

FINAL REPORT GRAFTON CHARTER COMMISSION

INTRODUCTION

The Grafton Charter Commission is pleased to submit its final report containing a proposed new charter for the town of Grafton. We are especially pleased, and proud, to report to you that this proposed charter has the unanimous support of all nine members of the charter commission.

The individual members of the charter commission came to our tasks from widely different backgrounds and levels of experience in town government. It was a revelation of all of us as we discussed the “good” and the “not so good” features of Grafton’s existing form of government to find how close we were in our thinking. We have not had a serious disagreement on any issue contained in this proposed charter. It is our fond hope that it will be found to be as acceptable to the voters of Grafton as we believe it merits.

STATEMENT OF MAJOR DIFFERENCES

The major difference between our proposed charter and the “existing charter” of the town of Grafton is in its form and manner of presentation.

Grafton has an “existing charter” but none of us has ever seen it because that document does not exist in any one place and in any type of consolidated form. Grafton’s “existing charter” is in fact a hodgepodge of state statutes, both general and special laws under which the town has acted over the years in establishing local offices and determining the number of members and terms of office, for local officials.

Our proposed charter assembles in one place all of the information one needs to know to understand the way in which our town’s government functions. The relationship of municipal agencies, one to another, is clearly spelled out. When you examine it you will find that it resembles the “constitution” of the United States, or of the Commonwealth of Massachusetts, in that it establishes the form of government and leaves to by-laws and other local laws the authority to spell out details of town operations and functions.

From a functional point of view our proposed charter differs from the existing charter in the following specific ways:

1. The position of town administrator is created to “be in charge” of the day to day operation of the town under general policy guidelines issued by the board of selectmen. The position will, in many ways, be similar to the relationship which has long existed between the school committee and the superintendent of schools.
2. The board of selectmen is increased from three members to five. We believe this change will provide a broader base of citizen representation and input for this key office in the town. Presently if one selectman is absent, for any reason, an impasse can develop if the two members of the board who are present should disagree. This will be less likely to happen with a five member body.

3. Several offices now chosen by election have been made appointed; these include the office of treasurer-collector (as already determined by a town meeting vote of several years ago), the board of assessors, the board of sewer commissioners and the board of health.

These offices, the commission believes, are too critical to the every day successful operation of the town to leave to the vagaries of the ballot box. These offices demand particular skills best acquired by education, training, or experience and should not be selected on the basis of mere popularity or electability alone.

4. A new, complete budget process is detailed in the proposed charter which provides a true “financial plan” for the town. Citizen opportunity for comment on the proposed budget is enhanced by involvement in the process well before the proposed budget is presented on the town meeting floor.
5. Standard procedures which will govern the operation of all multiple member bodies of the town have been provided. The term multiple member body is used to include all agencies consisting of two or more members and whether called a committee, commission, board, trustees, subcommittee, or anything else. These standard procedures provide some basic safeguards for the public and its “right to know” the way in which its business is being conducted in its behalf.
6. Attendance at town meetings will be enhanced and the information available to all of us, as we are members of the legislative body (the town meeting), will be improved through a requirement that representatives of all town agencies should be present at all town meetings to answer questions which might be posed by voters. In the past voters at town meetings have been frustrated when presented with warrant articles on which insufficient information is available because key officials have not been represented at the town meeting.
7. The framework for the establishment of a combined department of public works is contained in the new charter. We have chosen not to provide all of the day to day specifics of the operation of such a department but, rather to leave those details to the town administrator and/or director of public works. The combined public works department will eliminate substantial duplication of efforts now going on, materially improve the maintenance and upkeep of town buildings and grounds, make better use of town machinery and equipment, and should do all of these things at a “better” cost than is now being paid for these services.

Although in our preliminary draft report we had provided for the inclusion of the sewer department in the combined public works department, and the elimination of the sewer commission as a separate entity, after hearing from the present members of the sewer commission at our public hearing, and in detail at one of our regular meetings following the hearing, we have reversed that earlier vote. The sewer commission with its highly technical and sophisticated sewage treatment plant as its principal operation and its specific concerns with the extension of the existing network of intercepting lines to service both presently developed and new growth areas of the town does not lend itself to inclusion in the public works department at this time.

8. Greater citizen control over elected officials is provided by the inclusion of a “recall” provision. This process will permit the voters, when they have lost confidence in a public official and the manner in which such person is conducting their business, to “recall” such an official from office and return him, or her, to private life. Presently, no matter what an official does and how far those actions may be from the mainstream of community views and opinions once elected such an official remains in office until the term of office expires. Other communities have found that

the availability of a recall procedure causes local officials to stay in better touch with their constituents. In order that the process might not be abused we have made it very difficult to commence such a procedure; but, it can be brought into play when needed.

EXPLANATION OF PROPOSED NEW CHARTER

In order to fully understand all of the provisions of the proposed charter you are urged to read the full text of that document. It is impossible to summarize all of the features of the charter. Following is an article by article summary of its key provisions, however.

Article 1

This article, technical in nature, is designed to secure for us, as citizens of Grafton, all of the powers for our town to exercise as is possible, to have maximum advantage of “municipal home rule”.

Article 2

This article retains our traditional open town meeting form of legislative body. In order to make it more efficient and more effective as a forum for the discussion of municipal issues certain new standards and basic procedures are provided. These include a requirement for two regularly scheduled town meetings to be held, one in the spring, consistent with long standing practice, and the one in fall on a date fixed by by-law. This requirement, we believe, will reduce the number of “special” town meetings which are held by having a fixed date to plan for and will expedite the transaction of business at town meetings, by planning to divide the work load into two regularly scheduled sessions rather than attempting to do it all at one time. Experience has proven it cannot be done at one time; this provision recognizes and takes advantage of that fact.

