

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

Meeting Minutes - October 14, 2015
At Town Hall

Present: Jane Allen, John Giger (Finance Comm), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair [for comm.], Finance Comm)

Not present: Robert Collins, Stuart Schulman (BOS)

Recorder: Stephen Legge

Visitors: Judy Anderson, Ellen Baxendale, Anna Eliot (BOS), John Petropoulos (BOS), Connie Sartini

Call to Order: Chairman Manugian called the meeting to order at 7:00 PM.

Approval of Meeting Minutes:

It was moved and seconded to approve the minutes of Wednesday, October 7, 2015. The minutes were approved, as amended by Mr. Manugian, unanimously by a vote of 5-0, with Mr. McCoy abstaining due to absence from the meeting.

Announcements, Discussion:

Mr. Manugian proposed that the committee not meet on Veteran's Day, that it was an important holiday for many people. The committee agreed. There will be no meeting November 11th.

Mr. Manugian asked Mr. Giger to read an email received from Gary Green, Chairman of the Finance Committee, addressed to the Charter Review Committee. Mr. Green was very disappointed he was not informed in a timely way of the scheduling of finance topics at tonight's meeting and is unable to attend this evening. He requested these topics be rescheduled to a future meeting. Several people on the Finance Committee were on the prior email distribution, but not Mr. Green. There was some discussion concerning whether it was appropriate to postpone finance topics. The consensus was to continue with tonight's agenda since there would be opportunities in the next several meetings to discuss all finance topics. Mr. Robertson (a Finance Committee member) felt comfortable presenting the Finance Committee topics. The committee agreed to authorize Mr. Manugian invite Mr. Green to submit a list of names and email addresses to be added to our email notice list. This list receives all meeting notices and schedule changes. The Committee also asked that the communication include the fact that discussion of finance issues had not begun and would take place over the next two or three weeks, giving all Finance Committee members adequate time to participate.

Mr. Manugian reviewed for the public present (and for the television audience) the complete process by which the committee will hear presentations from the public on formally submitted topics, review and discussion of the topics by the committee with public input, and the voting process of the committee.

Scheduled Public Presentations (refer to the attached agenda):

Submission by the Finance Committee (FC), # 67 (Page 91 in the List by Subject); Mr. Robertson presenting:

Mr. Manugian began by noting that Mr. Robertson is presenting as a member of the public or town government, not as a member of the Charter Review Committee.

Mr. Robertson summarized the item by saying the Finance Committee (FC) should be involved at the start of the budget cycle process – this had traditionally not been the case. He also explained that goals for the budget need to be laid out at the beginning of the process by the Selectmen and the Finance Committee, and the Town Manager (TM) would then submit a proposed budget compliant with such goals after he works with the town departments.

Mr. McCoy: The language being used is “It will comply”. There seems to be no wiggle room for the TM as he works his process. What if he cannot make the goals? Mr. Robertson said the intent is that he must meet the goals.

Mr. Manugian asked if the goals are set, and must be met, line by line or at the bottom line? Mr. Robertson answered, the bottom line only. It is not the FC’s purpose to get involved in every detail. That is where the TM does his work with the departments. The FC will certainly look at the Schools’ portion of the budget, but is less likely to question the details with that as compared to the “All Other” portion of the total budget which is understood to be the town’s administrative expenses. This latter portion is the TM’s area of responsibility.

Mr. Manugian commented, it sounds like the FC just accepts the School Committee’s budget. Mr. Robertson answered, there is a process to talk with the School Committee, and urge them to come to a reasonable number.

Mr. McCoy: Does the FC give the schools a preliminary budget target? Mr. Robertson said no, they establish their own number. The FC determines whether or not it is reasonable.

Ms. Allen asked how and when do the TM’s detailed numbers get looked at and handled. Mr. Robertson summarized the detailed budget review process. Most FC input on details comes into play after the first draft submission by the TM.

Mr. Giger (former School Committee member) explained more about the School Committee budget process; the school revenues come from the state and the town. The School Committee must make educated guesses about money coming from the state because no one knows with certainty until after the Town operating budget is approved. The School Committee, Dunstable’s

BOS and Groton's BOS get together and talk about the new budget. This group is referred to as the "Tri-Board". Mr. Robertson said the purpose of the Tri-Board is to track the current year's process and to discuss a longer term (3 years) budget strategy, so that the current year can be put in a logical multi-year perspective.

