



TOWN OF GROTON

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Charter Review Committee

Peter S. Cunningham, *Chair*
Rebecca Weksner, *Vice Chair*
Mark W. Haddad, *Clerk*
Robert Collins, *Member*
Kristen Frank, *Member*
Michael Sulprizio, *Member*

CHARTER REVIEW COMMITTEE MEETING

THURSDAY, JANUARY 16, 2025

AGENDA

SELECT BOARD MEETING ROOM

2nd FLOOR

GROTON TOWN HALL

4:30 P.M.

- I. Review Agenda for the Public
- II. Continue Review of Proposed Changes to the Groton Charter
- III. Approve Minutes – December 5, 2024 Meeting and December 11, 2024 Meeting
- IV. Adjournment

Votes may be taken at any time during the meeting. The listing of topics that the Chair reasonably anticipates will be discussed at the meeting is not intended as a guarantee of the topics that will be discussed. Not all topics listed may in fact be discussed, and other topics not listed may also be brought up for discussion to the extent permitted by law.

To the Charter Review Committee
From Becky Pine
Dec 10, 2024

Suggestions

1. The Charter could benefit from a Table of Contents
2. Section 3.1.5 refers to a 'Town Officer' but there is no definition of what a 'Town Officer' is.
3. Section 3.1.3 says a Select Board member may not hold another elected office. Section 3.2.1 says a Select Board member may not hold a paid benefits-eligible position. I suggest that these two restrictions should show up in the same place, for improved clarity.
4. Section 7.7.2 refers to 'personnel by-laws' If the Personnel Board is eliminated from the Charter, will we still have Personnel By-laws that need to be followed?
5. Regarding the appointment of Police Chief, Fire Chief, and Town Clerk, I would suggest the following changes:

Section 3.2.4 includes this sentence: "The select board shall appoint a police chief, fire chief and town clerk consistent with clause (v) of section 4.2,; provided, however that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws."

I would suggest removing this sentence from section 3.2.4 and creating a new separate section 3.2.5 (and renumbering the subsequent sections) as follows.

New section 3.2.5 Appointment of Police Chief, Fire Chief, and Town Clerk – The select board shall appoint a police chief, fire chief, and town clerk, using the following process. Following consultation with the Town Manager (either in an open session or an executive session of the select board, as appropriate), the select board shall give public direction to the Town Manager as to (1) whether to consider one or more internal candidates or to advertise the vacancy publicly, (2) how many candidates to bring forward to the select board, and (3) whether to include a select board member on a screening committee. Provided, however, that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws.

I would then suggest revising clause (v) of section 4.2 to say "if a vacancy occurs in the office of police chief, fire chief, or town clerk, following the process described in section 3.2.5. In the event that a new chief or town clerk has not been appointed when the former chief or town clerk leaves their position, the Town Manager may nominate an interim chief or town clerk for

the select board's approval. An interim chief or town clerk may only serve until a new chief or town clerk's employment begins, and generally no longer than six months.

**CHARTER REVIEW COMMITTEE MEETING
MINUTES
DECEMBER 5, 2024**

Present: Peter Cunningham, Chair; Rebecca Weksner, Vice Chair; Mark Haddad, Clerk; Kristen Frank; Brenden Mahoney

Members Absent: Bob Collins; Michael Sulprizio

Also Present: Rebecca Pine, Select Board Member; Matt Pisani, Select Board Member; Dawn Dunbar, Town Clerk; Art Cheeks, Fire Chief; Melisa Doig, HR Director; Kara Cruikshank, Executive Assistant; Mary Jennings; Anna Eliot; Jon Strauss; Judy Anderson; Jack Petropoulos

Chair Cunningham called the meeting to order at 7:00 p.m. Chair Cunningham presented the Agenda for the meeting.

Brenden Mahoney has been reappointed to the Charter Review Committee by the Groton Dunstable Regional School District Committee and was present for the Meeting.

Public Hearing

Chair Cunningham explained that the Charter Review Committee is required by the Charter to conduct a Public Hearing within 60 Days of their first meeting. The purpose of the Public Hearing was to receive input and comments on the Charter.

