

**Charter Review Committee (CRC)**  
**Town of Groton, Groton, MA 01450 978-448-1111**

**Meeting Minutes - October 7, 2015**  
At Town Hall

**Present:** Jane Allen, Robert Collins, John Giger (Finance Comm), Michael Manugian (Chair), Bud Robertson (Vice-Chair [for comm.], Finance Comm), Stuart Schulman (BOS)

Not present: Michael McCoy

**Recorder:** Stephen Legge

**Visitors:** Judy Anderson, Ellen Baxendale, Josh Degen, Barry Pease (Finance Comm), John Petropoulos, Becky Pine, Connie Sartini

**Call to Order:** Chairman Manugian called the meeting to order at 7:06 PM.

**Approval of Meeting Minutes:**

It was moved and seconded to approve the minutes of Wednesday, September 30, 2015. The minutes were approved, as drafted, unanimously by a vote of 5-0, with Mr. Robertson abstaining due to absence from the meeting.

**Meeting Purpose:**

Mr. Manugian announced the purpose of tonight's meeting is to allow scheduled submitters of charter changes to make presentations of three minutes or less, justifying their proposed changes. Warnings will be given at 2:30 and Mr. Manugian will end the presentations at three minutes. The committee will then ask questions for understanding only (this time will not count against presenters). A complete discussion by the committee, including a weighing of the merits of the proposals, will be held after all presenting have had their opportunity. It was noted the discussions may not all be completed in tonight's meeting.

Visitor Ms. Pine requested that the list of all submissions scheduled for discussion be made available to the public at the meeting, perhaps by posting on the white board.

Submissions scheduled for tonight are:

1. Information Technology, #79
2. Professional Development, # 34 and #72
3. Public Relations, #77, #163
4. Records Custodian, #150
5. Reporting Structure, #147 and 148

## **Presentations (by the Public) of Scheduled Submissions:**

### **Records Custodian, # 150 (Page 34 in the List by subject); John Petropoulos, presenter:**

The town does not have a formal process for handling all records now. There are difficulties with Freedom of Information records requests. The reason to make a charter change is because records handling, storage and protection is very important, and justifies mention in the charter. We need to make a commitment to this. It is believed the Town Clerk handles most, if not all records requests now. The state provides advice on this. Our Town Clerk is very committed, but there is less structure and accountability on this than is desirable and we need a policy for more unified management and access. The proposal is intended to apply to public and non-public records.

Mr. Giger: are you proposing a designation of a specific position, or a policy, or both?

Petropoulos: possibly establishment of the position, but also definition of the requirements to train people in proper practice, provide appropriate storage and ensure availability of records.

### **Reporting Structure, # 147 and # 148 (page 34 in the List by Subject); John Petropoulos, presenter:**

Mr. Petropoulos presented the information written in his submission. His main point is that no elected official should be beholden to any authority other than the public. In particular, an elected official should not report to an unelected official. By “beholden”, he means subject to performance evaluation and compensation adjustment. He offered as an example the Town Clerk’s position and relationships it had with the Town Manager.

Mr. Robertson asked how other towns handle this. Mr. Manugian suggested that this item may be appropriate for the committee to do some research before further significant discussion or voting take place. Does the Town Clerk report in any way to the Town Manager? Who reviews the performance? Who disciplines? Mr. Robertson offered to research this issue.

Mr. Schulman asked if there are other elected positions we should be considering in this way as well. Mr. Petropoulos said the Town Clerk’s position is the only one he is aware of to have such concerns for.

Submission # 147 had to do with employees of boards, commissions or authorities (water, sewer, electric light, public library are examples) reporting to other than their elected bodies. All of these, except for electric light, are presently reporting to the Town Manager.

Mr. Schulman pointed out that the West Groton Water Supply District currently operates under the model proposed. Visitor Ms. Pine said the Sewer Commission complicates the situation with the Water Department.

### **Information Technology, # 79 (Page 30 in the List by Subject); Barry Pease, presenter:**

Mr. Pease maintains that information technology and the management thereof is of such importance to the town that it merits its own designation in the Charter as a department. The members of the department are appointed by the Town Manager, ratified by the BOS, and this department would have a new section in the Charter, 5.5, describing its functions and powers and duties. Mr. Pease offered a very detailed elaboration of the functions, powers and duties to be added to the Charter. Mr. Pease mentioned this should not be considered a “support” role, but rather a critically important role; as time goes by, a new generation of people (“millenials”) who have grown up with information technology will be running our town and it will be a natural and progressive evolution for our town to give this function new emphasis. Mr. Pease also mentioned that information technology, well managed, will provide a new level of automation that will free our staff to do more for the town.

