

Proposed By-Law Revisions to Achieve Consistency with the 2008 Town Charter

Prepared by the By-Law Review and Study Committee in accordance with Section 2(a) of the Town of Groton Charter adopted on May 21, 2008.

By-Law Chapter	By-Law Name	Summary of Proposed Revisions	Rationale for Proposed Revisions	BOS Decision
1	General Provisions	No changes.		
4	Council on Aging	Modify 4-4 to read: The Town Manager shall appoint such clerks and other employees as it may require.	Council on Aging will remain appointed by Selectmen. Employees of the Council on Aging are town employees. Their appointment by the Town Manager is consistent with Charter Section 4-2 ©.	
5	Agricultural Commission	No Changes	Chapter 5 created the Agricultural Commission in 2006.	
9	Capital Planning Committee	Disband the Capital Planning Committee (CPC). Rescind the by-law.	Charter Section 6-6 specifies that capital planning is a responsibility of the Town Manager. The duties of the CPC are to review capital improvement proposals and make recommendations regarding capital spending to town meeting. The Town Manager now has responsibility for the expense and capital budgets, submitted to the Finance Committee.	
10	Community Preservation Committee	No changes. By-Law is consistent with MGL 44B §5.	The Selectmen should retain the appointing authority for at-large members of the CPC because of the financial aspects and long term view of the CPC.	
13	Finance Committee	No changes. The Finance Committee is specifically referenced in the Charter.	Appointment of the Finance Committee by the Selectmen is consistent with a charter change/addition for the Selectmen to appoint "multiple member bodies" (3-2.b.d) and with the broad governing recommendation duty of the Finance Committee.	
16	Finances	No changes.		



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18	Capital Growth Program	Rescind by-law.	<p>The impact fees described in this by-law are invalid under Massachusetts law.</p> <p>In general Massachusetts courts have ruled that an impact fee, as described in this by-law, is an impermissible tax (see pages 376 - 378, Chapter 12, Handbook of Massachusetts Land Use and Planning Law by Mark Bobrowski, Aspen Publishers, 2002). These pages may be found on-line at the URL (identified in the attachment). If and when Massachusetts law allows such impact fees in some form or other, Groton will have to craft a new impact fee by-law that is consistent with the new state law.</p> <p>In the interest of keeping our existing by-laws current and relatively user-friendly, Chapter 18, Capital Growth Program, of the Code of Groton should be rescinded.</p>	



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19	Growth Management Advisory Committee	Rescind By-law.	<p>At the present time the Growth Management Advisory Committee has no members assigned and is non-functional. Since no members have been appointed to this committee, it appears that the duties and responsibilities of this committee are being performed by other organizations in Town government or are no longer required.</p> <p>In the interest of efficiency in town government operations and reduction of overhead associated with maintaining committees that are without members and appear to serve no purpose, it makes sense to rescind this by-law.</p>	
21	Housing Authority	No Changes. No conflicts with Charter		
27	Inspector of Wires	Change By-law to enable Town Manager appointment	The Town Manager has appointing authority for the town – per proposed charter revisions	



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44	Park Commission	No changes needed. MGL Chapter 41 Section 14 authorizes the Parks Commission to assume responsibilities of the Recreation Commission. Reference by-law 65	<p>With the proposed dissolution of the Recreation Commission, fulfillment of the responsibilities defined in Massachusetts General Laws, Chapter 45, Section 14, need to be assigned elsewhere in town government. MGL, Chapter 45, Section 41, addresses the acquisition, use and management of playgrounds.</p> <p>Groton code, Chapter 44, indicates that on February 2, 1953, the town discontinued its Playground Committee and turned its duties over to the Park Commission. Accordingly, the Park Commission seems like the most logical commission to be responsible for matters concerning the acquisition, use and management of playgrounds (the responsibilities addressed by MGL 41, §14).</p> <p>See also, proposed revision to Code of Groton, Chapter 65, Recreation Commission.</p>	



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48	Personnel	No action by by-law committee.	Reference Charter 4-2 (c) and (g). Reconciliation of powers is necessary. Charter grants “hire, fire and compensation” power to Town Manager. Chapter 48 assigns “administration of wage classification programs and other by-laws” and “grievances procedures” to the Personnel Board. The intent of the Board of Selectmen needs to be clarified.	
52	Planning Board	No Changes	Planning Board operates as specified. No conflicts with Charter.	