Mr. Haddad read the public hearing notice into the record.

Mr. Haddad moved to open the Public Hearing; Dr. Weksner seconded. The vote was unanimous to Open the Public Hearing.

Input from Town Clerk

Town Clerk Dawn Dunbar was present to propose several amendments to the Charter (see attached emails from Ms. Dunbar). Under Section 2.6.2 and 2.6.3, which covered posting of the Warrant for Town Meeting, she noticed that it required posting in two public places, while Section 6.5.1 required the Finance Committee to post their Annual Budget Report (which is contained in the Warrant) in 3 public places. She suggested that these sections be amended to require the same number of public postings.

In addition, she noticed that Section 5.3.7 uses the words “subsection” to refer to a specific section of the Charter, while other sections use the word “clause” instead. She suggested that the same descriptive word be consistent throughout the Charter. Member Bob Collins had provided a letter in the packet that stated he had contacted the Supreme Judicial Court and they stated that the correct descriptive word would be “subsection”.

Another proposed amendment would be to use the word “Annual” under Section 2.11 (Report to Voters), instead of the word “Spring” so that it would cover reports to the Town Meeting either at the Annual Spring Town Meeting or Annual Fall Town Meeting.

Finally, Ms. Dunbar noticed that Section 6.6 requires the Five Year Capital Improvement Plan be published in the Report to Town Meeting. The current practice has been to just include the current year’s Capital Plan. She suggested that this Section be amended to only require the current year’s Plan. Chair Cunningham thought a definition/clarification of what “published” means would be helpful to the Charter Review Committee. Mr. Haddad stated that he would reach out to Town Counsel and ask for an opinion.

Other Public Input Received

Mr. Haddad read into the record an email received from resident Ginger Vollmar (attached to these minutes) on her thoughts on the various proposals currently before the Charter Review Committee.

Mr. Haddad also read into the record comments from Member Bob Collins that were sent to Committee and contained in the packet (see attached letter). The main comment was a proposed alternative language under Section 4.2 (i) of the Charter to clarify the Town Manger’s supervisory authority. Mr. Collins suggested the following amendment to Section 4.2 (i):

“Managing, supervising, and being responsible for the efficient and coordinated administration of all town functions as may be authorized by the Charter, by-law, town meeting vote of the Select Board, including all appointed officials, employees, department heads and their respective departments.”

Discussion on Proposal for Town Manager to Appoint Police Chief and Fire Chief

Rebecca Pine, a member of the Select Board stated that she was not in favor of the proposal to have the Town Manager appoint the Police Chief and Fire Chief. She believed that this should remain with the Select Board under the current process. She believed the current process of utilizing an Assessment Center observed by the Select Board was important. She stated that the Committee could come up with language to allow for the appointment of an interim or acting Chief. Mr. Haddad stated that he disagreed. The Town Manager currently appoints all other Department Heads, subject to ratification by the Select Board. Why would this be any different? Mr. Haddad had found that in 15 out of 16 other Town Charters of surrounding Towns, the Town Manager appointed the Police Chief and Fire Chief. Mary Jennings stated that she agreed that the Town Manager should be the appointing authority based on her experience as a superintendent of schools. Having the Charter be too specific in dictating the process is a detriment. The Select Board could adopt a policy that outlines how a Search is conducted. Fire Chief Art Cheeks stated that he found the use of an Assessment Center an important part of the vetting process. It made him a better candidate. He also believed that promoting from within is an important factor as they have institutional knowledge that is important to the sound operation of the Department. Chair Cunningham believes this should be added to a future Agenda of the Select Board for their discussion and input to the Charter Review Committee. Chair Cunningham said the Charter Review Committee would continue to discuss/debate this proposal.