Mr. Schulman expressed a concern with the head count and increasing costs to the town by creating a new department. Mr. Manugian asked why is this function different from others, and why does it merit mention in the Charter. Mr. Pease said by not placing this in the charter we leave ourselves open to the whims of the Town Manager; it would be a glaring omission to not put such an important function in the charter. Mr. Collins asked, does this action insure consistency with other departments. Mr. Pease said, yes.

**Professional Development, # 34 (Page 31 in the List by Subject); Barry Pease, presenter:**

In addition to some editorial suggestions for Section 4-1, Mr. Pease recommended the Charter be amended to require appropriate professional training for the Town Manager position. He followed with a citation of resources for such training. He also recommended the addition of language to the Charter detailing the process by which the Town Manager will be reviewed. Mr. Pease added that the present process is a good model for incorporating into the Charter.

Mr. Robertson said everyone in town employment has provision for training and questioned why the Town Manager should be singled out this way. He also asked if Mr. Pease intended a position be established to manage the training for the town. Mr. Pease replied no new position is intended – only specific requirements, and funding, for the Town Manager position, since it is such an important and multi-faceted position. Mr. Robertson commented he feels the Charter is at a higher level than is appropriate to spell out specific training needs.

Note: Another submission on professional development, #72 by William Knuff, was read by the chair, Mr. Manugian. Mr. Knuff was not present to address the committee.

**Public Relations, # 77, (Page 32 in the List by Subject); Barry Pease, presenter:**

Mr. Pease presented his justification to create a new position of Public Relations Specialist for the town. He stated that PR is a hit-or-miss kind of thing in town and criticized the quality and design of a number of marketing surveys sent out to residents recently. He said we may be an efficiently run town, but are we effective? Good PR can help to set good expectations about what is happening and will happen in the town governance. He also claimed that good PR will help in the encouragement, recruitment and involvement of new people in town government.

Mr. Robertson commented this would have a definite impact on the town budget. While the purpose of this committee is not to be concerned about the costs of new proposals, it is its job to decide if we need this in the Charter.

Mr. Schulman expressed concern with PR, as practiced, being a possible impediment instead of an enabler of good town government. How do we prevent this from happening?

Visitor Ms. Pine spoke briefly on the PR issue with respect to her and Mr. Pine's submission # 163, a general discourse on the present nature of town government and effect of the Charter on governance. Her opinion on PR was that the town did not need a PR department or a specially paid specialist position.

The presentations for the evening were completed and the committee prepared to discuss the submissions presented.

## **Committee Discussions on Issues Presented this Evening:**

### **Information Technology:**

Mr. Robertson believes this idea belongs in the Charter. It is an important position/department. A very minimal description of the function belongs in the Charter language.

Mr. Schulman: It would be a department – it should be in the Charter with powers and duties elaborated. It could need from one half to a full page description, consistent with those of other departments.

Mr. Giger: The issue is at the Charter level of importance. It is not logical to think the town would operate without this function.

Ms. Allen: It is interesting to compare the town's need to the public library's need for this function (Mr. Allen is a library trustee). She feels much can be accomplished for the library by one part-time person. While the town needs this kind of support, the need does not rise to the charter level, she believes.

Mr. Collins: He feels this should go into the Charter. The function, duties, etc. should be codified to a level that people can depend on.

Mr. Robertson: The technology changes so fast, whatever we write will become obsolete. So the Charter should description should not be very detailed.

Mr. Giger: Be careful about one thing – the police and fire departments have different and independent IT personnel supporting their departments. Does this make sense? It seems logical to unify and do things right and consistently.

Mr. Manugian: He feels there is no reason to put this in the Charter. The IT department will not go away in Groton. Instead, focus on change that will be meaningful. We cannot enforce that a

good job will be done or force cooperation and unity in the town's way of doing things through the Charter. Let's keep it simple.

Mr. Collins: Who would the IT department report to - the Town Clerk? It should be in the Charter. A lot of towns have a pretty sketchy website. It would be nice to have a good one. Allow people to really know what is going on in town government, via the town website.

