



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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September 29, 2023

Elizabeth Cunniff, Town Clerk
Town of Groveland
183 Main Street
Groveland, MA 01834

TOWN OF GROVELAND
2023 SEP 29 PM 12:01
TOWN CLERK
RECEIVED/POSTED

Re: Groveland Annual Town Meeting of April 24, 2023 -- Case # 10948
Warrant Articles # 17, 18, 19 and 20 (Zoning)
Warrant Articles # 9, 10, 11, 13, 15 and 16 (General)

Dear Ms. Cunniff:

Article 16 - The Attorney General's deadline for a decision on Article 16 is extended for an additional 45-days under the authority conferred by G.L. c. 40, § 32. The agreement with Town Counsel for an additional 45-day extension is attached hereto. We will issue our decision on Article 16 on or before **November 13, 2023**.

Article 15- We approve Article 15 from the April 24, 2023 Groveland Annual Town Meeting.¹ Under Article 15 the Town amended the general by-laws, Section 15, "Board of Trustees," related to the Town's Board of Library Trustees. One change amends Section 15.4, "Meeting," to add the text in bold and delete the text in strikethrough, as follows:

Meeting notices shall be filed with the Town Clerk at least ~~48 hours~~ **one week** prior to the meeting date and time.

As amended, Section 15.4 now requires that meeting notices be filed with the Town Clerk at least one week prior to the meeting. Although we approve this amendment, the Town must ensure that Section 15.4 is applied consistent with the Open Meeting Law (OML). The OML requires that the meeting notice be posted at least 48 hours in advance of the scheduled meeting. See G.L. c. 30A, § 20 (b). In addition, the OML requires that the meeting notice include a list of the "topics that the chair reasonably anticipates will be discussed at the meeting." *Id.* According to the Attorney General's Division of Open Government, these requirements mean that the meeting notice must include the topics (with specificity) that are anticipated as of the 48-hour mark for those topics to be discussed at the meeting.

¹In a decision issued August 4, 2023 we approved Articles 9, 10, 11, 13, 17, 18, 19 and 20 and as authorized by G.L. c. 40, § 32, and by agreement with Town Counsel, we extended our deadline for review of Articles 15 and 16 for an additional 45-days until September 29, 2023.

The Town should carefully apply Section 15.4 to ensure that, if additional discussion topics arise, an amended meeting notice is posted within 48-hour of the meeting as required by G.L. c. 30A, § 20 (b). While we approve the amendments adopted under Article 15, including the amendment to Section 15.4, "Meetings," requiring meeting notices to be filed with the Town Clerk at least one week prior to the meeting date, this provision cannot supplant the requirements of the OML, including the requirement that all topics that are reasonably anticipated *48 hours* in advance of the meeting be included in the notice. We encourage the Town to consult with Town Counsel in light of these issues to ensure that proper application of Section 15.4.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608

cc: Town Counsel Adam J. Costa

ARTICLE 15: To see if the Town will vote to amend Section 15 Board of Trustees of the Town of Groveland General Bylaws by amending as follows (~~gross-out removed bold new~~):

15.3 Trustees

The Officers shall be elected by the Board at the June meeting of the Board or the earliest meeting after the Annual Town Elections. The Officers shall not preside for more than two successive terms **with the exception of the Office of the Treasurer, which is bonded, and unless there are unforeseen circumstances.** A term is designated as one fiscal year.

Duties of Officers

Each officer shall be responsible to perform the duties and responsibilities assigned to the position during the duration of their term. Each position will have the following duties:

- Chairperson
 - preside at all meetings of the Board
 - **along with the Director, prepare and distribute the agenda for all of the Board meetings to all Board members**
 - call special meetings of the Board
 - ~~appoint committees of one or more members each for such~~ **for specific business** as the Board requires
- Vice-Chairperson
 - perform the duties of the Chairperson ~~at their request or~~ in their absence
 - other duties to be determined in support of the Chairperson
- Secretary
 - post all minutes as required by law **in a timely manner**
 - record and distribute minutes of all meetings ~~of the Board to Board members~~
 - prepare correspondence as directed by the Board
- Treasurer
 - keep informed of financial status, funding sources and needs of the Library **and report them to the Board at meetings**
 - record all funds from fundraising activities and provide funds to town treasurer to be deposited in designated accounts
 - ensure all expenditures have proper signatures
 - **this is a bonded position**

Responsibilities of the Board of Trustees

The Board shall have those responsibilities as provided by M.G.L., Chapter 78 Section 11, the Bylaws of the Town of Groveland and these Bylaws.

The Board shall have the care, custody and control of the Library holdings, including conducting annual reviews of the Director **prior to the preparation of the budget for the next fiscal year.** The Board shall also be responsible for conducting a search and ~~recommending for appointment~~ appointing a new Director, if necessary.

The Board will ensure that all monies raised and/or appropriated by the Town for the support and maintenance of the Library shall be expended in accordance to M.G.L., Chapter 78, Section 11. In addition all money or property received by bequest or gift for the Library shall be administered by the Board in accordance with the provisions of such gift or bequest.

The Board will also be responsible for approving the Library's annual budget and will **ensure that the Director** provides a report to the Town annually in accordance with M.G.L., Chapter 78, Section 12.

15.4 Meeting

Meeting notices shall be filed with the Town Clerk at least ~~48 hours~~ **one week** prior to the meeting date and time.

15.7 Bylaw Review

These Bylaws shall be reviewed by the Board at least every five (5) years.

Article submitted by the Library Board of Trustees

(Requires a Majority Vote)

NOTE: The bylaw change ensures that term limits for officers within the Library's Board of Trustees are enforced. It also clarifies language that previously was not, such as the Board of Trustees having the powers to appoint the Library Director rather than recommend the Director for hire.

BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION

MOTION: That the Town amend Section 15 Board of Trustees of the Town of Groveland General Bylaws as set forth in Article 15 of the Warrant.

DATE AND ACTION TAKEN: April 23, 2023

Motion made: Kathleen Kastrinelis

Second: William O'Neil

Vote Unanimous for Favorable Action so declared the Moderator