

HOUSE No. 4580

Substituted by the House, on motion of Ms. Garlick of Needham, for a bill with the same title (House, No. 4261). March 10, 2022.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the charter and the town clerk in the town of Groton.

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

1 SECTION 1. Notwithstanding any general or special law to the contrary, the office of
2 town clerk in the town of Groton shall be appointed by the select board in accordance with the
3 charter of the town of Groton. The town clerk shall have all the powers, perform the duties and
4 be subject to the liabilities and penalties conferred and imposed by law on town clerks. The town
5 manager may establish an employment contract with the town clerk for salary, fringe benefits
6 and other conditions of employment, including, but not limited to, severance pay, reimbursement
7 for expenses incurred in the performance of the duties of office, liability insurance and
8 conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

9 SECTION 2. Notwithstanding section 1, the position of elected town clerk shall be
10 abolished upon the effective date of this act and the term of the elected incumbent terminated
11 provided, however, that the elected incumbent shall then become the first appointed town clerk
12 and shall serve in that capacity for a period of time equivalent to the remainder of the elected

13 term or sooner resignation, retirement or removal. Thereafter, appointments to the position of
14 town clerk shall be made by the select board pursuant to said section 1.

15 SECTION 3. The charter of the town of Groton, which is on file in the office of archivist
16 of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby
17 amended in section 3.1 of article 3 by striking out paragraph 3.1.1 and inserting in place thereof
18 the following paragraph:-

19 3.1.1 Elective Town Offices- The town offices that the voters shall fill by ballot shall be:
20 (i) the town moderator; (ii) the members of the select board; (iii) the town's component of the
21 Groton-Dunstable Regional School Committee; (iv) the commissioners of trust funds; (v) the
22 elected members of Groton Housing Authority; (vi) the members of the planning board, public
23 library board of trustees, Groton electric light commissions, Groton water commission, Groton
24 sewer commission, park commission, board of health and board of assessors; and (vii) other
25 officers or representatives to regional authorities or districts as may be established by law or by
26 interlocal agreement that shall also be filled by ballot at a town election.

27 SECTION 4. Section 3.2 of said article of said charter is hereby amended by striking out
28 paragraph 3.2.4 and inserting in place thereof the following paragraph:-

29 3.2.4 Appointing Authority – The select board shall appoint the town manager, town
30 counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a
31 police chief, fire chief and town clerk consistent with clause (v) of section 4.2; provided,
32 however, that the police chief shall serve under section 97A of chapter 41 of the General Laws
33 and the fire chief shall serve under section 42 of chapter 48 of the General Laws. The select

34 board shall appoint a conservation commission, council on aging, housing partnership, local
35 cultural council and other committees as required by law, by-law or town meeting vote.

36 SECTION 5. Said article of said charter is hereby further amended by striking out
37 sections 3.9, 3.10 and 3.11 and inserting in place thereof the following 2 sections:-

38 Section 3.9; Board of Assessors

39 3.9.1 Composition, Term of Office and Eligibility for Office – There shall be a board of
40 assessors that shall consist of 3 members elected for 3-year terms. An employee in the assessors’
41 office shall not simultaneously hold an elected position as a member of the board of assessors.

42 3.9.2 Powers and Duties – The board of assessors shall have the powers and duties given
43 to boards of assessors under the constitution and laws of the commonwealth and directives of the
44 commissioner of revenue and such additional powers and duties may be authorized by this
45 charter, by-law or town meeting vote that are not in conflict with laws of the commonwealth and
46 regulations and directives of the department of revenue except as otherwise provided in this
47 charter.

48 Section 3.10: Other Elected Officers

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

51 SECTION 6. Section 4.2 of article 4 of said charter is hereby amended by striking out
52 clause (v) and inserting in place thereof the following clause:-

53 (v) if a vacancy occurs in the office of police chief, fire chief or town clerk, selecting and
54 presenting not less than 2 qualified candidates to the select board for appointment by the board to
55 the office pursuant to section 3.2.4;

56 SECTION 7. Section 4.5 of said article of said charter is hereby amended by striking out
57 paragraph 4.5.1 and inserting in place thereof the following paragraph:-

58 4.5.1 If a vacancy shall occur in the office of town manager, a screening committee shall
59 be established to solicit, receive and evaluate applications for the position of town manager. The
60 screening committee shall consist of 7 persons, 3 of whom shall be designated by the select
61 board, of which only 1 may be a select board member, 2 of whom shall be designated by the
62 finance committee, of which only 1 may be a member of the finance committee, and 2 of whom
63 shall be designated by the town moderator. A person chosen by an appointing authority may be a
64 member of the appointing authority's agency; provided, however, that there shall not be more
65 than 1 select board member and not more than 1 member of the finance committee on the
66 screening committee.

67 SECTION 8. This act shall take effect upon its passage.

68 SECTION 9. This act shall be submitted for acceptance to the voters of the town of
69 Groton at an annual or special town election in the form of the following question which shall be
70 placed on the ballot: Shall an act passed by the general court in the year 2022, entitled "An Act
71 Relative to the Charter and the Town Clerk in the Town of Groton be accepted?" If a majority of
72 the votes cast in answer to the question is in the affirmative, the voters shall be taken to have
73 accepted the amendments to the charter of the town of Groton.