Mr. Manugian asked if the TM's goals include debt service and is there a separate capital budget process? Capital expenses might include capital equipment costs such as police cars, fire-fighting equipment, trucks, water line projects and new buildings (such as a fire station). These expenses would be allocated over more years than the current budget year. Mr. Robertson said the TM has a very specific schedule with specific process inputs. Mr. Manugian asked for a copy of the schedule dates.

Visitor Ms. Eliot explained more about how the BOS, FC and TM interact in the development of the annual budget, and how the School Committee budgeting process fits into the timeline.

Mr. Manugian said this submission item has taken us through the whole budget process and it has been a good discussion.

Mr. Manugian gave the Chair to Mr. Robertson so he (Mr. Manugian) could personally present the next item to the Committee.

Finance Submission by Russell Harris, # 30 (Page 12 in the List by Subject); Mr. Manugian presenting:

This submission proposes the FC be involved earlier in the annual budget process. Mr. McCoy asked if the earlier item # 67 would address this need. Mr. Manugian answered, he believed it would. Ms. Allen agreed. There were no further questions.

Submission # 38 from the Town of Groton Department Heads (Page 12 in the List by Subject); Mr. Manugian presenting:

Reference is made only to the third part of a 3-part submission covering a wider range of proposals. Part 3 (III) proposes clarification of the TM's role interacting with the FC and proposes FC involvement early in the process. There were no questions for this submission.

Finance Submission by Michael Manugian, # 47 (Page 14 in the List by Subject); Mr. Manugian presenting:

A specific word change was proposed for Section 6-4 in the Charter inserting "Finance Committee" into the language where BOS appears. The goal is to allow the Finance Committee to change the format of the Town Manager's budget in order to make it more useful for the Finance Committee.

Mr. Manugian added a comment that more breakdown of the budget on sources of benefit cost would be helpful in understanding the full budget impact. Mr. Robertson answered, wage numbers drive future benefit costs. The number of people on the payroll working 20 hours or more is what matters. Benefits are the sum of medical costs and retirement costs. How can we

reduce the fastest growing number (benefits)? Look at department totals for benefit costs. A few nights ago Mr. Robertson saw that four spending categories in the budget accounted for 90% of the town's total budget.

Finance Submission by Ginger Vollmar # 78 (Page 16 in the List by Subject); Mr. Manugian presenting:

Reference is made only to the last two paragraphs of Ms. Vollmar's submission, referring specifically to finance and budget matters. The first item asks for a town ballot on all capital spending projects over \$1 million. The second item asks for earlier involvement of the FC in the annual budget cycle and for a representative of the School Committee to be on the FC.

There were no questions from the committee. After some discussion there was a consensus that discussion of the capital budget item should be moved to a future meeting where the capital budget is discussed.

Visitor Ms. Sartini asked, how would these proposals play with the Town of Dunstable? This question was postponed by the chair to be taken up during the discussion period for tonight's submissions.

Mr. Manugian resumed the Chair.

Finance Submission by John Giger, # 104 (Page 92 in the List by Subject); Mr. Giger presenting:

This proposal is that the BOS should develop and present, prior to each fiscal year a set of budget priorities for the next fiscal year. The FC and the TM will then use the budget priorities to prepare and review the coming year's budget. This will provide a new and higher level of executive leadership direction for the Town. Specific dates are set forth in the proposal.

Finance Submissions by Connie Sartini, # 117 and 126 (Pages 19 and 18 in the List by Subject); Ms. Sartini presenting:

There should be no out-of-cycle grade changes or salary increases granted outside of the annual Spring Town Meeting, in the interest of consistency, fairness and clarity. There were no questions.

Finance Submission by Michael Bouchard, # 156 (Page 21 in the List by Subject); no presenter:

Add a reference to the FC in Section 6-2 of the Charter to involve the Finance Committee earlier in the budget process.

Finance Submission by Deborah Johnson, # 32 (Page 10 in the List by Subject); no presenter:

Ms. Johnson proposes that projects with a total cost of \$2 million would have to be approved by voters at a town election. She made it clear that total costs should be measured for this criterion not any fraction thereof proposed for any given phase in a multi-phased project.

Her second proposal was to require an explanation from the TM and the FC whenever the municipal budget was increased more than one-half of one percent above the school's budget.

There were no questions.