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65	Recreation Commission	Rescind by-law	<p>At the present time the Recreation Commission has no members assigned and is non-functional. The Recreation Commission was created to fulfill the responsibilities of Massachusetts General Laws, Chapter 45, Section 14. MGL, Chapter 45, Section 14, reads in part: <i>“Except in Boston and except as to the making of appropriations, the powers conferred by this section shall be exercise by the board of park commissioners, or by the school committee, or by the planning board, or by a playground or recreation commission appointed by the mayor in a city or by the selectmen or town moderator in a town, or elected by the voters at a town meeting; or may be distributed among....”</i></p> <p>Recognizing that the current Recreation Commission has no members and in the interest of economy in town government operations, it makes sense to rescind this by-law and transfer the Recreation Commission responsibilities to the Park Commission.</p> <p>See also, proposed revision to Code of Groton, Chapter 44, Park Commission.</p>	



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69	Regional School District	No Changes		
77	Town Government Structure and ByLaws Study Committee	Rescind By-law	<p>At the present time the Town Government Structure and By-Laws Study Committee has no members assigned and is non-functional. Since no members have been appointed to this committee, it appears that the duties and responsibilities of this committee have been assumed by other organizations in Town government or are no longer required.</p> <p>In the interest of efficiency in town government operations and reduction of overhead associated with maintaining committees that are without members and appear to serve no purpose, it makes sense to rescind this by-law.</p>	



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81	Town Meetings	<p>Modify the by-law to reflect town meetings structure as defined by the charter:</p> <ul style="list-style-type: none"> • Spring and Fall annual meetings • Fix date for Fall annual meeting to be the 3rd Monday of October • Allow Selectmen to change the date of a town meeting with 6 weeks notice to the new date • Delete section 81-6, related to distribution of reports 	<p>All proposed changes in Chapter 81 are necessitated by Section 2-1, Town Meeting, of the new Town Charter.</p> <p>Note that language had been provided to give the Selectmen some flexibility, on a year by year basis, in establishing an alternate date both for “spring town meeting” and the “fall town meeting” This is deemed necessary because of holidays with floating dates, the possibility that a needed facility is unavailable and other events beyond The Selectmen’s control may make the default date for either or both meeting infeasible or undesirable. Whether or not, with this annual flexibility in the date for the “spring town meeting” and the “fall town meeting”, the Town will be deemed in compliance with the Charter requirement to hold each of these town meetings “on a date fixed by by-law” will have to be addressed by Town Counsel.</p> <p>Because of holidays with floating dates, the possibility that a needed facility is unavailable and other events beyond their control, the Selectmen must have some leeway, on an annual basis, in establishing an alternate date for the “spring town meeting” when deemed necessary</p>	



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81 (con't)			<p>Former paragraph B is not required because the meta level agenda for the “spring town meeting” and the “fall town meeting” are detailed in the Town Charter.</p> <p>Charter 2-3 specifies the availability of reports. Section 81-6 is vague in its distribution requirement.</p>	
84	Sale of Town Property	<p>Modify:</p> <ul style="list-style-type: none"> • Define personal property (“All property other than land and real estate, regardless of accounting classification, owned by the Town of Groton.”) • Authorize the Town Manager to sell personal property of the town 	<p>In the interest of efficiency in government, this change transfers the approval for the disposition of personal property owned by the Town of Groton from the Board of Selectmen to the Town Manager.</p> <p>To reduce the change of misinterpretation, an operational definition of Personal Property has been added since all readers may not be lawyers or have legal knowledge. In the context of this by-lay, personal property is used in the most general legal sense of the term (e.g., personal property verses real property) and has nothing to do with individual employees of the Town or any other member of Town Government</p>	



