of indebtedness, town charter and by-laws as well as other assorted financial records. Internal records and other materials were also provided to us by the town.

In reviewing the town's financial management practices, we have focused on: (1) town government structure in the context of the duties and responsibilities of financial officers; (2) the town's budget and capital planning processes; (3) the degree of coordination and communication that exists between and among boards, officials and staff involved in the financial management function; and 4) the general efficiency of financial operations measured by the town's success in maximizing resources and minimizing costs.

We encourage the members of the board and others, when formulating overall strategies for improving the town's financial management, to consider the observations, analyses and recommendations contained in this report. These are recommendations only and can be implemented, at the town's option, provided there is sufficient cooperation among the various town boards, committees and officials.

Executive Summary

Settled around a travel route that dates back to Revolutionary times, Groton remains a mix of rolling fields and woods, working farms and camp communities around its ponds. Contributing to the town's appeal, campuses of the Gorton School and Lawrence Academy date to the mid-1800s, while the downtown corridor is equally reminiscent with its procession of vintage residential architecture. Even with recent growth, the town's population density of a mere 306 people per square mile serves to enhance a rural quality and alludes to a simpler time. But, changes are taking place in the town and, as a by-product, in local government.

With an estimated population just over 10,000 people, Groton might be viewed as at the high end of the small-town range. With an appealing quality of life and proximity to employment centers along Interstate 495, the town is likely to continue attracting new home developers and new residents. As it does, this simple addition of new people into the community will cause an increase in demand on existing municipal services, as well as stress on infrastructure. With the influx of new taxpayers will come divergent views on how money should be spent and greater expectations for accountability, efficiency and responsive government in return for tax dollars.

It is this undercurrent that may already have surfaced at the 2003 annual town meeting which is described by some as having been contentious, and by others as embarrassing. As recounted to us, townspeople reacted negatively to the display of discord among public officials. They were left angry with the impression that the budget process was uncoordinated and that decision makers appeared uninformed.

In response and to their credit, town leaders have reacted decisively. The board of selectmen and the finance committee have joined in a deliberate effort to initiate the budget process earlier in the year with the intent to build consensus on spending levels and priorities. An organized process to formulate and distribute budget guidelines to department heads resulted and a new emphasis was placed on a capital improvement program. At the same time, decision makers have refocused on draft policies prepared by the town administrative officer establishing debt, reserve and overall financial management guidelines. The five-member board of selectmen is reviewing proposed policies and procedures to govern itself and has initiated a liaison system with departments to adopt goals and objectives. For its part, the finance committee has contributed to improved communications and has been receptive to input from the selectmen and departments heads as it fulfills its primary responsibility to formulate the annual budget.

On an operations level, the town already benefits from capable administrative personnel. The administrative officer, tax collector/treasurer and assistant assessor all have prior experience in government, and while the accountant and many staff are relatively new, most seem to come from finance-related positions in the private sector. All appear to understand and effectively carry out their respective responsibilities. Taking advantage of a pool of talented volunteers, the town further benefits from various citizen committees which are actively working to examine issues in the areas of technology, government structure and town growth, to name a few.

For all of these reasons, Groton grades well in the current management of its affairs and is ahead of many other towns of similar size in its development of fiscal policies.

However, challenges lie ahead. On its own, municipal management increases in complexity over time, but in Groton, there are added financial complications in relationships with the Groton Country Club, the Groton municipal light department, and water and sewer enterprise funds. Although not burdened by school department finances and administrative duties, the town must still grapple with the budgetary impact of a student population which is rising at a rate twice that of the general population and with the prospects of facing school override votes in successive years.

Moving forward in this environment, the town government must continually strive to improve day-to-day management, create efficiencies and sustain the progress that's been made. Toward that end, our most immediate observations relate to staff and personnel administration.

Striking is the absence of a centralized management structure where accountability runs from staff, through department heads to a single administrative authority which oversees all of town government. As presently empowered, the administrative officer position falls short of fulfilling this need. The board of selectmen oversee only a portion of government while managers of other departments are accountable to various independent boards, committees and commissions.

The result is a structurally disconnected form of government, where the administrative process relies on department heads working together toward the implementation of town-wide goals and, when in dispute, somehow finding a way to resolve problems among themselves. When these efforts fail, selectmen are sometimes drawn into a management role or are approached to end conflicts. The system seems to function adequately under these circumstances today but, as personnel change, this may not always be the case.

Also, a program of regular employee performance evaluations, now missing, would help define job expectations for managers and staff. When implemented in an even-handed way, such a program has the potential to reinforce accountability, bolster employee morale and strengthen resident confidence in government.

The town must, as well, do better at fulfilling its legal obligation to maintain complete and accurate personnel records. The town by-law requires the appointment of a personnel administrator, but the position has never been filled. Instead, human resource duties are spread among staff in different offices. Coincidentally, the content of personnel files are sparse and information gathering procedures are not uniformly applied.

We discuss these recommendations in this report together with others relating to town government structure and suggestions intended to improve operations. In some instances, our recommendations are intended to underscore the importance of following through with initiatives already taken by town officials and department managers. Examples involve recommendations to establish an early budget calendar which should begin with revenue projections, the acceptance of financial policies, and the consolidation of personnel responsibilities. In other areas of government, we prompt the town to take greater advantage of its technology resources, while in the various finance offices, all of which function well, we offer suggestions for procedural changes.

Intertwined with many of our recommendations is the belief that the time is right for the town to review its by-laws and organize itself under a town charter.

Conclusion – Every town has a life span during which it grows from one phase into another. Groton, while not yet a built-out community, is on the verge of entering a new phase of its development. The town's physical landscape is in transition and the personality of the community is quietly evolving. Local government faces expectations of greater accountability

and the pressure to be economically responsible is in the forefront. Despite its successes, the town of Groton will inevitably reach a point where the part-time efforts of the selectmen, finance committee and other board and committee members, no matter how caring and capable, will not be enough to manage the increasingly complex issues of municipal government.

Moving forward, an appropriate town response would be to first build on the momentum gained to date by acting on recommendations that can further strengthen town management through relatively quick and simple implementation. As an important parallel response, we encourage the start of a process that will ultimately lead to a town charter with the design to incorporate community decisions on what attributes of government will best enhance fiscal management, serve the people well and preserve the character of the town in the future.

Summary of Primary Report Recommendations

Overall Financial Management (page 7)

- 1) Revisit the question of a town charter*
- 2) Create a town administrator position*
- 3) Implement employee performance reviews*
- 4) Assign personnel administration responsibilities*
- 5) Begin the budget process with revenue projections*
- 6) Formalize the budget calendar*
- 7) Review and adopt financial policies*
- 8) Create formula for PILOTS*
- 9) Plan for a self-sufficient Groton Country Club*

Computers and Technology (page 14)

- 10) Plan for full-time technology position*
- 11) Explore ways to enhance training*
- 12) Centralize technology decisions*

Tax Collector/Treasurer (page 16)

- 13) Review relationship with deputy collector*
- 14) Consider lockbox with town collector*

Assessors (page 18)

- 15) Discontinue manual records*
- 16) Limit deeds sent to outside engineering firm; consider records disposition*
- 17) Send address and map/lot changes to collector*
- 18) Expand building permit inspections*
- 19) Increase staff training on Patriot software*
- 20) Retain copies of receipts*

Accountant (page 21)

- 21) Review office technology relative to Harper's payroll software, employee time sheets, MIP payroll module and data transfer with Excel*
- 22) Develop a recreation department cash flow budget*
- 23) Add detail to payroll warrant*

Overall Financial Management

A review of the town's overall financial management practices focuses on the procedures in place to accomplish tasks that typically cross over among various municipal departments, and that tend to impact town government on a global basis. Accordingly, we examined the budget process and the payroll and vendor warrant processes. We looked at long-term planning, financial monitoring practices and financial policies, as well as the effect of the town's organizational structure on the operation of government. We examined the purchasing system and personnel administration. We considered the level of communication and cooperation that exists among offices. Finally, we reviewed compliance with state law relating to finance issues, adherence to form, and to timetables for the submission of periodic reports to DOR.