Article 3

The proposed charter provides for the election of:

- a five member board of selectmen,
- a five member school committee,
- a five member planning board,
- a seven member board of library trustees,
- a town moderator,
- a town clerk

all to be elected for terms of three years each, and, four members of a Grafton Housing Authority, for terms of five years each.

In addition voters will continue to elect, at town elections, representatives to the regional vocational school district, but, as that is not a “town” office it is not mentioned in the charter.

[see the last sentence of 3-1 (a)]

The powers, duties and responsibilities of each of these offices are spelled out in a charter section. In addition this article provides for the “recall” of any of these elected officers, before their term would otherwise expire, if the voters lose confidence in them.

Article 4

This article provides for the appointment of a town administrator as the “chief administrative officer of the town”. This official will be charged with the responsibility of overseeing and coordinating all

of the day to day operations of the town, subject to policy guidelines as determined by the board of selectmen.

The powers, duties and responsibilities of the office are detailed in this charter article. The position will be, in many respects, analogous to the functions performed for the school committee by the superintendent of schools.

Article 5

This article provides for the organization of town agencies generally, and specifically for the establishment of a consolidated department of public works.

Article 6

This article provides for the way in which the annual operating budget of the town will be prepared, reviewed and adopted. The process will be far more open and available for public review and scrutiny and at an earlier time than has ever been the case before. The preparatory work done by the town administrator in assembling all of the basic “back-up” data and the organization of this material will be of tremendous assistance to the finance committee in performing its tasks. Being freed of the detail of putting together all of the raw data will enable finance committee members to concentrate on their principal function of recommending actions to the town meeting.

The town administrator will also be responsible for preparing annually, a capital outlay program for the five ensuing fiscal years.

Article 7

This article contains some general standards, including definitions of key words and phrases used in the charter, and standard procedures to govern the operation of multiple member bodies. It also requires that public notice be posted whenever a vacancy occurs in a town office or position of employment and provides a method for the removal of appointed officials who are not performing their duties.

Article 8

This article provides for the transition from our present form of government to the new form after the charter is adopted. The key section, 8-5, provides for a smooth, orderly period of change. It also provides, by the use of “piggy back” by-laws, some fleshing out of the charter’s basic provisions where by-laws are intended to provide additional detail. These by-laws will be subject to change, at any subsequent time by a town meeting vote under a proper warrant article.

Immediately following the election at which the charter is adopted a special committee will be established to begin screening candidates for the position of town administrator. In the fall a special election will be held to elect two new members to the board of selectmen to bring it up to five members. Following the election of these new members the special committee will submit a list of qualified candidates to the board of selectmen from which it will select the first town administrator.

CHANGES MADE SINCE PUBLISHING PRELIMINARY REPORT

When we published our preliminary report, in early January, we promised to listen carefully to the comments made to us concerning that preliminary draft, at our Public Hearing and otherwise. We said

that we would consider all of the comments which were made to us and review our draft in light of those comments.

As a result of citizen comment made to us at the public hearing we have made four substantive changes in this our final draft from our preliminary draft:

1. In response to concerns expressed by some former officer holders that “recall” of elected officials might be too easy to initiate, we have increased by four times the number of signatures necessary simply to take out and begin to circulate a petition, and added a requirement that no more than one-half of the one hundred initial names may come from any one precinct.
2. We thought the name “finance committee” was not descriptive enough of the many functions performed by this key town committee, therefore, we suggested its name be changed to “warrant advisory committee”, the present members of that committee disagreed with us. As we had no intention to denigrate the committee or its members, we have retained the name they feel most comfortable with, “finance committee”.
3. In our preliminary draft we had recommended that the sewer “department” be included in the combined department of public works we were proposing. Because of the high regard in which we hold the individuals who serve on the sewer commission we suggested that they be retained as a public works advisory board. Following the Public Hearing the members of the sewer commission attended one of our regular meetings and discussed this with us in extensive detail, including the submission of a comprehensive written report. They convinced us that it would not be in the best interest of the town to include their functions in the combined department of public works. The sewer “department” will continue to exist as a separate entity under the board of sewer commissioners. The sewer commissioners will, however, be appointed rather than elected.
4. The members of the charter commission, like many of you, have been troubled by the poor attendance at town meetings especially when only “routine” business is scheduled to be taken up. We thought it might be desirable to institute a modest quorum requirement, that at least one hundred of the more than seven thousand voters in Grafton need be present in order to conduct town business. We were astounded with the vehemence of opposition to this suggestion. We do not consider it “crucial” in any way to the successful operation of the new government system we are proposing. We have eliminated it in this final report.

CONCLUSIONS

Nothing contained in this charter or in these comments should be construed as a reflection on the way in which any incumbent municipal officer has performed, or is performing, his or her duties. The commission members believe that Grafton has been indeed fortunate to have so many competent persons serving it over the years and now, in positions at every level.

We want to thank all of the members of the town government family who have assisted us during the past ten months in our deliberations and who have extended to us at every step in the process every conceivable courtesy. The help and support of these officials has been invaluable to us throughout the year.

We believe that under our present system of government and administration that many of these town officials are frustrated and prevented from performing to their highest level of service by impediments in our existing system. We believe that the changes we are proposing will in many respects open up the system and allow town personnel to more effectively and efficiently perform their duties.

Our service now is at an end. We have diligently and conscientiously examined our existing system of government, studied, weighed and evaluated various alternative arrangements, made our selections of what we believe to be best for Grafton at this juncture in our affairs as a community and now turn to you and ask that you support us in our recommendations.

All nine members of the charter commission join in asking that the town vote Yes on the question to adopt our proposed charter which will appear on the 1987 town election ballots.

Respectfully submitted,
GRAFTON CHARTER COMMISSION

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