Mr. Manugian: This is purely an operational function. Not a big problem to fix. Getting things done well has more to do with quality people and cooperation among departments.

Mr. Schulman made a motion to add an IT function to the Charter describing features of that function which are universal and unlikely to change in time. He cited Mr. Pease's proposed Section 5.5 language for guidance on this. Mr. Collins seconded.

Mr. Giger: He is concerned we are moving too quickly on this. Should we not be considering what are the higher level criteria for provisions belonging in Article 5 (Administrative Organization) of the Charter? What are we trying to do with this article of the Charter? Mr. Giger does not have a good feeling about how IT fits into this.

Mr. Schulman: This is our first day doing this (public hearing, discussion, voting). We should not hurry to vote this up or down.

Mr. Manugian: He is concerned with making too many unnecessary changes to the Charter.

Ms. Allen: IT is appropriate in Article 5.

Mr. Giger: He would like the motion to read "This is a worthy idea", but not sure where it should go in the Charter.

Mr. Manugian said the language person (Mr. Collins) will look at specific language possibilities and we will vote on a motion for the specific language in the charter at a later time.

Visitor Ms. Pine urged the committee to vote in favor of the motion. She wants to see a more user-friendly town website; she wants us to look like a modern town.

Mr. Harker said he too would not underestimate the value of a good town website. It is for many in town the only face of town government and for almost all out of town. He said the face is very important.

A vote was taken on the motion. It passed 5-1, with Mr. Manugian voting against.

### **Professional Development:**

Mr. Schulman, Mr. Robertson and Ms. Allen felt the proposal was a good idea but should not be incorporated in the Charter.

Mr. Collins agreed it should not be put in the Charter, but proposed directing the submission to the BOS for their consideration.

Ms. Allen moved to refer the professional development proposal to the BOS to look at their policies with regard to the Town Manager and all town employees. Mr. Collins seconded.

Visitor Mr. Pease offered to re-do his slides for the benefit of the Selectmen if the motion passes.

The motion was voted and passed unanimously.

### **Public Relations:**

Mr. Robertson said this proposal should not go into the Charter. The BOS could hire a consultant if they deem it appropriate.

Mr. Schulman loves the idea and supported discussing it in a coming Selectmen's meeting. He asked, what we can afford in this regard. It is a budget issue, not a Charter issue.

Mr. Giger: No, it should not be in the Charter.

Mr. Manugian: He said no, refer this to the BOS.

Ms. Allen moved the Public Relations proposal be referred to the BOS for their consideration. Mr. Robertson seconded.

Mr. Manugian commented on the phenomenon known as the "messiah concept": the idea that one person in one position can magically solve a collection of long standing problems. In his estimation it is not a Charter issue.

The motion passed unanimously.

### **Records Custodian:**

Mr. Collins believes Town Clerk has statutory responsibility for this duty. He offered to research the issue.

Mr. Giger asked Mr. Collins to include in his research whether or not all records are included in that responsibility.

Mr. Robertson stated he saw no need to consider a Charter change for this.

Mr. Manugian: We need this function, but it does not need to be in the Charter.

Mr. Schulman commented Freedom of Information Act requests always go to the Town Clerk. This does not mean, however, that all records reside with the Town Clerk.

Mr. Manugian asked if any current Charter provisions reference the subject of town records.

Mr. Giger: There is some value in talking about the duties of the Town Manager; does he have a good records retention and storage policy? Is compliance good? He could work with the Town Clerk on this. Some one person should ultimately be responsible for this.

Mr. Manugian asked Mr. Collins to research the breadth and depth of our current documents on records management and retention. What do they say and what do we do now?

Visitor Mr. Petropoulos: His point is put it in the Charter, regardless of whether or not it is covered by someone for now.

Mr. Pease commented that at the recent Massachusetts Municipal Association meeting, it was recommended that towns have a specified records custodian. Mr. Pease also mentioned in reference to issues about emailing in town business, everyone in a position of town government should have their own town email account. Mr. Schulman said he always uses his town email account for all town business.

Mr. Manugian commented that the email issue alone is too big and complicated to be handled by this committee. He further stated that the main issue of records custody, storage and access will be picked up again by the committee after Mr. Collins completes his research on the issue.

Visitor Ms. Sartini asked, what constitutes a “town record”?