It is immediately clear that the town's finance offices function well. Managers are capable and staff are uniformly competent in carrying out delineated responsibilities. Despite considerable turnover in recent years and the general absence of prior municipal experience among new department heads and staff, sound financial management procedures have been established and are adhered to. The general consensus among those interviewed is that communication is good between departments and with town boards. The willingness among staff to work together and a desire to do a good job all contribute to a smooth financial operation.

As a result, payroll and vendor warrants are prepared and approved on a timely basis. The board of selectmen and finance committee have taken the significant steps to improve the annual budget process. Separately, an effort to formulate and fund a capital improvement program has begun to get serious attention. The town has in the past built reserves, exercised restraint in their

use and is now on the verge of accepting formal reserve policies. Similar policies to guide debt and investment decisions, and to spur long-range planning through a capital improvements program are also ready for acceptance. For these and other reasons, the town of Groton is ahead of many other communities in the management of its finances.

However, for all of these positives, there are other areas that warrant attention. The most critical involves the lack of line authority in town government. A horizontal, or decentralized, structure of government is clearly seen in the town's organizational chart and further evident by the silence of the town by-laws on matters of appointing authority, performance reviews and procedures in general. In the further absence of a charter, the town runs the risk of operating on an ad hoc set of rules which are subject to change as the personalities in office and philosophies of government shift.

We address these issues and otherwise offer specific recommendations that encourage formalization of procedures that seek to secure the long range stability of the town.

Recommendation 1: Review By-Laws and Adopt a Town Charter

We recommend that the town complete a comprehensive review and updating of its by-laws and work toward the adoption of a charter. At a time when cities and towns are making local decisions on how they wish to be governed through the adoption of by-laws and charters, the town of Groton defaults, in large part, to generic state statutes. Useful for basic guidance and prescribing minimum standards for elected and appointed officials, the general laws fail to account for distinguishing characteristics, and leave to communities the establishment of procedures under which they operate. Through charters, cities and towns have formed more customized organizational structures and have more clearly defined procedures, and Groton should do the same.

In its present form, the Groton by-laws are sparse and due for review. Although exceptions exist, the by-laws offer little or no information on the duties of town offices, the budget process, or appointing authority. In contrast, well run communities will typically include these and other provisions in charter language, or in by-laws, to define the responsibilities and relationships of officials and the expectations placed on government. To ensure long-term stability, and to discourage frequent or frivolous amendments, a charter has become the preferred vehicle to define the community's organizational structure.

Equally important to a review of by-laws and in the adoption of a charter is the recognition that these are official records and documents of the town and play an important role in informing and empowering municipal officials and employees as well as residents. Well thought-out language, not only creates clarity of purpose, but strengthens confidence in government.

By-law changes require a vote of town meeting, but there are two alternative paths leading to the adoption of a new charter. Under MGL Ch. 43B, 15 percent of the town's voters must petition

the board of selectmen to place a referendum question on the local ballot whether to adopt a new charter and, if so, to elect a nine-member charter commission. Once approved, the commission is directed by statute to hold its first public hearing within 45 days of the election and to complete its final report within 18 months. At that time, its recommendation, if any, would be placed before the voters for acceptance or rejection.

Generally, through the authorization of town meeting and town-wide referendum, a home rule petition containing the provisions of a new charter can be submitted to the State Legislature for approval as special legislation. This procedure presumes that the town has established a means, i.e., a study committee, to receive public input, consider alternatives and arrive at proposed charter language.

In either event, we suggest that the Town Government Structure and By-Law Committee might be the appropriate vehicle to research each path to charter creation, and also provide a framework of charter issues.

Recommendation 2: Create a Town Administrator Position

We recommend changes that firmly establish a town administrator or town manager as the central management authority in town hall. The concept of centralized management should be foremost in any discussion of by-law revision or charter adoption.

The present administrative assistant position is effectively a department head who reports to the board of selectmen and otherwise serves as a liaison to other departments. Missing in town government is the essential ability of one person to execute town goals, to take initiatives to improve operations, and to establish equal accountability over all those responsible for the day-to-day administration of town business.

With these and other responsibilities, the town administrator or town manager should have a central role, on a substantive level, in the development of budget guidelines and the annual budget process. He or she should lead a financial management team and orchestrate analyses of financial data, coordinate long range revenue and expenditure forecasting, and oversee fiscal procedures.

Whatever course of action the town chooses, it should consolidate appointing authority in a way that clearly establishes a line of accountability that converges in the town administrator or town manager. Under this structure, part-time boards and commissions can continue to provide expert guidance, make customary decisions, and formulate policy. However, the responsibility to oversee town government will be more squarely placed in the hands of a full-time professional hired for that purpose.

Recommendation 3: Implement Employee Performance Reviews

We recommend that the town implement a program of employee performance reviews. Guidelines establishing a time, procedure and framework for reviewing the job performance of all town employees should be developed. Because of the absence of centralized management, the

board of selectmen in Groton would bear the greatest responsibility for conducting performance evaluations. The board would evaluate the administrative officer and the managers of all departments over which it has jurisdiction. Other boards would evaluate their respective department heads, while staff evaluations would be completed by department heads, unless they are accountable to the board of selectmen.

Under a system where a single administrative authority has broad appointing responsibility, the selectmen would evaluate that person (a town administrator or town manager), and he or she would evaluate all department managers. Staff evaluations would be completed by department heads.

Generally, guidelines would set-out the purpose of the evaluation policy. They might identify step-by-step evaluation procedures that prompt a review of an employee's work responsibilities, previously established goals and performance. Guidelines should lead to agreement on priorities and new goals for the ensuing evaluation period.

In this way, employee evaluations can reinforce responsibilities and clarify job expectations for managers and staff with the message that their performance will be measured annually. If implemented in a methodical, even-handed way, regular job performance evaluations can reinforce accountability, bolster employee morale and elevate resident confidence in government.

Recommendation 4: Assign Personnel Administration Responsibilities

Consolidate and assign personnel policy administration and benefits coordination. Although never appointed, Section 48-3 of the town's by-laws directs that there shall be a personnel administrator. In practice, the responsibilities of the position are spread among various individuals or departments, and of greater concern, personnel files are reported to be incomplete.

If the town chooses not to fill the personnel administrator's position, the job should be eliminated from the by-laws. The need, however, to perform the personnel function does not disappear. The town must take the steps necessary to devise a plan for more comprehensive personnel and benefits administration. Such a plan should consolidate the responsibilities in one person who would shepherd new hires through the system, maintain updated and complete personnel records, oversee the execution of a performance evaluation program, track salary classifications and update job descriptions, ensure compliance with collective bargaining agreements, particularly in regard to grievance procedures, and otherwise carry-out the requirement of the town's personnel by-law.

