

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

Meeting Minutes - October 21, 2015
At Town Hall

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

Recorder: Stephen Legge

Visitors: Judy Anderson, Peter Cunningham (BOS), Russell Harris, Barry Pease (Finance Comm), John Petropoulos (BOS), Judy Schuster

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 14, 2015. The minutes were approved, as amended by Mr. Manugian and several other members, unanimously, with Misters Collins and Schulman abstaining due to absence from the meeting.

Discussion of the Committee's Authority to Submit Warrant Articles:

Mr. Manugian announced that there would ensue a phone conversation with Scott Harker concerning his assertion several weeks ago that the Charter Review Committee did not have the authority to submit warrant articles to the Spring Town Meeting (STM) but only a written report. Mr. Harker could not attend in person due to medical issues and so was permitted to address the committee over the phone.

Mr. Harker contends the Committee is not actually a town committee, but rather a "child of the Charter itself". Therefore, it is governed by Section 7-6 of the Charter which states that the output of review work is to be a written report to the STM. He further states that the Charter is a contract among the Commonwealth, the Town of Groton and the Town Meeting which approved the Charter, and we must obtain approval of all three parties to change what Section 7-6 requires.

Mr. McCoy asked, what do you recommend? Mr. Harker suggested meeting with the BOS first, and including a suitable representative of the Commonwealth. He added that the Charter Committee is to be a writer of a report which proposes to voters its changes. It is not to be a "salesman" of what it proposes, which is the position a warrant article would put it in.

In answer to this, Mr. Giger read a letter from Town Counsel, dated October 16, 2015, which stated the following: Town Counsel did not interpret the charter language as excluding the

possibility of submitting warrant articles to Town Meeting. In addition, section 2-6, Paragraph (c) states that the BOS can receive petitions from multiple member bodies, acting by a majority vote of its members, to submit warrant articles. The Charter Review Committee is an eligible multiple body party which can submit such petitions. The email from Town Counsel is attached (Note to John, please attach Town Counsel email to these minutes.)

Mr. Schulman felt there was no issue here. Mr. Robertson urged the Committee to accept the Town Counsel's assessment.

Ms. Allen moved to accept the recommendation from Town Counsel and presume that the Charter Review Committee could submit warrant articles to Spring Town Meeting. Mr. Collins seconded. There was no further discussion, and the motion was approved unanimously.

Scheduled Public Presentations on Matters Relating to the School Budget (refer to the attached agenda):

Submission by Deborah Johnson, # 32 (Page 10 in the List by Subject); Mr. Manugian reading:

When municipal budgets are increased more than half a percent above school budgets, the Finance Committee and Town Manager must present an explanation for the increase to town meeting voters. Mr. Robertson asked, what is the Charter change?

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

There should be representation from the School Committee on the Finance Committee. There were no questions.

Submission by APEX, # 128 (Page 18 in the List by Subject); Judy Schuster presenting:

Mr. Giger asked if Ms. Schuster was an officer of APEX. She answered there are no officers in the organization, but she is authorized by the group to speak for them.

APEX's goal is to have the schools take a more pronounced role in the Charter, and mentioned that sustainability for the schools and town was an important consideration. Ms. Schuster stated that schools have been relatively underfunded for many years. The Charter should refer to the regional agreement and the town should review school committee budgets against other comparable districts.

Mr. Giger: Is APEX aware state laws prescribe roles and duties for regional school districts? Mr. Manugian raised the question, why do we want to put new things in the Charter that are covered elsewhere? We need good justification.

Mr. Giger: The Town of Groton (government) does not have members on the School Committee. The School Committee is independent of the Town and is elected separately by the voters of Groton and Dunstable.

Mr. Schulman commented the School Committee is reviewing its own Charter.

Scheduled Public Presentations on Matters Relating to Capital Expenditures (refer to the attached agenda):

Submission by Deborah Johnson, # 32 (Page 10 in the List by Subject); Mr. Manugian reading:

The proposal was to require any project equal to or in excess of \$2 million be approved by voters in a town election. This was further clarified to mean the \$2 million was inclusive of all phases of a given project or multi-year breakdowns, where such phasing and multi-year breakdowns would have the effect of bringing the project over \$2 million. There were no questions.