Park Commission Proposal

Mary Jennings has done research of surrounding Towns on the way they handle parks and recreation activities. She provided the Committee with a summary of her findings (attached to these minutes). She believes that recreation should be included in their responsibilities and that the Park Commission should remain elected. Anna Eliot also believes that the Park Commission should remain an autonomous elected Board. Dr. Weksner described her experience as an elected official and stated that she would never run for office and felt that an appointment process would draw more candidates. Jon Strauss asked what the genesis of this proposal was. What was it trying to accomplish? Mr. Haddad stated that he brought his forward to allow for more volunteers to come forward and to place it under the Department of Public Works.

After a lengthy discussion, it was decided that the Charter Review Committee will continue to discuss this at future meeting.

Being no further public comment, Mr. Haddad moved to close the Public Hearing. Dr. Weksner seconded the motion. The vote was unanimous to close the Public Hearing.

Determine Next Meeting Dates

The Committee decided that their next two meeting dates would be January 16, 2025 and February 6, 2025 beginning at 4:30 p.m.

Minutes

Mr. Haddad moved to approve the minutes from the November 21st Meeting. Dr. Weksner seconded. The vote was unanimous to approve the minutes.

Being no further business, Chair Cunningham adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Mark Haddad, Clerk

Kara Cruikshank

From: Dawn Dunbar <ddunbar@grotonma.gov>
Sent: Monday, November 25, 2024 4:21 PM
To: charterreview@grotonma.gov
Subject: Suggested Edit to Charter

Good afternoon Members of the Charter Review Committee:

I have been reading over the Town Charter as you go through your review process and wanted to bring, what I think is an inconsistency, to your attention. Sections 2.6.2 and 2.6.3 of the Charter state notice of the Warrant (Spring, Fall and Special) shall be posted in not less than 2 public places, but Section 6.5.1 states that the Report of the Finance Committee (which is included in the various Warrants) shall be posted in not less than 3 public places.

2.6.2 Inclusion on the Warrant - Spring and Fall Session of the Town Meeting - When

a spring or fall session of the town meeting is to be called, notice shall be given by posting attested copies of the warrant in not less than 2 public places in the town and by publishing notice of the meeting in a local newspaper not less than 14 days before the day appointed for the meeting. The select board shall include in the warrant the subject matter of all petitions received by the board not less than 60 days before the date fixed by by-law for the session of the spring or fall session of the town meeting to convene. Unless specified otherwise in this charter, the content, scheduling and notice requirements for a spring or fall session of the town meeting shall be the same as provided for an annual town meeting pursuant to section 10 of chapter 39 of the General Laws.

2.6.3 Inclusion on the Warrant - Special Town Meeting - If a special town meeting is

to be called, notice shall be given by posting attested copies of the warrant in not less than 2 public places in the town and by publishing notice of the meeting in a local newspaper not less than 14 days before the day appointed for the meeting. The select board shall include in the warrant the subject matter of all petitions received by the board not less than 20 days before the day appointed for the meeting. Unless specified otherwise in this charter, the content, scheduling and notice requirements for a special town meeting shall be the same as provided for a special town meeting pursuant to section 10 of chapter 39 of the General Laws.

6.5.1 The finance committee shall, upon receipt of the proposed budget from the town manager, consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each town agency in connection with the committee's review and consideration. The finance committee may require the town manager or any town agency to furnish the committee with such additional information as the committee may deem necessary to assist the committee in its review and consideration of the proposed budget. Not less than 14 days before the opening of the spring town meeting, the finance committee shall file with the town clerk a report containing the committee's proposed budget and comments or recommendations regarding differences between the committee's proposed budget and the proposed budget submitted by the town manager. Not less than 14 days before the opening of the spring town meeting the report shall be made available to voters of the town by publication on the town's website and by leaving copies of the report in not less than 3 public places in the town. Copies of the report shall be made available to voters at the opening of the spring town meeting. The failure to file the report with the town clerk in a timely manner or to publicize the report by posting on the town's website or in 3 public places in the town shall not prohibit the town meeting from voting on the budget and shall not affect the validity of any vote taken on the budget at town meeting.

Kara Cruikshank

From: Dawn Dunbar
Sent: Monday, December 2, 2024 3:08 PM
To: charterreview@grotonma.gov
Cc: Kara Cruikshank
Subject: Charter Edit Suggestions

Good afternoon Members of the Charter Review Committee:

I have a couple of suggested edits to the charter that I wanted to bring forward for your consideration.