As the town grows, these duties will increase in importance and become more time consuming. To gain insight, the town should consider communicating with counter-parts in other communities with strong personnel and benefits procedures.

Recommendation 5: Begin the Budget Process With Revenue Projections

We recommend that the budget process begin each year with early revenue projections. As we understand it, the budget process has begun in the past with an examination of expenses the town expects to face. While this is a necessary exercise, Massachusetts municipal budgets are, in fact, revenue driven. Therefore, we recommend that the town begin the budget process with a projection of revenues.

The initial steps of this process should be completed on or about November 1 and incorporated into budget guidelines for department heads. It is our understanding that this task has, in the past, been completed by the finance committee working with the administrative officer and finance officers later in the budget process. Projections should be in a format that mirrors the Tax Recap sheet. If the town accountant produces periodic revenue reports in the same format, clear trends will emerge and form a sound basis for estimating future revenue levels.

Overall, projections should be conservative. Tax revenue can be accurately predicted by the assessor. Policies should dictate how much, or what percent, of free cash, stabilization or other one-time revenues will be used. The same type of policy would determine escalation levels, if any, in local receipts. Initial state aid projections should be initially based on current year amounts and adjusted for economic trends and the fiscal environment on Beacon Hill. By the end of January, a single round of adjustments can be made. The accountant's report showing prior year and six months of current year-to-date revenues can serve as a guide. State aid projections should be adjusted to reflect the recommendation presented in House 1, the Governor's budget (or 1A in the second year of the legislative session). Other adjustments can always be made to account for anticipated changes, spikes or aberrations in revenue sources.

From this point through town meeting, officials can make further adjustments, but should attempt to hold firm on projections which, in a revenue driven process, establish expenditure levels. In particular, passage of the budget should not be delayed while in wait for the final state budget. If less aid than projected results, then budget reductions can be made in a fall town meeting. If more aid than anticipated results, the town should resist increasing expenditures and, instead, appropriate it to stabilization or allow the excess to close to free cash.

Recommendation 6: Formalize the Budget Calendar

We recommend that the town formalize its budget calendar. By agreement between the Finance Committee and the Board of Selectmen, the budget process for FY05 began earlier than in prior years. Based on our interviews, the change has been viewed as an improvement.

We recommend that a formal process be codified. In general, a budget calendar would specify dates for the completion, distribution or receipt of revenue projections, departmental appropriation guidelines and requests, a capital improvement plan, a working budget, a final budget and so forth. It would allow for hearings, reviews and approvals at different levels, and

would account for the time needed to print and distribute the warrant. For a typical town, the process should begin in October and end on the date of the annual town meeting.

The process might be agreed upon as a joint policy of the finance committee and the board of selectmen, but ultimately, should be incorporated into a town “budget process” by-law or as a charter provision.

Recommendation 7: Review and Adopt Financial Policies

We recommend that the board of selectmen and the finance committee review and adopt financial policies currently in draft form. The board of selectmen have received in draft form, policies and procedures under which it would operate. Drafts policies have also been completed that address overall financial management including reserve guidelines, debt management, and investments. We encourage the board of selectmen and the finance committee to review, modify where appropriate, and jointly and formally adopt these draft policies. Implicit with formal approval would be a commitment to seek guidance from and manage the town’s fiscal affairs, as near as possible, in accordance with the terms of the policies.

Recommendation 8: Create Formula for PILOTS

We recommend that the board of selectmen and the Groton municipal light department agree on a formula as the basis for determining the department's annual payment to the town in lieu of taxes. Municipal light departments have taken on a hybrid character as the courts and other legal opinion have interpreted their place in government. In some respects, they behave and are treated like town departments (i.e., revenues are turned-over to the treasurer; expenditures are authorized through the town warrant), but in other respects they operate with greater independence (i.e., the light department budget is not subject to town meeting approval).

As a by-product of its autonomy, the Groton municipal light department makes annual payments in lieu of taxes to the town for the town-owned property it occupies. However, there is no agreed upon mechanism for establishing the annual payment. We recommend that the appropriate town officers, including the accountant and assistant assessor, work with the municipal light department to arrive at a formula for setting the annual payment. The formula should have long-term applicability in a way that produces a fair and consistent annual payment. Relevant factors might include, among others, the relative tax burden on other commercial and residential taxpayers, and the value of time spent by town personnel on light department business.

The same approach might be taken in establishing a mutually agreed upon basis for payments in lieu of taxes made annually by the Groton School, Lawrence Academy, the Baptist camp, and the MIT/Lincoln Labs.

Recommendation 9: Plan for a Self-Sufficient Groton Country Club

We recommend that the town together with the Groton Country Club Authority members set the goal and arrive at a plan to make the golf course a self-sufficient operation. In effect, the town subsidizes the operation of the Groton Country Club. It makes annual debt service payments on the purchase of the golf course (\$143,905 for FY05) in return for an annual lease payment (\$70,000 each year). As an independent authority and a revenue generating enterprise, there is good argument that the Groton Country Club should operate on a self-sufficient basis. Reasons for the club's difficulties in raising revenue, as well as ideas to generate additional income have been voiced, but it's unclear what action has been taken. We suggest that it is time for the town and club management to put together a formal plan for the Groton Country Club to reach self sufficiency, including relief to the town of its debt service prior to 2010, when the current note matures.

Computers and Technology

The town engaged its first information technology (IT) person, on a part time basis, in November 2003. At 20 hours a week, he is working his way down a priority list of tasks developed by the town's computer committee. The bulk of his time is currently devoted to upgrading system-wide anti-virus protection, but with the acquisition of a new town hall server, he has begun to shift his time to conversion and network related issues. In general, priorities are designed to address system-wide improvements, expand network capability and to facilitate the exchange of information among departments through shared drives. Inevitably, the IT person also responds to the ad hoc computer and technology needs of town hall departments.

The town also receives significant benefit from volunteer members of the computer committee. With exceptionally strong backgrounds, individual members contribute a combined 30-40 hours per week of their technology expertise to the town above and beyond time devoted by the paid professional.

Among its areas of involvement, the computer committee maintains and updates the town's inventory of computers, and funds a replacement program through its budget. Committee members work with department heads on the timing of hardware, investigate pricing and ultimately sign-off on purchases. Software decisions, however, are made by departments with limited committee input. The committee directed the expansion of internet access and email capability to virtually all town departments and has orchestrated the development of internet and email policies.

Through the GIS steering committee, the town has worked with an outside contractor to develop a geographical information system (GIS). Through a website committee, the town maintains an up-to-date, user-friendly, on-line presence for the benefit of residents and others seeking information about the town.

Moving forward, the computer committee expects to upgrade the town's 65 or so workstations to Windows 2000 or XP. Plans are being discussed to survey town hall staff to establish a measure of computer and software proficiency, and to encourage greater participation by departments to identify and communicate their needs to the town's IT person and computer committee. Recommendations on staff training would likely follow. Efforts are underway as well to explore how departments would envision using GIS when management of the GIS system is ultimately transferred from an outside vendor into town hall.

Overall, the technology-related committees function as important resources for the town. However, the volunteer time devoted by committee members speaks to the high level of need that exists. In the future, the town should expect the demands on an IT person to increase as the town seeks greater efficiencies and as staff become more aware of the potential that computers and software offer. Through this evolution, the town should realistically analyze whether the same level of volunteer involvement that now exists will continue, and if less is indicated, whether appropriate budgeting may be necessary to fill the need.

