



Town Government Study Committee

Town of

# Groveland

Groveland, Massachusetts  
Town Hall  
183 Main Street  
Groveland, MA 01834

## Meeting Minutes February 16, 2021

Submitted by M Dempsey

Approved on Apr 8, 2021

J D'Amore signed

TOWN OF GROVELAND  
2021 APR 13 PM 1:03  
TOWN CLERK  
RECEIVED/POSTED

## MINUTES

### GOVERNMENT TOWN STUDY COMMITTEE

#### 5:31 PM Meeting Opened

Approval of January 14<sup>th</sup> Minutes unanimous

In attendance to vote on the matter

John Osbourne

John Christopher

Bette Gorski

Andrew Cox

Joe D'Amore, Chair

#### Review of agenda February 16<sup>th</sup>

Joe D'Amore, Chair presentation

Review of comments directed to the committee by e mails sent to and from Michael Wood

Inputs by individuals provided material contributions to the document which influenced the draft content

Many -but not all --- suggested edits and modifications were incorporated

Of particular importance was input provided by Interim Director regarding the legal validity of overlaying a Town Administrator position over the Finance Director position without a Special Act to effect it. The contribution by Interim Director was acknowledged as significant. In similar vein the Town Accountant provided critical information regarding potential gaps in procedural defenses that were lacking- and could be ignored by the proposed By law ---to protect the town from embezzlement and fraud.

See comments below in response

#### Open Session / Comments

John Christopher provided numerous legal references and statutory elements that were incorporated into the document. Specifically ; MGL 41, Section 23 A provides the statutory background of the proposed By-law and also limits the scope of the proposed position . Introduced by D'Amore and responded to by Mr. Christopher; the precedent in Georgetown where the Town Administrator has assumed the role of Finance Director without any substantial changes to the Finance Director position

created by the Finance By Laws. In other words, there has been no changes to the Finance Director By Law and therefore, Georgetown has hired a Town Administrator to assume the role of FD since 1994. Mr. Christopher's research did not uncover any violations of DOR rules.

John Christopher and John Osbourne wrote into the draft key suggestions for requiring the production of a " Finance Control/ Procedure" manual shortly after the appointment of the first Town Administrator to address the concerns.

Bette Gorski expressed concern that Georgetown, if relied on as a precedent would not be adequate if there was a DOR procedural violation. Otherwise, Mrs. Gorski supported all changes made after rigorous review of the " Audited" version of the draft

Andrew Cox expressed support of the document in this final draft and believes that it will provide the town a reliable tool to lead the town to transform Town Government

Michael Dempsey (joined meeting temporarily) provided support to the document as written and reiterated from previous meeting statements his comfort with pursuing the proposed position by By Law first , but ultimately to formalize it by Special Act in the future

Joe D'Amore announced that he wrote an e mail to Chairman Wood to ask Interim Director for specific , potential violations of statutes related to the proposed By Law. The Interim Director's response was instrumental in leading the board to address the question " procedurally " with finance control measures as mentioned and as also enumerated in the Appendix. It was noted that he did not specifically relate any violation of statutes. His concern was strictly procedural ( though agreed by the committee important enough to require a response by a material modification of the document)

Regarding Georgetown : John Osbourne provided some anecdotal evidence that DOR raised objections to the current structure of the Town Administrator assuming the role of Finance Director without a local By Law change or Special Acts change to support it. The committee felt it would be necessary for Town Counsel to address this issue directly for the BOS ---in light of ---whether the proposed By Law was embedded with a similar procedural deficit .Mr. Christopher also highlighted the significance of 2-36 A Section 7 and that assignment of FD can be transferred now to either an Interim or permanent TA

Attached to minutes as an EXHIBIT is the record of exchanged e mails of suggestions, modifications and edits

Joe D'Amore relayed a concern expressed by a contributing public member and former official that the proposed By Law would not provide any material change or impact to our town government as it was essentially only a " name change". The committee members defended the document by highlighting several sections where a true "...transfer of power" (authority) would occur if adopted. Additionally, committee members highlighted various sections---especially the Appendix---which revealed duties and responsibilities that have never been concentrated under one person, other than temporarily in recent years, but a vote of the BOS which enabled the previous Finance Director to assume a greater role in town management ( ie. personnel management via personnel procedures manual)

#### VOTES TAKEN

1. Motion: Approval of grammatical and topical changes to the document
  - Motion : J. Osborne, Seconded : A. Cox, D'Amore: Abstained : Affirmative J. Osbourne, M. Dempsey, J. Christopher, B. Gorski
  
2. Motion: Approval of Audited Document to be transmitted to BOS for consideration effective immediately.
  - Motion: J. Osbourne, Seconded : B Gorski, Unanimous
  
3. Motion: Request the Board of Selectman that J. D'Amore, Chair will lead presentation to BOS on March 1<sup>st</sup>
  - Motion by: J. Osbourne, Seconded: B. Gorski

All motions proposed by J. D'Amore, Chair and assumed by committee members as listed above