1. Section 5.3.7 - Principal Assistant Assessor – this section refers to “**subsection**” (iii) of section 4.2. Under section 5.3.5, 5.3.6 and 5.4.1 they all refer to “**clause**” (iii) of section 4.2. For consistency purposes, I might replace the word “subsection” with the word “clause” in Section 5.3.7.
2. Section 2.11: Report to the Voters – This section starts out by stating “*There shall be published for every town meeting a copy of the warrant, together with its articles, and a report to the voters that shall contain the explanation and relevant data submitted by the proponents of each article...*”

No where in this section does it reference a report to the Fall Town Meeting. I would suggest a few minor edits to the paragraphs contained within this section:

There shall be published for every town meeting a copy of the warrant, together with its articles, and a report to the voters that shall contain the explanation and relevant data submitted by the proponents of each article; provided, however, that the town manager may direct that voluminous supporting material necessary for consideration of particular articles be made reasonably available for inspection at public locations before the town meeting in lieu of inclusion in the written report to the voters. The written report for each ~~spring~~ annual town meeting shall include: (i) the written report of the planning board setting forth its findings and recommendations as to all zoning articles; (ii) the written report of the finance committee, which shall set forth its findings, conclusions and recommendations and its reasons therefor regarding all of the monetary articles in the warrant; and (iii) with respect to each warrant article, in addition to the reports of the planning board and the finance committee, the written report of a proponent or sponsor of a warrant article and of a multiple-member body or town agency that is required to review, recommend or sponsor the warrant article by law, appointment or otherwise.

*The report for the spring town meeting shall also include, as an appendix, the capital improvement plan defined in section 6.6 setting forth a five-year capital outlay program for the information and guidance of town meeting.****

Potential language change:

The report for the spring town meeting shall also include a list of the capital improvements being requested of the voters along with an explanation of each. The select board shall have the opportunity to include in the report to the annual town meeting, its conclusions and recommendations, including its reasons therefor, regarding articles in the warrant that relate to its general superintendence over the administration of town affairs.

***Does this need to be included? A Five year outlay program is not currently included in the warrants but instead as a separate document distributed to the Finance Committee and Select Board and posted on the Town’s website.

Kara Cruikshank

From: Ginger Vollmar <ginger.vollmar@gmail.com>
Sent: Monday, December 2, 2024 12:21 PM
To: charterreview@grotonma.gov
Subject: Input for the Charter Review and Update

Dear Charter Review Committee,

Here is my input on some of the changes to the Charter that have been proposed so far.

First of all, the Town Manager should not be given any more power than he/she already has. This is not good government "by the people".

- Do not change the Parks Commission to appointed -- that is too much consolidation of power. If reps from local sports teams want to be on the Parks Commission, they can run for a position.

- Do not put the Parks Commission under the DPW. Everything is working fine now so why change things. The Parks Commission works well WITH the DPW.

- As far as the process for signing town payroll & expense warrants: I suggest that the Town Manager and two members of the Select Board be required to sign. Having just one member of the Select Board sign along with the Town Manager is not a good permanent solution.

- As far as the proposed change to allow the Town Manager to appoint the positions of Police Chief, Fire Chief and Town Clerk: NO, this is not a good idea. There is no reason to change the current process of having the Town Manager bring forward 2 or 3 candidates to the Select Board and then letting them make the decision. The current process works well and there is no reason to change it.

Thank you for considering my input.

Ginger Vollmar

Robert L. Collins
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Westford, Massachusetts 01886

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204 Gay Road
Groton, Massachusetts 01450

5 December 2014

The Groton Charter Review Committee
Peter S. Cunningham, Chairman
Town Hall
173 Main Street
Groton, MA 01450

RE: Section 4.2

Dear Peter and Committee Members:

Section 4.2(i) Language

I wish to respectfully suggest alternate language for Section 4.2 (i) [this deals with the issue raised in the Town Manger's memo of 11/05/2024 (#4) and 11/21 (#11)]:

Remove the words "under the Town Manager's control..." and reword the section so that it reads:

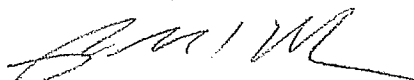
"Managing, supervising, and being responsible for the efficient and coordinated administration of all town functions as may be authorized by this Charter, by- law, town meeting vote, or the Select Board, including all appointed officials, employees, department heads, and their respective departments."