Recommendation 10: Plan for a Full-Time Technology Position

We recommend that the town establish a timetable for expanding the IT responsibilities to a full-time position. Between paid and volunteer time, at least 50-to-60 hours a week are devoted to the technology needs of the town. Even at this level, the town should expect demand to increase over time as advances are made in electronic communication and in the exchange of information with and between governments. It should not, however, plan on the same degree of cost savings through the work of volunteers in technology areas. Thinking about the future, we would predict that not only will the town need to, it will want to, expand its technology capability and support resources. Therefore, we recommend the town consider when this transition can take place and to budget appropriately.

Recommendation 11: Explore Ways to Enhance Training

We recommend the computer committee move forward with its plans to survey town hall employees to measure computer proficiency. Even in the absence of a full-time technology person, an initiative can be taken to identify computer proficiency levels among staff. Information gathering can be formal or informal by the IT person or computer committee members as they address office issues. As an alternative, a small working group might be formed to do the same. In either event, goals might explore how technology can eliminate manual data entry and reduce paper records and redundancies through interviews with various office staff. In the long run, the town might look to develop an on-going training program to encourage computer usage, maintain proficiency levels among users, more effectively familiarize people with the software they use, and to create efficiencies in time and money.

Recommendation 12: Centralize Technology Decisions

We recommend that the IT person and the Computer Committee have a more central role in technology decisions. The computer committee has wide-ranging responsibilities as set-out on the town's web site, but its relationship with town departments appears less clearly defined. In particular, it is our understanding that departments act independently in the selection of software. While end-user input is critical to software choices, early participation by technology advisors is equally important. Ideally, software as well as hardware purchasing decisions would be part of a long term capital plan for upgrades. On a broader basis, a member of the computer committee should be involved in all discussions where technology might intersect with changes in fiscal procedures. Insight into how modifications or additions in one area can affect another area of operation can be instrumental in avoiding costly mistakes, or creating meaningful efficiencies.

Tax Collector/Treasurer

Following six years as a treasurer/collector in Hopedale and in Shirley, the current Tax Collector/Treasurer became Groton's first appointed, rather than elected, tax collector/treasurer in May 2001. Office staff includes a full-time assistant tax collector/treasurer who has five years experience and a full-time treasurer's assistant with 14 years of experience in the office. The 19-hour per week collections clerk began in May 2003. Staff have individual responsibilities based on four-year old job descriptions, but are all cross-trained and, in particular, assist with collections during heavy payment periods.

The office collects taxes for approximately 4,300± real property parcels and only 42 personal property accounts on a quarterly basis. Around 50 percent of the payments are received from third party institutional payers which allows payment information to be electronically uploaded to the collector's accounts receivable software. The remaining payments are received over-the-counter or by mail. Motor vehicle excise bills total around 15,000± annually, the bulk of which are mailed in January and received in the collector's office. About 2,000± water bills and 450± sewer bills are mailed and returned to the town's water/sewer department each quarter which then turns over receipts to the treasurer. The municipal light department sends its own monthly bills and turns-over collections to the treasurer. (Water services and separate billing services are also provided by the West Groton Water Department which is not a town entity).

In virtually all respects, the treasurer/collector and her staff are efficient and effective in fulfilling the requisite duties of the office. As required, the collector maintains an accurate and up-to-date receivable control, completes monthly reconciliations internally and then externally with the accountant to provide a reliable statement of outstanding taxes, excises and charges owed to the town. The collector has implemented an effective program that is quick to move delinquent properties into tax title and to the treasurer. Credit reports are run each spring and

research is completed to confirm legitimate tax refunds due to residents. In accordance with state law, the office responds to requests for municipal lien certificates within ten days.

During billing periods, the office has established procedures to receive and batch payments which are then posted to the Point software. In order to reduce the occurrence of duplicate payments and subsequent refunds, posting is completed before receipts are deposited. Generally, deposits are delayed no more than a day and are made directly into the treasurer's cash account. The collector's turnover, or report to the treasurer of cash receipts, is regularly conveyed to the treasurer's side of the operation.

Among treasurer-related functions, the office receives as turnovers and efficiently processes all monies collected by other town departments, including water, sewer and light department receipts. Town funds are invested, debt is managed and cash flow is monitored to retain sufficient balances to cover town obligations as directed by vendor and payroll warrants. Both the treasurer and the accountant use the MIP software application, so monies turned over to the treasurer are entered into the software on a weekly basis and are available for review by the accountant before being posted.

The tax collector/treasurer has a contractual arrangement with a Deputy Collector (Kelley & Ryan) to pursue motor vehicle and parking ticket delinquencies. The relationship is documented by a one-page statement that seems to serve more as an acknowledgement than a definition of contractual terms.

Recommendation 13: Review Relationship with Deputy Collector

We recommend that the treasurer/collector review the present town relationship with the town's deputy collector to ensure compliance with state requirements. Under DOR regulations, deputy collectors are held to standards and requirements relative to the custodial care and turnover of town funds (DOR Informational Guideline Release 90-219 at www.dls.state.ma.us under IGRs). Specifically, delinquent payments, including fees and charges received by the deputy collector must be deposited in a bank account held jointly with the tax collector, or turned-over immediately to the town treasurer. The deputy collector receives fees in the first instance by way of a check drawn on the account and co-signed by both parties. Where collections are turned over to the town treasurer, the deputy collector is paid through the warrant process. In any event, the deputy collector is required to make frequent turnovers and detailed reports to the town, as well as conform to other requirements. For instance, the tax collector should also verify that interest payments continue to accrue on delinquent accounts after they have been "marked" at the registry of deeds.

Recommendation 14: Consider a Lockbox with Town Collector

We recommend that if the town expands the tax collector's responsibilities to those of a town collector, then it should consider engaging a lockbox service. A primary reason for establishing a town collector position is to avoid the present circumstance in Groton where the water, sewer and municipal light departments commit, then also collect payments for charges. Separating the

two functions creates a check and balance where it doesn't now exist. At the same time, the volume of work would increase in the collector's office. It would be receive payments for water, sewer and municipal light charges in addition to tax and excise payments.

To offset this increase in volume, the town might consider engaging a lockbox service. Under a lockbox system, residents would receive return envelopes with the particular bill directing payment to a post office box number where the lockbox service is located. The envelopes would be opened, payments would be processed, deposited and accounted for in a daily report to the collector. Because the report is typically in electronic form, the payment information can be uploaded into the Point software automatically. The charge for the service is usually off-set by the value of staff time which is freed-up.

Assessors

Under the Groton by-laws, three members are elected to a part-time board of assessors, for staggered, three-year terms. At present, one member has 19 years on the board while the remaining two members have two and three years, respectively. The current assistant assessor has held the position for two years after having served in a similar position in the town of Carlisle for eight years. She functions as the full-time department head, directs the day-to-day activities of the office and is accountable to the board of assessors. Two staff members are under the authority of the board of selectmen. A 34-hour per week clerk and an 18-hour per week clerk arrived from the private sector to work in the office two weeks apart about 14 months ago. Neither had prior municipal experience. Each is cross trained and also has individual responsibility to complete regular office tasks. Both have completed the DOR assessor's 101 training course.

