

Charter Review Committee (CRC)

Town of Groton, Groton, MA 01450 978-448-1111

Meeting Minutes - November 18, 2015

At Town Hall

All Present: Jane Allen, Robert Collins, John Giger (Finance Comm), Michael Manugian (Chair), Michael McCoy (at 7:10 PM), Bud Robertson (Vice-Chair [for CRC], Finance Comm) (at 7:40 PM), Stuart Schulman (BOS)

Recorder: Stephen Legge

Visitors: Judy Anderson, Ellen Baxendale, Peter Cunningham (BOS), Anna Eliot (BOS), Russell Harris, Barry Pease (Finance Comm)

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, November 4, 2015. The minutes were approved, as amended by Mr. Manugian, unanimously.

Announcements:

Mr. Manugian requested the committee reserve time at 9:00 PM to discuss the schedule for future meetings.

Committee Discussion of Town Manager's Responsibility for Records Management:

Mr. Collins developed language for a Charter change referring to the last meeting's discussion on this subject. Please refer to his letter dated November 18, 2015 (two pages).

Mr. Schulman: There is a front page Boston Globe article today on records management in the state. In his judgment the article would have no impact on our deliberations tonight.

Mr. Giger proposed a minor edit of Mr. Collins' wording deleting the word "the" from the sentence "To develop policies for and to oversee the preservation, management, and administration of all municipal records so as to facilitate *the* access to same."

Mr. Manugian proposed removing development of policies from the description of duties – this should be left to the BOS. He added he is scheduled to meet with the BOS at their weekly meeting on November 30th to discuss the draft Public Records policy proposed by the Committee. **Mr. Collins moved to accept his language to change the Town Manager's duties**

in a new Section Charter Section 4-2(m), as follows: To oversee the preservation, management, and administration of all municipal records so as to facilitate access to same. The current subsection (m) will become a new subsection (n). Mr. Schulman seconded.

Mr. Cunningham likes the new language.

The Committee voted to accept the motion unanimously, with Mr. McCoy abstaining because he was not present for the discussion earlier.

Committee Discussion on the Budget and Budget Message:

Mr. Collins developed language for two Charter changes in Section 6-2 and 6-4, referring to the last meeting's discussion on these subjects. Please refer to his letter dated November 18, 2015 (two pages).

Action Item #1: With regard to the fairly extensive changes proposed for Section 6-2, Mr. Manugian asked each member to look at dates and proposed changes in Charter Section 6-2 before the next meeting; be prepared to finalize language at the next meeting.

Mr. Collins explained his use of the more appropriate word “contemporaneously” for the word currently used, “simultaneously”.

Timing issues and the meaning of the of the words “beginning of the budget cycle” were briefly discussed.

Regarding Mr. Collins' change proposal for Charter Section 6-4, he proposes to insert the words “or Finance Committee” after the words “board of selectmen” in the second sentence. He also suggested a simplification of words in this sentence.

Mr. Manugian objected to the language saying it shifted responsibility for the form of the budget from the BOS to the Town Manager, a significant change. Who has precedence, he asked, the BOS, Finance Committee or Town Manager?

Mr. Schulman liked Mr. Collins' language – it was better to have one person (Town Manager) responsible for the form of the budget than two boards. He said it was very unlikely the Town Manager would work against the will of the BOS on an issue of this nature. The Town Manager works for the BOS.

Mr. McCoy suggested changing “following consultation with” to “directed by the BOS and/or Finance Committee. Mr. Giger offered alternate language to accomplish the same purpose.

Mr. Collins moved to accept the language changes using Mr. Giger's idea: change the second sentence of Section 6-4 to "Except as may otherwise be required by the General Laws, it shall be in the form which the Town Manager, the Board of Selectmen and the Finance Committee deem desirable." Mr. Schulman seconded.

The Committee voted unanimously to accept the change.

Committee Discussion on the Capital Improvement Plan:

Mr. Collins developed language for a Charter change in Section 6-6, referring to the insertion of the Finance Committee into the process of receiving the Town Manager's proposed annual capital improvement plan on December 31st. Please refer to his letter dated November 18, 2015 (two pages).