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86	Treasurer / Collector	Rescind	<p>The appointment of a Treasurer/Collector by the Town Manager as well as the powers and duties of the Treasurer/Collector are now defined in Section 5-3, Department of Finance, of the new Town Charter.</p> <p>Chapter 86 of the Groton Code is therefore redundant and should be rescinded.</p>	
90	Water	No conflicts with Charter. No changes required.		
91	Water Use Restrictions	No conflicts with Charter. No changes required.		
93	Water Commission	No conflict with charter. No changes required.		
105	Alcoholic Beverages	No conflict with charter. No changes required.	Note: Fines are specified in this and other by-laws, requiring a town meeting vote to change them. Recommend that fines be removed from by laws and be instituted in regulations.	
111	Beano	No conflict with charter. No changes required.		
116	Boats	No conflict with charter. No changes required.	<p>Notes:</p> <ul style="list-style-type: none"> • Fines specified in by law 116 are low (\$20) • By law 116 raises the question as to the authority to issue permits for parades, races, etc that are not water-based 	



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119	Numbering of Buildings	This content of this by law is being re-worked by the Public Safety Committee. The By Law Review Committee recommends that the Town Manager be authorized to administer the by law.	The Town Manager is responsible for the operational activities of the town.	
125	Demolition Delay	No conflict with charter. No changes required.		
128	Dogs	No conflict with charter. No changes required.	Note: Fines are specified in the by law	
134	Earth Removal	No conflict with charter. No changes required.		
137	Farming	Change 137-4 (B) and 137-5 to assign the Town Manager operational responsibility under the by-law	The Town Manager is responsible for the operations of the Town	
139	Fees	No conflicts with the Charter. No changes required.		
141	Flood Damage Protection	No conflicts with the Charter. Suggest that 141-1 B be changed to assign the Town Manager operational responsibility	The Town Manager is responsible for the operations of the Town	
145	Forest lands	Remove Board of Selectman approval requirement	The Fire Chief acts as the Forest Warden. The Chief needs to have the authority to close forest lands when needed.	
153	Historic Districts and Commission	Change 153-3 to authorize Town Manager to appoint	The Town Manager has appointing authority for the town – per proposed charter revisions	
154	Illicit Discharge to Municipal Separate Storm Drain System	Change various references of Highway Surveyor to Public Works Director (in anticipation of charter change)	The Town reorganization will institute a DPW. When/if that change is effective, this bylaw should be updated.	
157	Junk Collectors (repealed)	No changes		
161	Licenses and Permits	No conflicts with charter. No changes required.		



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168	Peddlers and Solicitors (repealed)	No changes		
175	Hours of Retail Sales	No conflicts with charter. No changes required.	Note: Fines are embedded in the by law	
180	Roads and Ways	Change various references of Highway Surveyor to Public Works Director (in anticipation of charter change)	The Town reorganization will institute a DPW. When/if that change is effective, this bylaw should be updated.	
184	Scenic Roads	No conflicts with charter. No changes required.		
190	Sewers	No conflicts with charter. No changes required.		
196	Signs	Changes various references of Selectmen to Town Manager (3b, 3c, 3d, 8b, 8c, 8g, 9b, 11a)	The Town Manager is responsible for the operations of the Town	
198	Stormwater Management – Low Impact Development	Change various references of Highway Surveyor to Public Works Director (in anticipation of charter change)	The Town reorganization will institute a DPW. When/if that change is effective, this bylaw should be updated.	
201	Operation of Vehicles	No conflicts with charter. No changes required.		
205	Unregistered Vehicles	No conflicts with charter. No changes required.		
210	Water Supply	No conflicts with charter. No changes required.		
215	Wetlands	No conflicts with charter. No changes required.		
218	Zoning	No conflicts with charter. No changes required.		

By-Law Review and Study Committee Members

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