Town Clerk's Suggested Edits

The Town Clerk has suggested (# 1 in her Memo to the Committee of 12/02/2024) that we change the word "subsection" to "clause." I am the culprit responsible for use of the word "subsection" a decade ago. Today I checked with the Librarian of the Massachusetts Supreme Judicial Court (which is the authority for the use of correct citation in SJC cases and state documents). I am

told that when one has a numerical sectional designation such as we have in our Charter, the correct reference in this instance would be "subsection" rather than "clause." For the sake of consistency, may I respectfully suggest that we replace the word "clause" with "subsection" in Sections 5.3.5, 5.3.6, and 5.4.1.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. L. Collins', with a long horizontal flourish extending to the right.

Robert L. Collins

TO: Charter Review Committee:
DATE: Public Hearing, December 5, 2024
RE: Recommendations for Changes to Groton Park Commission
FROM: Mary Jennings, Park Commission member

The Charter Review Committee is reviewing certain proposals regarding the future of the Park Commission. I took this opportunity to review neighboring town's policies and practices regarding the governance and operation of its parks and recreation and found the following:

<i>Data from 2024 Budgets/Town Reports</i>				
TOWN	DEPARTMENT: Sub-department	Budget: P=Personnel. G:Grounds	Grounds Separate Budget	Governance: Elected or Appointed ELECTED
Acton	Human Service: Recreation	P- \$247,595	Public Works budget	Recreation. Committee: Appointed by Select Board
Littleton	Culture and Recreation: Parks, Recreation and Community	P=\$373,462	Public Works budget \$275,727	Park and Rec Commission: Elected
Westford	Culture and Recreation: Parks and Grounds	P=\$486,429 G=\$538, 174		Parks and Rec Committee: Appt by Town Manager
Harvard	Culture and Recreation: Parks and Recreation	P-\$42,000 Director	General budget	Parks and Recreation Commission: Appointed
Pepperell	Recreation	P-\$41,388 Director	General Budget	Recreation Commission Elected
Ayer	Parks and Recreation	P-FT Director & staff \$95,500		Parks Commission: Elected
		G-\$106,000		
Groton	Department of Public Works: Parks Department	P= \$17,922. G. \$55,759	Building & Grounds	Parks Commission.: Elected

Parks AND Recreation

In all communities except for Groton, recreation is part of the budget responsibility for the properties that the Committees and/or Commissions administer. They all have directors who are part of the administration of the Town and who are familiar with recreation policies etc. I believe this is the direction that Groton should go as we expand and coordinate our many recreational opportunities –whether through user groups, or concerned constituencies. In *de facto*, the GrotonParks Commission is very involved in recreation as we judge permit and fee usages for our fields and work closely with concerns and complaints about the state of our parks, playgrounds and fields.

Only in Groton is the Parks Department within the budget of the Department of Public Works. This status as a sub-department signals that we are a turf and facility committee alone. Our title should signal what we truly do and we should become the Parks and Recreation Department.

Elected OR Appointed

Because our Parks Commission currently operates as part of an appointed Department, I believe that the Commission should retain its elected status. This gives it the degree of independence it needs from the Department of Public Works and also makes it more beholden to the public, as it is done in three of six neighboring communities

**CHARTER REVIEW COMMITTEE
VIRTUAL MEETING
MINUTES
DECEMBER 11, 2024**

Present: Peter Cunningham, Chair; Mark Haddad, Clerk; Robert Collins; Kristen Frank; Michael Sulprizio; Brenden Mahoney

Member Absent: Rebecca Weksner

Also Present: Dawn Dunbar, Town Clerk; Brian Falk, Town Counsel; Kara Cruikshank, Executive Assistant

Chair Cunningham called the virtual meeting to order at 4:35 p.m. and announced who was present at the meeting. He stated that the purpose of the Meeting was to address an Open Meeting Law Violation Complaint filed by Jack Petropoulos and reviewed the facts of the Complaint and proposed action by the Committee.