The volume of activity for Groton assessors involves 4,300± total property accounts. Of the town's total assessed value in FY03, approximately 95 percent was attributable to residential properties and 5 percent to commercial, industrial and personal property. Real estate transactions typically range between 350-400 sales per year and building permits average 400 annually. The Assessor's office commits approximately 15,000 motor vehicle excise bills annually and processes all abatement and exemption applications.

As required, the assessors' office completes the work necessary to value all the town's real and personal property and assign the tax obligation of property owners. It generates the property tax and motor vehicle commitments to allow timely billing. To ensure that residents are taxed equitably and accurately properties are continually inspected. Office staff update property records and town maps, and track exemptions and abatements that are issued. The assessors estimate new growth, recommend the annual overlay, and provide other assessed value information for use in the Recap Sheet which is submitted to DOR to receive approval of the local tax rate.

The office utilizes Patriot appraisal software to maintain property records and has a contract with the company to perform a full range of services. However, assessing department staff are

completing an increasing number of valuation related tasks in-house. To assist Patriot inspectors, the office collects building permit information from a shared drive with the building department and pulls corresponding field cards from its files for use during property visits. The assistant assessor inspects new construction properties and staff key-enters data from all inspections into the software system. To compliment information collected by Patriot, the assistance assessor also returns to certain properties when an occupancy permit is issued.

The office sends out sale questionnaires to all new property owners and the assistant assessor conducts drive-by inspections year-round. Interim property value adjustments, as well as new growth estimates were completed in-house for the first time for FY03 with the intent to continue the practice in the future. Data collected during these inspections will also be expanded so that they might be counted toward the completion of the town's cyclical inspection program. The last full cyclical inspection was completed in 2002 by Patriot. Under its current three-year, \$20,000 per year contract, Patriot is also obligated to conduct a town-wide revaluation for FY05. However, there is discussion whether to bring this function in-house as well after FY05.

Overall and despite the lack of municipal experience, the assessing office staff understand office functions and carry out their duties well. The assistant assessor appears to have the knowledge, drawn from prior experience, to take on responsibilities that are currently contracted-out. This is a frequent trend among communities with professional, day-to-day administrators and a positive direction for the assessing office. In this context, we offer the following recommendations.

Recommendation 15: Discontinue Maintenance of Manual Record

We recommend that the assistant assessor convert her manual records to an Excel spreadsheet. The assistant assessor currently maintains a manual record of information relating to abatements, new growth, etc. She makes a persuasive argument about the practical every day value of the information. We recommend that she duplicate the record on an Excel spreadsheet so that it is electronically stored and immediately available to other members of the staff.

***Recommendation 16: Limit Deeds Sent to Outside Engineering Firm;
Consider a Record Disposition program***

We recommend that only deeds involving lot splits be sent to the outside engineering firm and that the office determine whether a record disposition program is warranted. When the assessors' office receives deeds from the registry each month, staff are quick to update property cards with new owner information. The deeds are then accumulated and, once a year, all are forwarded to Cartographics, the town's engineering firm. We suggest that only deeds that involve lot splits and corresponding map updates be sent to the outside engineering firm.

The office also retains copies of deeds dating back to 1974. State rules on the disposition of public records allows the destruction of deeds and deed abstracts "after use" and upon permission of the supervisor of public records. The assessors should consider the purpose and need to retain deeds, how frequently the records accessed, the amount of space they consume, as well as other factors to determine whether retention is justified.

Recommendation 17: Send Address and Map/Lot Changes to Collector

We recommend that the assessors' office regularly inform the collector of changes in property owner information and map and lot designations. It is our understanding that the Patriot software has the capability to generate a report of changes in property information entered over a specified period. This or a similar report would be of value to the collector to insure that payments received are posted to the correct owner account.

Recommendation 18: Expand Building Permit Inspections

We recommend that building permit inspections be expanded to be counted toward the cyclical inspection program. To ensure that all town property records are updated at least every ten years, assessors inspect and measure the improvements on each parcel of land within the town. Through the course of the year, sale properties and those subject to building permits are also inspected. To avoid multiple visits and to advance the cyclical inspection program, we recommend that the building permit inspection, in particular, include the entire property and a measurement of on-site improvements.

Recommendation 19: Increase Staff Training on Patriot Software

We recommend that the town continue to commit resources to increase assessors' staff training on Patriot. The trend among Massachusetts assessors' offices is toward more professionalized staff and the completion of tasks in-house. Those same discussions are taking place among Groton's Board of Assessors and assistant assessor. In this instance, the assistant assessor has prior experience completing some of the work now contracted out to Patriot. However, the prospects of success in bringing additional work in-house may increase substantially, if the assistant assessor and staff received more training on the Patriot software.

Recommendation 20: Retain Copies of Receipts

We recommend that the assessors' office retain copies of receipts given to residents for cash received. When the assessors' office receives cash payments, typically in small amounts, for copies of maps, field cards, deeds, etc., a receipt is given to the purchaser. The cash is placed in a cash box, but no receipt or other accounting of the payment is included. It's our understanding that \$50, \$100 or as much as \$200 can accumulate in the lock box. Given these amounts, the use of a receipt pad, with a carbon or other copy mechanism, would be worthwhile to provide a check and balance on amounts collected and to provide protection for the assessors' staff. Under any circumstance, turnover of cash to the treasurer should occur at least weekly, and the treasurer's acknowledgement of cash received should be reconciled against the office copies of customer receipts for the same time period.

<i>Accountant</i>

The present town accountant entered the Groton position in November 2002 after having previously served as chief financial officer in an extended care facility for children . She is also a former member of the Groton Finance Committee. She is assisted by a 25-hour assistant town accountant with six years of experience in the office.

The town accountant has very specific statutory responsibilities in the oversight of town finances. In virtually all respects, the accountant and assistant town accountant are diligent and successful in fulfilling the requisite tasks of the office in a timely fashion.

In alternating weeks, vender and payroll warrant are prepared and confirmation is completed that money is available to make payments, that the purpose of an expenditure is within the intent of the appropriation account to be charged and that no fraud is evident. The office maintains an up-to-date and accurate general ledger together with subsidiary ledgers to create a paper trail of municipal receipts and expenditures. In Groton, there is the added responsibility of overseeing various activities of the water and sewer enterprise funds, and the Groton municipal light department, as well as \$11 million in trust funds.

The accountant reconciles cash and receivables with the treasurer/collector on a monthly basis. She maintains a log of town debt, and reconciles her record with the treasurer's debt schedule at least once each year. The office produces an expenditure report every month and tracks the town's liability for accrued employee unused sick leave and vacation time. The Accountant states that she has custody of all town contracts and grants, as required. And, DOR records indicate that the accountant is timely in the preparation and submission of the town's Balance Sheet at year-end and its Schedule A by October 31. Finally, she fulfills her role, together with the assessors and town clerk in the preparation of the town's Tax Recap Sheet.

It is our understanding that working with the computer committee, significant progress has been made in raising the level of technology in the office. As a result, beginning in July 2003, the town's books (general ledger) were converted from a manual system to the MIP software. Excel spreadsheets are more frequently used in the payroll preparation process, to produce trial balances, and other reports.

However, technology issues are primary among those that warrant attention in the accountant's office together with personnel and payroll matters. Our recommendations concerning personnel practices are included earlier in the Overall Financial Management section of this report. Here, we devote greater attention to technology and payroll issues.