Finance Submission by Jane Allen, # 132 (Page 18 in the List by Subject); Ms. Allen presenting:

Ms. Allen proposed that stronger language be incorporated into Charter Section 2-1 making it clear that annual Spring Town Meeting is responsible for all budget decisions. She added that Fall Town Meeting should not include monetary decisions with the single exception of late arriving bills from the previous year. Ms. Allen said a quorum is only required for Spring Town Meeting.

Misters Giger and Manugian stated financial decisions should only occur in the annual Spring Town Meetings. Only emergency spending should be considered in the Fall.

Finance Submissions by the Finance Committee, # 62 and 63 (Page 16 in the List by Subject); Mr. Robertson presenting:

It has been proposed in these two submissions to change language in Charter Section 5-3(d) to include the FC in annual deliberations to develop a 5-year financial plan for the town. This would be done in concert with the Finance Department and the BOS. There was also a language insertion in Sections 6-1 and 6-2 to have the FC work with the BOS to update the town's overall financial management policy each year.

Mr. Robertson referred to what is called the "Budget Book" which is a part of the town's financial planning process.

Finance Submission by the Finance Committee, # 66 (Page 15 in the List by Subject); Mr. Robertson presenting:

In this submission a specific definition of roles and responsibilities for the FC are proposed to be inserted into Charter Article 6 or a new article establishing roles for appointed committees. There are presently no roles or responsibilities spelled out in the Charter for the FC.

This presentation completed the group of public presentations scheduled for tonight.

Committee Discussions of Previous Items and Research Results:

Chairman Manugian announced he had submitted the request for and opinion from Town Counsel to the BOS and the Town Manager on Mr. Harker's assertion that the Committee was

not authorized to submit warrant articles to the Spring Town Meeting. The Committee had agreed to request this opinion in its last meeting. Visitor Mr. Petropoulos stated that an opinion had been received from Town Counsel on this subject, just today. However, the decision had not yet been received by the Committee.

Custodian of Records Submission:

Mr. Manugian read to the Committee a memo from Mr. Collins (not present this evening) regarding his research on the matter of who in town was responsible for custody of records. Mr. Collins said there is a statute in the body of state law which specifies that town clerks are responsible for custody of records in their respective towns, for matters pertaining to the records of their respective towns. There are more specifics in his letter. In Mr. Collins judgment, change to the Charter on this subject is unnecessary.

Mr. Petropoulos, who submitted this item originally, said Mr. Collins letter addresses who is responsible but has not as yet shed light on the question of what is the scope of the term “town records”. Mr. Manugian asked the Committee what they thought on this subject.

Mr. Robertson asked who should be tracking email records and other records. He believes the scope is bigger than the Town Clerk’s traditional scope of responsibility as we have experienced it, or as it has been practiced.

Mr. Giger expressed the opinion that the Town Clerk should see that all such responsibilities that are being referred to should be handled by the Town Clerk, and in a correct manner. If there are issues he identifies, they should be taken up with the BOS. The BOS should resolve any unresolved issues. He noted that the School Committee has been archiving emails and designating they be held for a period of seven years.

Mr. Robertson stated he believes the town needs to figure what records should be tracked and who will be involved in the management/custody of those records.

Mr. Manugian suggested that a requirement for custody of records be specified in the Charter, but that it be silent on the points of who and how. That should be specified in a policy created by the appropriate town department or board.

Mr. Petropoulos claimed that there may be sweeping mandates for towns from the state attorney general’s office in the coming days. The Charter Review Committee may want to hear about this from Attorney Lauren Goldberg (Town Counsel). Mr. Petropoulos described these changes as enormous and important.

Ms. Allen commented the Globe has recently described Massachusetts as far behind other states regarding keeping and providing access to municipal records.

Mr. Giger suggested the Town Manager should have a big role in developing and setting policy on the subject of records custody. This does not mean, however, that he would have responsibility for the records.

Mr. Manugian said the Town needs a policy and it should be receptive to and adapt to new requirements. It is a good idea to put up a “straw-man” (draft policy), giving people the opportunity to start thinking more proactively on this. He suggested looking at what other towns have done, or are doing.

Ms. Allen offered to propose specific language for the charter on custody of records. She will have it ready next week.