Ms. Allen moved to accept Mr. Collins' changes to Section 6-6. Mr. Collins seconded.

The Committee voted unanimously to accept the change. This would replace the first sentence in section 6-6 of the charter with the following language:

The Town Manager shall submit a capital improvement plan to the Board of Selectmen and the Finance Committee prior to December 31st of each year.

Committee Discussion on Incorporation of the Finance Committee into the Budget Process:

Mr. McCoy submitted proposed changes in Section 5-3 and Article 6 of the Charter which included addition of the Finance Committee into the town's budget planning process. He separately proposed some capitalization changes to make presentation of committee names consistent throughout these sections. Please refer to his letter dated November 3, 2015 (seven pages). These changes are in reference to Submissions # 62 and # 63.

Mr. Manugian: It is important to look at the entire Charter for grammar, capitalization and other related changes for consistency. Rather than do this piecemeal, the Committee will consider all such consistency issues after all changes have been considered.

Ms. Allen moved to accept the changes to the Charter in Section 5-3(d), proposed in Submission # 62. Mr. Giger seconded. The motion passed unanimously, with Mr. Robertson abstaining due to missing the background discussion.

The approved new wording for section 5-3(d) follows.

- (d) The Department of Finance shall collaborate with the Finance Committee to prepare, maintain, and present to the Board of Selectmen and Town Meeting a five-year financial plan for the town.

Mr. Collins moved to accept changes to the Charter with new language for Section 6-2, proposed in Submission # 63. Present Sections 6-2 through 6-7 will be renumbered in consideration of the new Section 6-2. Mr. McCoy seconded. The motion passed unanimously.

The approved working for the new section 6-2 follows.

The Board of Selectmen and the Finance Committee shall review and update the town's overall financial management policy annually, seeking input from the Town Manager, Department of Finance and other advisors.

Committee Discussion on Finance and Fiscal Procedures (Submissions # 32 and # 105):

In submission # 32, it is proposed the Finance Committee and Town Manager must present an explanation to Town meeting voters when municipal budgets are increased more than ½ % above school budgets.

Mr. Schulman said we always discuss these budgets in public meetings, whether municipal budgets increase more or less than school budgets. Mr. Robertson agreed, there are plenty of opportunities for the public to weigh in and to learn about why the decisions are being made as they are.

Mr. Robertson moved to dismiss Submission # 32, as to the proposal to require justification in Town Meeting of more than a ½% increase of the municipal budget compared to the school budget, without change to the Charter. Mr. McCoy seconded. The motion passed unanimously.

Submission # 105 proposes the current financial status of all funds held by the Town be presented verbally and in writing to the public at the Fall Town meeting. Mr. Giger claims that some funds are presently visible to the public, but not all.

Mr. Collins asked, why the Fall Town Meeting and not the Spring Town meeting?

Mr. McCoy asked why not specify “annually” instead of on a particular date or at a particular town meeting?

Mr. Schulman: By the time we report on something, it has changed. The status of the various funds is changing all the time, some more actively than others.

Mr. Giger suggested using July 1st because it is the beginning of the fiscal year. Mr. Robertson agreed with this idea. Mr. Giger mentioned there is a big time lag in seeing a fund status when they are published in the Town Annual Report.

It was pointed out that the balance in each fund varies and may be reported on cycles which differ from the reporting cycles of other funds.

Mr. McCoy argued for caution concerning increasing our workload and costs unnecessarily.

Mr. Schulman thought all committees and boards responsible for funds should report amounts and status in the Town Annual Report. Mr. Manugian felt it was not necessary to mandate the date of reporting. Putting it in the Town Annual Report is fine, and as of any reasonable date is also fine. It was the Committee's consensus that "as of" dates could be different and should be decided by the committee or board managing the fund.

Mr. Collins moved the Committee propose a change in Charter language consistent with the intent of Submission # 105, and consistent with the foregoing discussion by the Committee. Mr. Robertson seconded.