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

All capital spending projects in excess of \$1 million should be subject to a ballot vote, not just a town meeting vote. There were no questions.

Submission by John Giger, # 106 (Page 20 in the List by Subject); Mr. Giger presenting:

Section 6-6 in the Charter uses language containing the phrase “at least six months before the start of the fiscal year”, when referring to submission of a capital improvement plan to the BOS. Change this language to read, “not later than December 31st of the year immediately preceding the year in which the next Spring Town Meeting is to convene”. Mr. Giger said this change will make language about deadlines more consistent among sections and easier to understand.

Submission by Russell Harris, # 166 (Page 20 in the List by Subject); Mr. Harris presenting:

Mr. Harris stated that the Charter should require all capital spending projects in excess of \$1 million be approved by ballot vote. If state law requires such a project be “debt excluded”, then he requested that the debt exclusion should be put to a ballot vote. Mr. Harris provided arguments in favor of this idea, based on his research on project budget performance in Groton and other comparable towns. In emergencies, Mr. Harris suggested that the BOS (by a unanimous vote only) have the power to override the ballot vote requirement.

Mr. Schulman: Is it expected that these provisions would apply to CPA funded projects? Mr. Harris answered that the suggested provisions would not apply to money already appropriated.
Mr. Collins: Is the \$1 million amount important, or should we consider a percentage of the budget as a breakpoint?

Mr. Manugian: Is the recommended change to go to a ballot vote only, or a Town meeting vote and a ballot vote? Mr. Harris: generally both.

Mr. Giger: Will it matter if the debt is financed or not? Is a vote required for the amount whether it is under the levy limit or over, or excluded? Mr. Harris: Both.

Mr. Robertson: How will this proposal improve the town's discussion and decision making process? Mr. Harris responded, projects subject to this type of scrutiny are much better managed and more likely to come in under budget, according to his research on the issue. He gave the example of Groton's public safety building project and the new high school, compared to similar projects in other towns.

Scheduled Public Presentations on Matters Relating to Audits and Financial Reporting (refer to the attached agenda):

Submission by Michael Manugian, # 55, 56 & 58 (Page 14 in the List by Subject); Mr. Manugian presenting:

The Department of Finance should deliver the quarterly financial reports to the Finance Committee [in addition to the BOS, Charter Section 5-3 (c)]. This will help the Finance Committee track spending vs. budget and also seasonal spending patterns. These reports should also be routinely made immediately available to the public.

The Finance Committee should have the authority, as well as the BOS, to request changes in the format of the Town Manager's budget message (Charter Section 6-3). Mr. Manugian said there is a perception that the Town Manager has too much authority. This proposal adds the Finance Committee to the BOS in the shaping of the budget message.

Mr. Manugian also suggested that the complete results of audits of the financial books and records of the town (Charter Section 6-7) shall be made available to the public, upon request, and immediately accessible via such mechanisms as the Town of Groton web site..

Visitor Mr. Pease: If the Finance Committee is authorized to ratify the budget message, would that satisfy Mr. Manugian? Mr. Manugian answered, "No, the point is for the Finance Committee to help shape the message before it is written rather than have a yes/no vote after the message is completed."

Mr. Schulman commented, the budget message is actually a high level summary statement.

Submission by John Giger, # 105 and # 107 (Pages 20 & 19, respectively, in the List by Subject); Mr. Giger presenting:

Mr. Giger proposed that the current financial status of all funds held by the Town, including trust funds, revolving accounts, escrow accounts, etc. should be presented to the public each year at the Fall Town meeting.

He proposed that audits and associated correspondence should be posted to the Town website within 60 days of receipt by the Town. Mr. Collins asked if there was a particular reason Mr. Giger chose 60 days. Mr. Giger answered that he wanted a specific time period but it did not have to be 60 days.

Submission by John Petropoulos, # 146 (Page 21 in the List by Subject); Mr. Petropoulos presenting:

Mr; Petropoulos proposed that a town body should be constantly comparing our financial performance, including taxation, spending and town demographics to that of other towns and organizations. This will help our town understand best practices in other government and business entities.

Mr. McCoy: What does “constantly” mean? Will an annual review be ok? What metrics will be tracked? What towns compared to? Mr. Petropoulos answered, there are any number of possible metrics. The Finance Committee can decide what is most relevant.