Elected Officers Submission:

Mr. Robertson presented information he had gathered over the last week. He said town clerks are elected in about 50% of towns – in the other towns they are appointed. Elected officials in Groton cannot be fired. They have no performance reviews. The term of office is three years. There are benefits: vacation and sick time. The performance of an elected official is determined by whether or not they are re-elected.

Actually there is no tracking of time for elected officials – they have great freedom to not come into the office, if they so choose. Our Town Clerk has agreed with the Town Manager to be subject to union wage guidelines. This was an entirely voluntary decision. The Town Manager can propose increases to the Town Clerk in accordance with these guidelines. The Town Clerk can also propose a salary increase as part of a warrant article at the town meeting. He can negotiate increases in that. Generally speaking, the Town Clerk is greatly insulated from town rules governing employment relationships applicable to most town staff.

The Town Clerk’s office staff reports to the Town Clerk. Hiring, termination and increases for the Town Clerk’s staff are the responsibility of the Town Manager. The Town Clerk can recommend hiring and firing to the TM Town Manager. The BOS has the authority to hire employees (by approving hiring recommendations from the Town Manager). Mr. Petropoulos agreed that Mr. Robertson’s understanding of these issues was consistent with his own, to the best of his understanding.

The Water Department commissioners’ roles are to set policy, set rates and sign bills. They do not engage in day-to-day operations of the water department; the water superintendent and his staff handle the latter. The superintendent and staff report to the Town Manager. They receive raises and can be fired by the Town Manager. The BOS approve new staff based on recommendations from the Town Manager.

Separately, the Water Superintendent in Groton also happens to be an elected sewer commissioner. Almost all sewer work is outsourced and therefore there is no daily operation managed under the town government. Occasionally a big emergency may be handled by, or assisted by, Groton’s Department of Public Works.

Mr. Petropoulos pointed out that the West Groton Water Supply District works differently as compared to Groton’s water department. It has a superintendent and staff who report to, and are hired and fired by, the water commissioners. The commissioners are elected by West Groton voters. All employees are paid by the water supply district.

Mr. Giger explained that the West Groton Water Department Model this model is designated an enterprise fund by the state. An enterprise fund structure can take in revenues (generally from rate payers), provide or outsource services, and manages its own budget and expenses. If the enterprise fund were to go bankrupt the town would have to take financial responsibility.

Mr. Manugian: The Committee has clarified the roles of elected officials including the Town Clerk, water commissioners and sewer commissioners. How independent is the Groton Public Library director?

Ms. Allen (current Library Trustee): The trustees set policy, contract the director. The director directly supervises staff. She can recommends hiring and firing.

In answer to Mr. Giger's question, who hires and fires, Mr. Manugian (former Library Trustee) answered, the library trustees are given authority by Massachusetts General Laws to manage, hire and fire the director. They also have the authority to hire and fire the staff, or they can delegate that authority to the director, as is the case in our town.

Mr. Manugian asked the Committee, now that we have this information what should we do with it? Mr. Robertson: If it is not broken, should we be fixing it? The elected officials seem to have no problems.

Mr. Giger: What if a time comes when not everyone is so happy and interdepartmental relations leave something to be desired? He is not certain that our Charter is the best it can be. He is concerned about how things will work when there is less harmony between the parties.

Mr. Manugian: Do we have problems now? Should we change things? He tends to agree with Mr. Robertson that the current system seems to work. Mr. Manugian asked if there was a motion on reporting structure in general.

Mr. Robertson moved to dismiss the recommendation made in Submission # 148 concerning the Town Clerk beholden to authority other than the public, with no Charter word changes and no referral to another department for action. Ms. Allen seconded.

Ms. Allen said there was no reason to change the Charter. The vote was 5-1, with Mr. Giger dissenting. Mr. Giger is not comfortable with the Town Manager's role in salary negotiations for the Town Clerk and his role the Town Clerk's compensation. Even though the current Town Clerk is satisfied, he is concerned for any future Town Clerk in this position.

Mr. Robertson moved to dismiss the recommendation made in Submission # 147 that employees of elected bodies should report only to the elected bodies, with no Charter word changes and without referral for any action by any other department. Mr. McCoy seconded.

Ms. Allen: This is a tough decision. Mr. Manugian: If we have no specific change to recommend, then we should dismiss. The vote was 5-1, with Mr. Giger dissenting.

The meeting was adjourned with unanimous consent at 10:10 PM.

**** The next meeting is scheduled for Wednesday, October 21st, at 7:00 PM. ****