Mr. McCoy questions the value of publishing so much data. Mr. Collins thinks it is a good idea – sometimes funds fall out of the public's sight. Mr. Schulman asked, if funds are small do we really need to see them? Some are just to enable operations. Mr. Giger said, seeing all the funds, regardless of size and purpose, keeps managers more honest and open.

Mr. Manugian said let's get the concept in the Charter – but not the nitty-gritty details.

Mr. Cunningham suggested talking with Patricia DuFresne, Town Accountant about this.

Ms. Allen asked do we want balances or line item details in such reporting as we are considering? Mr. Giger responded where the money came from and how it was spent.

The motion was passed unanimously.

Action Item # 2: Mr. Collins will develop language for a Charter change reflecting the intent of Submission #105.

Committee Discussion on Capital Expenditures (Submissions # 32 and 78):

These submissions propose to change the Charter to require that projects costing over \$1 million (#78) or \$2 million (#32) be subject to a ballot vote.

Mr. McCoy: Town Meeting is the place for legislation (and, therefore, the appropriation of funds). A required ballot is a distortion of Town Meeting's regulatory intent.

Mr. Giger: There is a need to broaden decision making for more important things.

Mr. Collins: Some people wish to provide anonymity in certain town meeting votes.

Mr. Robertson: Is it legal to change the Charter in such a way that changes Town Meeting's ability to legislate? If not, then we waste time talking about these kinds of provisions.

Visitor Mr. Pease said in a Town Meeting Study Committee meeting, Groton's town counsel had stated it was not legal to have ballot voting outside of Town Meeting except for debt exclusion or Proposition 2-1/2 overrides.

Action Item #3: Mr. Manugian said we will attempt to determine the legality of moving funding from Town Meeting to the voters (ballots) except in the case of Proposition 2-1/2 or debt exclusion votes, which are already allowed. He and Mr. Giger will pursue this issue before the Committee takes any votes.

Visitor Mr. Harris: Home rule provisions may allow such changes in our Charter, if the provisions are not extreme. Mr. Harris stated this was his understanding from Lauren Goldberg, town counsel for Groton.

Mr. Manugian asked visitor Mr. Cunningham (BOS) if there was any wiggle room in the Charter for this. Mr. Cunningham replied, town counsel will say what is in the state law.

The Committee decided that there would be no further discussion on this topic until it determined the legality of such a ballot vote. Mr. Manugian asked how the Committee could get a ruling from MA DOR? Mr. Cunningham suggested talking with Patricia DuFresne (Town Accountant). Mr. Giger added to be sure our questions to counsel are very specific.

Committee Discussion on Restriction of Warrants at Fall Town Meeting (Submissions # 117 and 132):

Submission # 117 proposes no out-of-cycle grade changes or salary increases. Submission # 132 proposes no monetary decisions at Fall town Meeting except for later arriving bills from the previous fiscal year.

Mr. Robertson: We cannot punish people who get more responsibility in the middle of the year and deserve a salary increase. Unexpected things can happen – they may be important – and it may be arbitrary to have the Charter disallow Fall Town meeting action on financial issues.

Ms. Allen: The process now is arbitrary; some people are allowed to get out-of-cycle changes or increases and others are not.

Mr. Schulman: There is no need to process normal raises at the Fall Town meeting. They should have been included in the budget. But once in a while something unusual happens - he agrees with Mr. Robertson that the Charter should not restrict action. But, he said, please put 99% of the changes and raises in the annual budget (passed at Spring Town Meeting).

Mr. Collins: This doesn't need to be in the Charter.

Mr. Giger: Salary increases and grade changes are planned events. They need to be incorporated in the budget. Managers of the departments are responsible for this.

Mr. Robertson: Salary changes out-of-cycle is a management issue, not a Charter issue. Too much detail for a consideration of Charter change.

Mr. Manugian: A consensus seems to be forming for no Charter change on these items.

Mr. Robertson: Nothing is broken in the present system - 99% of funding still happens in the Spring Town Meeting, and that is ok.

Mr. Robertson moved to dismiss Submissions # 117 and 132 without change to the Charter. Mr. Schulman seconded. The motion passed 6-1 with Ms. Allen voting no.