- The Committee received an Open Meeting Law complaint from Jack Petropoulos on December 4, 2024.
- All Committee Members should have a copy of the complaint.
- The complaint alleges that the Committee violated the Open Meeting Law on November 19, 2024, when a memo from the Town Manager, also a Committee member, was distributed to the Committee by email. The memo contained the opinions of the Town Manager on a matter within the Committee's jurisdiction.
- The memo was not shared with the Committee directly by Mr. Haddad as alleged in the complaint. The memo was part of the Committee's agenda packet and distributed by staff prior to the November 21 meeting. The memo and the agenda packet were also posted online for public view at the same time the Committee received the materials.
- Under the Open Meeting Law, the Committee may not deliberate outside of a posted public meeting. While certain meeting materials may be distributed among Committee members before a public meeting, this is permitted so long as "no opinion of a member is expressed."
- Town Counsel has advised that there is a Supreme Judicial Court decision suggesting that meeting materials with the opinions of Committee members may be shared prior to a meeting if the general public has access to the materials at the same time, such as a website posting.
- However, Town Counsel has advised that the Attorney General's Office does not interpret this Supreme Judicial Court decision as allowing the Committee to distribute opinion materials in this manner. As a result, the Attorney General is likely to find that the Committee violated the Open Meeting Law as alleged in the complaint.
- In addition, the agenda packets for the Committee's meetings on November 7, 2024 and December 5, 2024 also contained opinions from members and should not have been distributed prior these meetings under the Open Meeting Law.
- Town Counsel has advised that the Committee acknowledge these violations.

- Going forward, the Committee's support staff will exclude from agenda packets any documents that contain the opinions of Committee members. Those documents will only be distributed during posted meetings of the Committee.
- Town Counsel has prepared a draft response letter, and you should all have copies of that draft.
- If there are no objections, Chair Cunningham will work with Town Counsel to finalize the response letter and submit it to the complainant and the Attorney General's Office.

Mr. Collins stated that he provided the Committee with language that did not express an opinion. He asked Town Counsel if documents such as that were a violation of the Open Meeting Law. Town Counsel explained that anything that has information such as providing language could constitute an opinion and therefore could be construed as a violation. Town Counsel stated that the best way to deal with this is to only have information from Committee Members unveiled at a Meeting. While inefficient, it is the only way to ensure that the Open Meeting Law is not violated. Even though Committee Members receive the information at the same time the public is provided the same information, that could still be a violation.

Mr. Haddad stated that since it appears that people are scrutinizing every action of the Committee, the packets should not contain items from Committee Members and that those items should only be distributed at a meeting. Mr. Haddad feels that there are individuals who will "weaponize" the Open Meeting Law and we should not put the Committee in that position. Mr. Haddad reiterated that he did not email the Committee directly as the complaint alleges, but when Town Counsel reviewed the matter he determined the violation outlined by the Chair. Chair Cunningham commented that it is too bad as this will limit information the public can review prior to a meeting.

Mr. Haddad moved to authorize the Chair to work with Town Counsel to finalize the response of the Committee and issue it to the Complainant and the Attorney General's Office. Mr. Collins seconded the motion. The vote, by rollcall, was as follows: Sulprizio, Aye; Collins, Aye; Mahoney, Aye; Frank, Aye; Haddad, Aye; Cunningham, Aye. Unanimous

Mr. Haddad moved to adjourn the meeting. Mr. Collins seconded the motion. The vote, by rollcall, was as follows: Sulprizio, Aye; Collins, Aye; Mahoney, Aye; Frank, Aye; Haddad, Aye; Cunningham, Aye. Unanimous

Meeting adjourned at 4:59 p.m.

Respectfully submitted,

Mark Haddad, Clerk