

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to the Town which are in force when the charter takes effect, and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own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.