Recommendation 21: Review Office Technology

We recommend the a priority be placed on reviewing the use of technology in relation to the payroll process. Between the time employee timesheets are received in the accountant's office and the payroll warrant is approved by the selectmen, the same data is separately entered five times in three different software applications. Time sheet data is entered into an Excel spreadsheet by individual, into an Excel spreadsheet by account, into the accountant's MIP software, into an Excel spreadsheet for the purposes of tracking sick leave and vacation time, and in the Harper's payroll software by a treasurer's office clerk.

Part of this redundancy is caused by the earned-time rules which grant a full day off for each employee when he or she completes 90 days of work without taking a sick day or unapproved vacation day. As best we understand it, the inability of the Harper's payroll application to account for earned time prevents the software from tracking compensated sick leave and vacation time. This deficiency prevents the inclusion of detailed information for the benefit of employees on pay stubs, and forces the assistant town accountant to maintain duplicate records.

The matter of accounting for employee's sick leave and vacation time is further complicated by the limited information received from departments, particularly the police department. Individual, signed timesheets are not presented to the accountant's office, and detail is not provided. Instead, summary sheets are received which have been prepared at the department head level.

Therefore, we recommend the town:

- 1) evaluate the cost and benefits associated with the Harper's payroll service compared to other alternatives, particularly as they relate to tracking earned time, sick leave and vacation time. If the earned time issue is a challenge to all payroll software, the town should consider negotiating a software-compatible alternative under collective bargaining agreements;
- 2) understand the statutory requirements and employee obligations relative to the submission of time sheets, and devise a standardized process equally applicable to all departments;
- 3) explore the cost of the MIP payroll module and the implications of a possible town-wide implementation;
- 4) generally examine ways that data can be imported and exported between the MIP software and Excel, with the goal of reducing redundant data entry.

Recommendation 22: Develop a Recreation Department Cash Flow Budget

We recommend that the accountant work with the manager of the recreation department to develop an annual cash flow budget. In response to deficit problems, the expenditures of the recreation program have been incorporated into the town's line-item budget fro FY05. In the long term, however, all or most of the program operates best as a revolving fund under MGL Ch. 44,

Sec 53D or Sec 53E½. Anticipating a return to revolving fund arrangement in the future, we suggest the accountant work with the recreational program director to establish a cash flow model. In doing so, a clear picture of month-to-month revenue and expenditures can be seen and planned for to avoid the occurrence of deficits.

Recommendation 23: Add Detail to Payroll Warrant

We recommend that the town accountant list all employees separately in the payroll warrant with gross salary amounts to be paid. Whether incorporated into the warrant or attached as back-up documentation, payroll detail by employee must be made available to the board of selectmen if it is to fulfill its statutory responsibilities. Specifically, to approve the payroll warrant as required under MGL Ch. 41, §52, selectmen must be able to inspect and view each individual payment, which in this case would, at least, be an employee's name and gross salary. Net salary might also be included, but not individual withholding amounts. The same information must find its way to the treasurer so that checks may be drawn. It's understood and acceptable that outside payroll services are integrated into this process.

<i>Acknowledgements</i>

This report was prepared by

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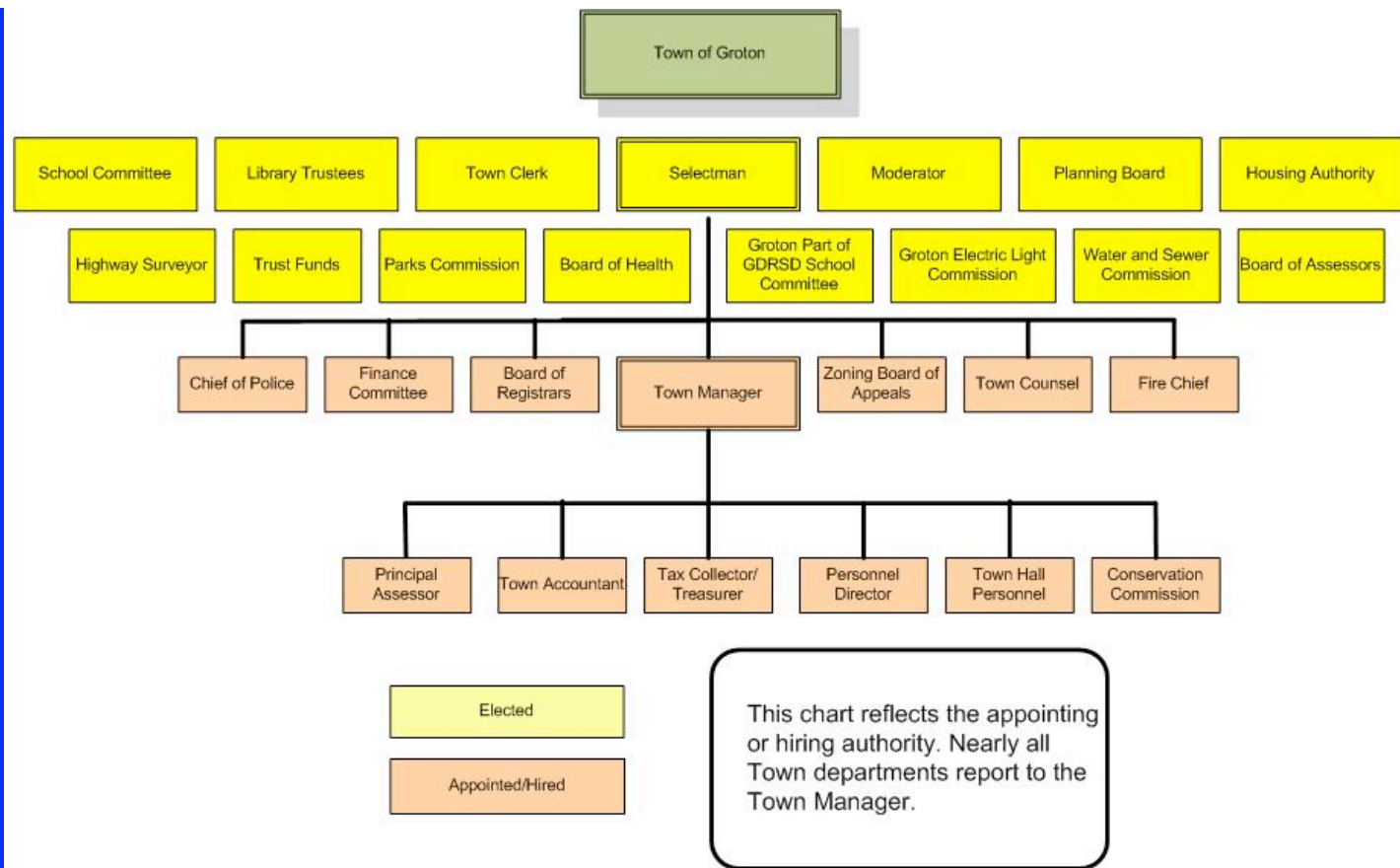
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In preparing this review, DLS interviewed the following persons
and numerous other town hall staff members