\*\* At 9:00 PM, Mr. Manugian raised the point that we could not complete our work on the agenda in two hours and asked the committee to continue until 10:00 PM if necessary. Five of six were able to do this – Mr. Collins needed to leave shortly. Mr. Manugian determined to go ahead with discussions. \*\*

### **Reporting Structure:**

The issue raised is elected officials and their staffs should not report to or be beholden to the appointed official such as the Town Manager.

Mr. Schulman: The compensation of elected officials, including that of the Town Clerk, is not handled in the same fashion as that of appointed town employees. We need to consider that.

Mr. Giger asked Mr. Robertson (Finance Committee) to look at town employees who support the elected commissioners of water or sewer.

\*\* Mr. Collins left the meeting. \*\*

Visitor Ms. Pine: The Personnel Board should also be included in this consideration.

Ms. Sartini: Employees in the Water Department are answerable to the elected commission and to the BOS.

Mr. Schulman: He is opposed to the idea that an elected official should be accountable only to the electorate. He thinks it important that such officials also adapt themselves to the need to cooperate with other officials in town government.

Mr. Petropoulos: Groton Electric Light is a good example of elected officials working very cooperatively with town officials.

There was a short discussion between Ms. Allen and Mr. Giger about whether certain elected bodies were “revolving funds” or “enterprise zones”.

Mr. Manugian asked to postpone further discussion of the reporting structure submissions, due to time considerations.

### **Other Process Issues of Concern:**

Mr. Manugian announced that Ms. Sartini had requested that all submitters of Charter change proposals be identified, as appropriate, when town employees or members of town committees. There was some discussion on this. Mr. Manugian said it was late now in our process to change this. He acknowledged it might be possible to add this after the fact. He questioned how necessary it might be. The committee agreed not to do this.

Mr. Manugian said he has been asked if submissions made after the September 18<sup>th</sup> deadline might be considered. The committee agreed by consensus that due to our present workload, late submissions could not be interjected into our present process, but would be considered later, after all presently scheduled proposals are heard and considered and only if there was sufficient time.

Mr. Manugian stated that the committee will not re-schedule presentations by people who could not come to the meeting where they were scheduled.

In response to a request, Mr. Giger offered to put on the website a list of page numbers in the List by Subject for each proposal submission number.

Visitor Mr. Harker: This committee does not have the authority to produce warrant articles for the Spring Town Meeting. It can only report recommendations. The committee agreed that Mr. Manugian will consult with Town Counsel on this point.

### **Scheduling of Meetings until Spring Town Meeting:**

On the subject of meeting days, Mr. Manugian stated we can meet on Veterans Day, November 11<sup>th</sup>. He also asked the committee if it was possible to meet more days per week in order to process our considerable workload.

Mr. Giger that it was practical to consider 8-9 submissions per meeting. He said we did eight tonight, but did not finish all matters. Also the ones we did tonight were relatively non-

controversial. We have 17 scheduled Wednesday meetings left in 2015-16. The math for this does not work out too well since we have a total of 225 items.

Mr. Manugian proposed the idea of having parallel meetings during the weeks to look at and discuss those matters for which the public had already presented.

Mr. Schulman said we may not be able to complete our work before Spring Town meeting. It is not realistic to schedule more meetings for such duration. He also said we do not want to rush or feel too much pressure. The job needs to be done right. The only answer is to push back time lines. It may be necessary to present the committee report and warrant articles at a Town Meeting after the Spring, 2016 Town Meeting.

Mr. Robertson: A number of issues are very similar, with just slightly different wording. We may be able to consider more of these types of issues per meeting.

Visitor Mr. Petropoulos: Take the time to do it right. Don't push too hard to get everything done by spring Town Meeting.

Mr. Manugian: We will extend meeting times to three hours (to 10:00 PM).

How should the next three meetings be scheduled (which submissions/issues)? It was agreed to concentrate on Finance and Budget issues for the next three to four weeks. The committee authorized Mr. Manugian to create the detailed schedule.

Mr. Giger offered to talk with Mr. Colman about Groton Cable support for the extra scheduled hour to 10:00.

**The meeting was adjourned with unanimous consent at 9:53 PM.**

**\*\* The next meeting is scheduled for Wednesday, October 14<sup>th</sup>, at 7:00 PM. \*\***