Mr. Manugian commented most metrics generally available on line are very old and possibly of limited value. How would we get current information? Mr. Petropoulos said, put this idea in the Charter because it is a really important thing to do, if we are interested in pursuing excellence. He said that more recent information is available.

Submission by Michael Bouchard, # 157 (Page 57 in the List by Subject); Mr. Manugian read:

The BOS should provide financial review and feedback to the Town Manager on a regular basis. Mr. Bouchard proposes they conduct quarterly reviews of the budget status and administrative affairs of the Town. The Finance Committee should participate in the budget review.

Mr. Giger: Should reviews be conducted in public meetings? Misters Collins and Manugian commented they presumed all such meetings would be public in accordance with the Open Meeting Law.

Visitor Mr. Petropoulos said the BOS already conducts quarterly reviews. He was asked if he considered the current process to be sufficient. He stated that they were sufficient to meet this need. The Town Manager provides a financial closing statement every quarter. It is pretty thorough according to Mr. Petropoulos. He asked if Mr. Bouchard wants wording to this effect in the Charter. Mr. Bouchard had suggested some changes in Section 3-2(f).

Mr. Manugian commented the BOS should not be involved in the day-to-day management of the Town, but it seemed very appropriate to conduct quarterly reviews. Mr. Petropoulos added, this type of review is regularly conducted on a quarterly basis in the weekly selectmen’s meetings.

Mr. Collins asked if the Finance Committee is invited to these meetings and should it be more formally involved? Mr. Petropoulos answered the meetings are public and the public, including the Finance Committee can attend.

Scheduled Public Presentations on Matters Relating to Compensation (refer to the attached agenda):

Submission by anonymous, # 75 (Page 17 in the List by Subject); Mr. Manugian read:

Increases in town employees' salaries and hours must be approved by the BOS, not by the Town Manager. Mr. Manugian made a general comment that when the submitter is not present, the submitted statements are simply read. The Charter Committee did not comment on the validity of assertions made when reading the statements. The Committee would consider how Town functions were actually carried out when discussing possible changes to the Charter.

Submission by Connie Sartini, # 123 (Page 19 in the List by Subject); Mr. Manugian read: Ms. Sartini posed a number of questions about the appropriateness of merit increases handling in the Charter. Mr. Robertson: The charter section cited, 5-2, does not refer to merit increases. There could possibly be one or more other sections which should have been cited. Mr. McCoy: No other sections in the Charter talk specifically about merit increase policy.

At 8:45 PM, this presentation completed the group of public presentations scheduled for tonight.

Committee Discussions of Previous Items and Research Results:

Mr. Manugian passed out the "Budget Process Worksheet" and asked members to think about how best to approach Charter topics, and ultimately where they would fit into Charter articles and sections.

Discussion of #55, Public Access to Quarterly Financial Reports:

Schulman: Great idea – do it. No need to put this in the Charter, however. Robertson agreed.

McCoy: Why has this not been done to date? He thinks the principle that financial reports are easily accessible by the public does belong in the Charter.

Mr. Giger said, since it has not happened in 20 years (his experience), he is motivated to put it in the Charter. He would also be open to not doing so, if a suitable alternative were proposed.

Visitor Mr. Cunningham: It is a good idea to put this in the Charter. It is being done, but more could be done to make it accessible to the public. Not sure this should go in the Charter.

Ms. Allen: She is looking at the Town Annual Report and sees many financial reports there. It is published every year. It is available to all at the Town Hall.

Mr. Manugian said that the Town Annual Report would be very useful to have on-line, but it only contains a subset of the public records which should be available.

Mr. Giger asked, why are Town Reports not posted on the town website?

Mr. Schulman: There was no town website ten years ago when the Charter was approved (or at least there was one much less polished and comprehensive than now).

Mr. McCoy: It is important to put it in the Charter, so the idea is not optional.

Mr. Robertson: The Charter should not be forcing us to spend money for publishing. We need to know what things cost before doing them. If it is simple, then fine, do it at little or no cost.

Mr. Collins: Suggested we put in the Charter, “make financial information public”, but do not refer specifically to what reports or data, and where to be published.

Mr. Robertson: What are the important documents?