Thomas D. Hartnett, Chair, Board of Selectmen
Peter S. Cunningham, Selectman
George F. Dillon, Selectman
Virginia C. Wood, Selectman
John L. Saball, Selectman
Robert Win Nordbloom, Chair, Finance Committee
Jean E. Kitchen, Administrative Officer
Valerie D. Jenkins, Town Accountant
Barbara Cronin, Assistant Town Accountant
Christine H. Collins, Tax Collector/Treasurer
Barbara Gale, Assistant Tax Collector/Treasurer
Joan M. Tallent, Assistant to the Treasurer
Ruth Stevens, Collections Clerk
Rena Swezey, Assistant Assessor
Rebecca Scribner, Assessors' Clerk
Kathy Miller, Assessors' Clerk
Steven H. Webber, Computer Committee/Capital Planning Committee
Steven D. Morlock, Computer Committee/Web Site Committee
Kenneth Young, Town Computer Consultant
Anthony A. DeBruyn, Chair, Government Structure/By-Law Study Committee
Edna B. White, Government Structure/By-Law Study Committee

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<http://www.dls.state.ma.us>



GROTON SPECIAL TOWN MEETING MINUTES OCTOBER 22, 2007

The October 22, 2007 Special Town Meeting was called to order by Moderator Robert Gosselin at 7:05pm with 139 voters in attendance which satisfied the quorum requirement of 134. Peter Cunningham acknowledged William Miller who passed away. March 19, 2007 was proclaimed as "Bill Miller Day". George 'Fran' Dillon asked for Edna White to join him on stage. Mr. Dillon read a proclamation to honor Mrs. White and proclaimed that Oct. 22, 2007 be known as Edna B. White Day. Frank Belitsky led the Pledge of Allegiance. Motion to wave the reading of the warrant was moved and seconded. The reading of the warrant was waived.

ARTICLE 1

Moved and seconded that the Town vote to pay prior fiscal year bills and transfer from the General Fund, Excess and Deficiency Fund (Free Cash) and from the Sewer Enterprise Excess and Deficiency Fund the sums of money as shown in the handout distributed at this Town Meeting.

Finance Committee supported Article 1

Article 1 is carried by unanimous vote

ARTICLE 2:

MOVED AND SECONDED that the Town vote to transfer certain sums of money within the Fiscal Year 2008 budget as shown in the handout distributed at this Town Meeting.

Finance Committee supported Article 2

Article 2 is carried by unanimous vote

ARTICLE 3:

Moved and seconded that the Town vote to amend the vote taken under Article 7 of the April 30, 2007 Annual Town Meeting to redistribute the amounts of principal and interest to be paid in FY 08 for the Surrenden Farm Land Acquisition as follows: Long Term Debt Principal Payment: \$130,000.00 and Long Term Debt Interest Payment: \$216,380.00.

Finance Committee voted to support Article 3

Article 3 is carried by unanimous vote.

ARTICLE 4:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$17,500 to replace the elevator controller and attending components at the Groton Public Library.

Finance Committee supported Article 4

Article 4 is carried by unanimous vote.

ARTICLE 5:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$275,000.00 to be added to the sum already on deposit in the Capital Stabilization Fund.

Finance Committee supported Article 5

Article 5 is carried by unanimous vote.

ARTICLE 6:

Moved and seconded that Article 6 be indefinitely postponed until October 29, 2007

Motion to postpone carried by unanimous vote.

ARTICLE 7:

Moved and seconded that Article 7 be postponed until October 29, 2007.

Finance Committee supported that this article be postponed.

Article 7 is carried by unanimous vote.

ARTICLE 8: ADOPT AND ACCEPT TOWN CHARTER

Moved and seconded that the Town vote to approve and adopt the proposed Town Charter, as set forth in Appendix to the warrant for this Town Meeting; to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to place on the ballot of the next regularly scheduled municipal election a question regarding adoption of the Charter; and to authorize and empower the Board of Selectmen to appoint a Town Manager pursuant to General Laws Chapter 41, Section 108N, subject to approval of the General Court.

Jason Webber made a motion to amend.

Motion to amend is as follows:

I move to amend Section 3-1-(a) entitled Elective Town Offices by inserting following Parks Commission the words “the Groton Board of Health” and by striking the words “A Board of Health” in Section 3-2-(d) entitled Appointing Authority.

Motion to amend was seconded

Amendment carried by majority vote as declared by the Chair.

Robert Collins made a motion to amend

Motion to amend was as follows:

I move to amend Section 3-1-(a) entitled Elective Town Offices by inserting following the Groton Housing Authority “a Highway Surveyor” and by striking the words “Highway Surveyor” in section 3-2-(d) entitled Appointing Authority.

Motion was seconded.

The Chair called for tellers.

Tellers were duly sworn by Town Clerk.

Bonnie Biocchi	Stephen Keany
Cynthia Martell	Robert Flynn
Richard Hughson	Constance Sartini

Tellers reported:

138 yes 79 no

Motion to amend is carried.

Hugh McLaughlin made a motion to amend

Motion to amend went as follows:

I move to amend Section 3-1-(a) entitled Elective Town Officers by inserting following “the Planning Board” the words “the Groton Board of Assessors” and by striking the words “a Board of Assessors” in Section 3-2-(d) entitled Appointing Authority.

Motion was seconded

Tellers were called

Tellers reported:

106 yes 86 no

Motion to amend carried by majority vote

Hugh McLaughlin made another motion to amend

Motion to amend went as follows:

I move to amend Section 5-3 entitled Department of Finance by striking in Paragraph (a) the words “an appointed Principal Assessor” and inserting the words “a Principal Assessor” and by striking in its entirety Paragraph (g) entitled Principal Assessor.

Motion was seconded

Tellers were called

Tellers reported:

67 yes 101 no

Motion to amend is defeated

The last motion on the floor was the motion to postpone indefinitely made by Brooks Lyman

The motion went as follows:

I move that further consideration of Article 8 be indefinitely postponed with a respectful request that the Blue Ribbon Governance Committee and the Board of Selectmen reintroduce the subject of a Groton Charter to the 2008 Annual Town Meeting.

Motion was seconded

Motion to postpone indefinitely is defeated.

Town Counsel brought the following correction to the Chair's attention.

In Section 4-1(a) it reads: 8-5(g)

It should read 8-5(e)

The Chair sought for unanimous consent for the change. There was no opposition.

There were 157 voters in attendance at 11 pm.

The main motion as amended carried by majority vote as declared by the Chair.

The Chair entertained a motion to adjourn. Motion was seconded. The October 22, 2007 Special Town Meeting adjourned at 11:01 pm.

**Special Town Meeting
Adjourned Session
October 29, 2007**

The adjourned session of the October 22, 2007 Special Town Meeting was called to order by Moderator Robert Gosselin at 7:20 pm. There were 135 voters in attendance which satisfied the quorum requirement of 134 voters. Article 10, 11 and 25 will be indefinitely postponed. Larry Swezey made a motion to limit debate to 3 minutes per speaker with the exception of the primary proponent and the primary opponent. Motion to limit debate requires a 2/3 vote. The Chair declared a 2/3 vote.

ARTICLE 6

Moved and Seconded that this article be indefinitely postponed

Motion to postpone indefinitely is carried by unanimous vote.

ARTICLE 7

Moved and seconded that the Town vote to transfer \$100,00 from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period July 1, 2007, and ending June 30, 2008.

Finance Committee supported Article 7

Main motion under Article 7 passed by unanimous vote.

As of 7:30 pm there were 149 voters in attendance

Motion was made by Frank Belitsky to advance to consideration to Article 27 prior to Article 9.

Motion to advance is defeated.

ARTICLE 9:

Moved and seconded that the Town vote to vote authorize the Board of Water Commissioners to enter into an agreement with the Conservation Commission to utilize a portion of Torrey Woods Conservation Area, Assessors' Map 231 – Parcel 94 – Lot 0 and a portion of the Sawtell Drive Conservation Area located on Map 232 – Parcel 9- Lot 0 as a municipal drinking water resource and to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts under Article 97 of the Amendments to the Massachusetts Constitution for any special legislation necessary therefor.