Discussion of Scheduling for Future Meetings:

Mr. Manugian asked if we should schedule more public presentations of submissions for Charter change. He proposed topics of HR and the Personnel Board, for which there are 14 submissions, and the schools, for which there are three submissions.

Misters Schulman and Collins expressed interest in finishing committee discussions of finance topics still on the table. There was a consensus to continue finance discussions at the next meeting, December 2nd, and schedule public presentations at the following meeting, December 9th.

Mr. Manugian announced there would be no meeting on Wednesday December 23rd because only four of seven members were available.

Committee Discussion on Town Manager's Spending Authority (Submission # 32):

There is concern that there are not sufficient checks on the Town Manager authority to set spending priorities and that there are incentives to pay high salaries to town employees and complete large and dramatic (expensive) projects.

Mr. Robertson: There is good oversight now, with recently enacted changes in financial procedures.

Mr. Schulman: The Committee's decisions to add Finance Committee oversight and participation, through Charter changes at several crucial milestones in the budget process, will address this issue.

Mr. Schulman moved to dismiss this provision (Paragraph 4) in Submission # 32, with no changes to the Charter. Ms. Allen seconded. The motion was approved unanimously.

Committee Discussion on Public Access to Quarterly Financial Reports (Submission # 55):

The case is made that these reports should be made available to the Finance Committee to enable it to track town spending against the set budget and therefore give a better operational perspective to the Committee.

Mr. Collins said it made sense to make a Charter change in Section 5-3(c) (Department of Finance reporting) to accomplish this.

Mr. Collins moved to amend Charter Section 5-3(c) to insert "and to the Finance Committee" after "Board of Selectmen" in the fourth line. Ms. Allen seconded. The motion was approved unanimously.

Committee Discussion on Quarterly Reviews of Budget Status (Submission # 157):

It is proposed that the Selectmen conduct quarterly reviews of the budget and administrative affairs of the Town. The Finance Committee should be included in the budget review.

Mr. Schulman: The Selectmen do this now.

Mr. Robertson moved to dismiss Submission # 157 with no change to the Charter. Ms. Allen seconded.

The motion was approved unanimously with Mr. Collins abstaining.

Mr. Manugian responded to Mr. Collins's abstention. Mr. Manugian stated that the members of the Committee were appointed to make decisions on behalf of the town. As a result, Committee members were obligated to make decisions one way or the other and to abstain only in very limited circumstances. He stated that it was better for a Committee Member to make a choice rather than abstain if they were unsure.

Mr. Collins, instead of explaining his abstention, decided to change his vote to "no". The final vote was an approval of the motion, 6-1.

Committee Discussion on Audits and Reporting (Submissions # 55, 56, 58, 105, 107, 146 and 157):

Mr. Manugian said Submissions # 55, 56, 58, 105, 146 and 157 have all been considered and completed by the Committee. The final Submission, # 107, is covered by the proposed Public Records policy.

Committee Discussion on Compensation (Submissions # 75, 123 and 146):

Submissions # 75 and 146 have already been considered and completed by the Committee.

Next Topics:

Mr. Manugian said the next topic, Finance Committee roles and responsibilities (Submission # 66) is significant and will require much discussion. Rather than start this, the Committee agreed to adjourn.

The meeting was adjourned with unanimous consent at 9:50 PM.

**** The next meeting is scheduled for Wednesday, December 2nd, at 7:00 PM. ****

Exhibits:

- A. E-mail from Mark Haddad to Michael Manugian, dated 11-13-15, subject: School Spending vs. Municipal Spending
- B. Letter from Michael McCoy to Charter Review Committee dated, 11-03-15, subject: Submission number 62 and 63
- C. Letter from Robert Collins, Esq., to Charter Review committee, dated 11-18-15, regarding language for Records Management, Budget and Budget Message and Capital Improvement Plan
- D. E-mail from Judy Schuster to Charter Review Committee, dated 11-18-15, subject: Charter Review Question/Concern

Exhibit A to Charter Review Committee
11-18-15 Meeting Minutes

John Giger

From: Michael Manugian <Mike@ManugianInc.com>
Sent: Friday, November 13, 2015 14:20
To: Mark Haddad
Cc: Bud Robertson; Jane Allen-Home; john.crc@cybergiger.com; Michael McCoy; Robert Collins; Stuart Schulman
Subject: FW: School Spending Vs. Municipal Spending
Attachments: 20151112164958981.pdf

Thanks, Mark. I am forwarding this to the Charter Review Committee.