Mr. Manugian: Suggested that the Charter Committee propose that the BOS create a “Public Records Policy”, which can then be vetted publically. Mr. Schulman supported this idea.

Mr. Collins: What are “public records”? He has been thinking through this question for some time and has had substantial conversation about it with Mike Bouchard (Town Clerk). Mr. Bouchard has found a policy statement on this from the Secretary of the Commonwealth, and noted that it is quite complicated.

Mr. Manugian restated some of Mr. Collins’ points and asked Collins to accept and action item to research “records custody” and “records accessibility” issues and distribute a list of the applicable MGL sections to the committee. Mr. Collins agreed to take this action item.

Mr. McCoy restated his feeling that information access to the public as a principle still needs to go into the Charter.

Mr. Cunningham commented, the laws are clear on what a public record is. Some are more accessible than others.

Mr. Pease: The matters being discussed are more than just transparency issues – they also involve operational issues such as providing easy electronic access to records. He suggested that younger voters were accustomed to doing things on line and that improved on-line accessibility of public records would increase political involvement of younger voters.

Mr. Manugian offered the idea of proposing that the BOS create a high level policy statement, with appropriate and careful language, and placing it in Article 8 of the Charter, Transition Provisions. Language could incorporate “... we mean this to include...” followed by the list of public documents the committee felt should be accessible.

Mr. Collins commented with some enthusiasm, he has many ideas on how to say things, after his meeting with Mr. Bouchard. But he feels these ideas still need work. He is not sure what is right and best yet.

Ms. Allen had some general language to offer on this subject. Refer to her one-page memo, dated October 16, 2015, regarding “Keeper of the Records” attached to these minutes. (John, please attach Jane’s email)

Mr. Manugian asked Mr. Collins to bring his recommendations on records custody next week (10/28) and bring copies of Mass statutes applicable for reference. Collins offered to also document his recommendations.

Discussion of # 107, Deadlines for Audit Reports being made Accessible:

Mr. Manugian asked Mr. Robertson if the Finance committee gets a management report with the audit data. Mr. Robertson stated that the Finance Committee does get the management report, but it doesn't necessarily come at the same time as the audit data.

Mr. Manugian asked each member to make a list of what documents should in their judgment be made accessible to the public, and to propose how soon they should be accessible after they have been received.

Discussion of # 146, Benchmark Report for Town Finances:

Mr. Roberson: The Finance Department should do this. It is a lot of work to do well. Those doing it must be selective about items to research and report.

Mr. Manugian: Suggests the Finance Committee be responsible for a benchmarking policy, and the Finance Department do the research and reporting. Start with a few high level benchmarks and be cautious about overreaching early in the process. It will be a learning experience.

Mr. Robertson: Should this be in the Charter? Not sure.

Mr. Manugian: The Finance Committee should make specific recommendations for benchmarking. Make it part of the regular budgeting process.

Mr. McCoy suggested Section 5-3(c) in the Charter.

Ms. Allen and Mr. Collins said they don't think this should be in the Charter – just standard operating procedure.

Mr. Giger: Benchmarking is a management technique. Not at a level of being in the Charter.

Mr. Cunningham also felt it should not be in the Charter.

Mr. Robertson moved the committee refer the benchmarking issue to the BOS and the Finance Committee, and that no word changes be made to the Charter. Ms. Allen seconded. The motion was approved unanimously.

Discussion of # 66, Finance Committee Roles and Responsibilities:

Mr. Cunningham: The Charter focuses on roles and responsibilities mostly for elected positions. Where it is silent, we refer to state laws and town by-laws.

Mr. Manugian asked Mr. Collins to take an action item to research what state laws say about town finance committees' roles and responsibilities. He should compare this to the six items stated on Page 15 of the Submissions by Charter Section, all proposed by the Finance Committee. He also asked Committee members to individually review Town of Groton by-laws for references to this subject.

Mr. Cunningham: Offered a closing remark about school district financing and responsibilities. He recommended that committee members take a look at what Mass General law Chapter 70 says about the responsibilities and duties of regional school districts.

The meeting was adjourned with unanimous consent at 9:59 PM.

**** The next meeting is scheduled for Wednesday, October 28th, at 7:00 PM. ****

Exhibit: Budget Process Worksheet