Article 9 is carried by unanimous vote.

ARTICLE 10:

Moved and seconded that the Town vote to authorize the Groton Water Department to transfer the sum of \$ _____ [MUST STATE A SPECIFIC AMOUNT] from the Water Enterprise Excess and Deficiency Fund to the Water Department's Fiscal Year 2008

operating expenses for the purchase of a Conservation Restriction on a portion of land located at #402 Chicopee Row and shown on Assessors' Map 231 – Parcel 85 - Lot 0.

Motion was made to indefinitely postpone Article 10

Motion to postpone indefinitely is carried by unanimous vote.

ARTICLE 11:

Moved and seconded that the Town vote to authorize the Groton Water Department to transfer the sum of \$ _____ from the Water Enterprise Excess and Deficiency Fund to the Water Department's Fiscal Year 2008 operating expenses for the purchase of a permanent access and utility easement on a portion of land located at #402 Chicopee Row and shown on Assessors' Map 231 – Parcel 85 - Lot 0.

Motion was made to postpone Article 11.

Motion to indefinitely postpone Article 11 carried by unanimous vote.

ARTICLE 12:

Moved and seconded that the Town vote to transfer to the Board of Selectmen, for the purpose of sale, a certain parcel of land located on Moose Trail, identified as Assessors' Map 130 - Parcel 55- Lot 0 , and to authorize the Board of Selectmen, pursuant to G.L. c. 40, §3, to sell said land to Thomas and Theresa Marie Wilson, of 21 Moose Trail for the sum of \$3,000.00, to be deposited in the general fund, provided further that: (1) the portion of the land shown and identified as "Conservation Restriction (CR)" on a plan by Ross Associates dated November 2006, signed and stamped on June 20, 2007, shall become subject to a Conservation Restriction pursuant to G.L. c. 184 §§31-33, and (2) the purchasers pay all back taxes, Town expenses, and legal fees related to this sale; and to authorize the Board of Selectmen to take any action necessary on behalf of the Town of Groton to effectuate said sale.

Finance Committee supported Article 12

Article 12 is carried by unanimous vote.

ARTICLE 13:

Moved and seconded that the Town vote to discontinue as a public way "Point Road" in its entirety as the same is shown on the Shay and Leary plan dated 1925, entitled "Lost Lake," recorded with the Middlesex South District Registry of Deeds as File Plan 844 and 845, Point Road being shown on Assessors' Map 122 lying between Parcels 93 and 94.

The Chair declared a majority vote on Article 13.

ARTICLE 14

MOVED AND SECONDED that the Town vote to AMEND the Code of the Town of Groton, Chapter 13, by deleting the word, "nine" in Section 13-1 and replacing it with the word "seven".

Finance Committee supported Article 14

Article 14 is carried by unanimous vote

ARTICLE 15

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 218, Zoning, as printed in the warrant.

The Chair declared a 2/3 vote for Article 15. There were no voters who contested the ruling of the Chair.

ARTICLE 16

Moved and seconded that the Town vote to accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation as a Priority Development Site of the parcels of land listed in the warrant.

Article 16 is carried by majority vote.

ARTICLE 17

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$20,000.00 from the Community Preservation Historic Resource Reserve to fund Community Preservation Application 2007-03 "Feasibility Study for Squannacook Hall Renovations."

Finance Committee voted 6-0 not to support.

Motion was made to move question. Motion was seconded

Article 17 is carried by unanimous vote

As of 8:40 pm there were 149 voters in attendance.

ARTICLE 18

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$1,900.00 from the Community Preservation Open Space Reserve to fund Community Preservation Application 2007-07 "Survey of Cemetery Parcel for Williams Barn."

Finance Committee supported Article 18.

Article 18 is carried by unanimous vote.

ARTICLE 19

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$200,000.00 from the Community Preservation FY08 Budget Reserve to fund Community Preservation Application 2007-08 "Deposit to

the Conservation Fund.”

Finance Committee voted 1 to support 5 not to support
Groton Greenway voted unanimously to support this article.

Article 19 carried by unanimous vote.

ARTICLE 20:

Moved and Seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$34,000.00 from the Community Preservation Historic Resource Reserve to fund Community Preservation Application 2007-01 “Historic Documents Preservation Project.”

Finance Committee voted unanimously to support

Article 20 carried by unanimous vote

ARTICLE 21:

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$18,000.00 from the Community Preservation Historic Resource Reserve to fund Community Preservation Application 2007-09 “2008 Segment #3 of the Community Wide Preservation Project.”

Finance Committee voted unanimously to support Article 21

Article 21 is carried by unanimous vote

ARTICLE 22:

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$10,000.00 from the Community Preservation FY08 Budget Reserve to fund Community Preservation Application 2007-11 “Squannacook River Rail Trail Environmental and Engineering Assessment.”

Finance Committee voted unanimously to support Article 22

Article 22 is carried by unanimous vote.

As of 9:30 pm there were 140 voters in attendance.

ARTICLE 23:

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$25,000.00 from the Community Preservation Community Housing Reserve to fund Community Preservation Application 2007-12 “Groton’s Affordable Housing Implementation Plan.”

Finance Committee voted unanimously to support.

Article 23 carried by unanimous vote

ARTICLE 24

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$25,000.00 from the Community Preservation Community Housing Reserve to fund Community Preservation Application 2007-13 “Community Housing Feasibility Study-Nashua Road”.

Finance Committee voted unanimously to support

Chair declared a 2/3 vote on Article 24.

ARTICLE 25

Moved and seconded that this article be indefinitely postponed.

Motion to postpone indefinitely carried by unanimous vote.

ARTICLE 26

Moved and seconded that the Town vote to authorize the Town Moderator to appoint a seven (7) member Tax Base Study Committee to analyze the current tax base along with historic trends of various revenue sources as these revenues relate to town services provided. Further, to study the relationship between the residential and non-residential tax base as those relate to current zoning; and to report back to the 2008 Annual Town Meeting including recommendations.

Finance Committee voted in favor with 2 abstentions

The Chair declared a 2/3 vote. The Chair asked if there were seven voters who wished to contest the ruling of the chair. There were no hands raised.

ARTICLE 27: REZONE 797 BOSTON ROAD

Moved and seconded that the Town vote, amend the Town of Groton’s Zoning Map from R-A (Residential-Agricultural) to B-1 (Business- District) certain premises located at 797 Boston Road, Groton, owned by 119 Partners, LLC, consisting of approximately 2.8 acres of land, more or less, which premises is described in deed recorded with the Middlesex South Registry of Deeds in Book 45322, Page 597, being shown on the Town of Groton’s Assessors’ Map 133 - Parcel 49 - Lot 0.

Board of Selectmen voted 5-0 in opposition to Article 27.

Motion was made that Article 27 be referred to PB

Motion to refer was defeated.

As of 10 pm there were 138 voters in attendance

Motion was made to move the question

Question was moved.

Article 27 is defeated

The Chair entertained a motion to dissolve the meeting. Motion was seconded. The adjourned session of the October 22, 2007 Special Town Meeting was dissolved at 10:06 pm on October 29, 2007.

Respectfully Submitted,

Onorina Z. Maloney
Town Clerk