Mike

From: Mark Haddad [mailto:mhaddad@townofgroton.org]
Sent: Friday, November 13, 2015 12:24 PM
To: Michael Manugian
Subject: FW: School Spending Vs. Municipal Spending

Hi Mike:

After reading the Editorial in today's Groton Herald, I wanted to share this email that I sent to the Selectmen and FinCom with you. The information contained in that Editorial is incorrect and I wanted you to be aware of the accurate information. Let me know if you have any questions after reviewing this email and attached document.

Mark

From: Mark Haddad
Sent: Thursday, November 12, 2015 4:36 PM
To: Jack Petropoulos (jack.petropoulos@gmail.com); Anna Eliot; Stuart Schulman; Josh Degen (josh@joshdegen.com); Peter Cunningham (home); Gary Green (ggreen@freetobegreen.com); 'repbobh1@verizon.net'; David Manugian (dmanugian@gmail.com); budrobertson@charter.net; marknjodybacon@verizon.net; Arthur L. Prest (prest@prest.biz); barry@worldpease.com; Jared Stanton (jstanton@gdrsd.org); Kristan Rodriguez (krodriguez@gdrsd.org)
Cc: Patricia DuFresne; Dawn Dunbar; Melisa Doig; Michael Hartnett; Rena Swezey
Subject: School Spending Vs. Municipal Spending

Good afternoon:

I think it is finally time to set the record straight when it comes to Municipal Spending Vs. School Spending. There was a recent bench mark study offered that makes it appear like the Municipal Budget is out of control and because of this, the Town is neglecting the education of our children. In addition, a recent editorial by the Groton Herald made a blanket statement that the Town has only increased spending on schools by 1% per year since FY 2010 while the Municipal Budget has increased by 3.7% a year over this period. While the Municipal Budget has increased by that amount annually (actually 3.66%) since FY 2010, School spending has increased an average of 2.12% per year since FY 2010. But that is not the only story. One must look closely at the numbers to understand spending patterns. The purpose of this email is to put everything in perspective and stop the misinformation being disseminated to the public, especially by the Groton Herald.

I have closely examined the budgets approved by the Groton Town Meeting since 2010. The first thing that needs to be said is that the Town has not neglected the Schools. The Town of Groton has always funded the School Budget at the level requested by the School Committee, with the exception of FY 2011, when we sought an override of Proposition 2½ that was soundly defeated by the voters. Please note that under the Regional Agreement, Groton cannot provide a budget that is not supported by the Town of Dunstable as well unless there is a District Wide Meeting. In addition, the School Budget experienced a major decrease in debt service in Fiscal Years 2012 and 2013 which lowered the overall expenditure on Schools. However, in FY 2012, the Operating Assessment was level funded at the amount requested by the School Committee and in FY 2013, the Operating Assessment was increased by \$110,000 at the request of the School Committee.

That said, the debt service of the School Department has been essentially level over the last four fiscal years. Therefore, it would make sense to look at Municipal Vs. School Spending since FY 2013. Over the last four fiscal years, School Spending has increased by 14.92% (3.73% average yearly increase), while the Municipal Budget has increased by 11.51% (2.88% average yearly increase). The trend has definitely changed over the last four years, with School spending definitely outpacing Municipal spending. The thing with statistics is that you can pick any point in time and make it fit your particular argument.

That said, I take the Town's Budget very seriously and always want to do what needs to be done to provide the appropriate budgets for both the School Department and the Municipal Budgets. The Finance Committee has requested that I submit a Municipal Budget that does not increase spending by more than 2.2% in FY 2017. While that will be difficult to accomplish I will do everything in my power to meet that spending level.

I have attached a document to this email that shows the spending since FY 2010 for your review. Please feel free to contact me with any questions or concerns. I look forward to working with the Board of Selectmen, Finance Committee, School Committee and School Superintendent as we develop the FY 2017 Operating Budget.

Regards,

Mark

Mark W. Haddad
Town Manager
Town of Groton
173 Main Street
Groton, MA 01450
(978) 448-1111
FAX: (978) 448-1115
mhaddad@townofgroton.org

**Comparison of School Spending Vs. Municipal Spending
FY 2010 through FY 2016**

<u>Fiscal Year</u>	<u>Total Town Budget</u>	<u>Total School Budgets</u>	<u>Schools Percentage of Budget</u>	<u>Total Municipal Budget</u>	<u>Municipal Percentage of Budget</u>
2010	\$ 28,648,322	\$ 16,428,600	57.35%	\$ 12,219,722	42.65%
2011	\$ 28,745,707	\$ 16,809,655	58.48%	\$ 11,936,052	41.52%
2012**	\$ 29,351,837	\$ 16,503,655	56.23%	\$ 12,848,182	43.77%
2013**	\$ 30,177,585	\$ 16,413,491	54.39%	\$ 13,764,094	45.61%
2014	\$ 30,994,975	\$ 16,820,916	54.27%	\$ 14,174,059	45.73%
2015	\$ 33,240,844	\$ 18,328,798	55.14%	\$ 14,912,046	44.86%
2016	\$ 34,211,191	\$ 18,862,805	55.14%	\$ 15,348,386	44.86%
Overall Increase	\$ 2,434,205			\$ 3,128,664	
Average Yearly Increase	\$ 347,744			\$ 446,952	
Overall Percentage Increase	14.82%			25.60%	
Average Yearly Increase Percentage	2.12%			3.66%	

**** There were significant reductions in debt service for the GDRSD in Fiscal Years 2012 and 2013, while the Operating Assessment was level funded in FY 2012 and increased by \$110,000 in FY 2013. Debt Service leveled off the last four fiscal years. Taking that into consideration, spending over the last four years has definitely shown an increase in School Funding vs. Municipal Spending.**

FY 2013 through FY 2016 Comparison

Overall Increase	\$ 2,449,314	\$ 1,584,292
Average Yearly Increase	\$ 612,329	\$ 396,073
Overall Percentage Increase	14.92%	11.51%
Average Yearly Increase Percentage	3.73%	2.88%

Exhibit B to Charter Review Committee
11-18-15 Meeting Minutes

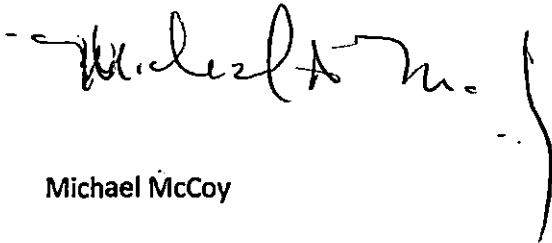
November 3, 2015

Groton Charter Review Committee
Michael Manugian, Chair
Town Hall
173 Main Street
Groton, MA 01450

Dear Committee Members,

I would like to offer the following proposals as possible changes to the current language of the Groton town charter to address Comments #62 and #63 (and to make presentation of committee names consistent throughout Articles 5 and 6).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael McCoy", followed by a large closing bracket "}".

Michael McCoy

Regarding Proposal #62 (FinComm):

Bold text indicates proposals for additions to the Groton Charter.

~~Strikethrough text~~ indicates proposals for deletions from the Groton Charter.

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

Section 5-1: Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and administration of government may be accomplished by any method consistent with law and this charter, including adoption of by-laws, appropriation of funds or adoption of rules and regulations by appropriate entities. Further, the town manager may, with the approval of the **Board of Selectmen** ~~board of selectmen~~ and consistent with law and this charter, establish, reorganize, consolidate or abolish any department or position under the town manager's direction and supervision.

Section 5-2: Merit Principle

All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competency and suitability.

Section 5-3: Department of Finance

- (a) There shall be a **Department of Finance** ~~department of finance~~ in the town, reporting to the town manager, including an appointed town accountant, an appointed treasurer/collector and an appointed principal assessor. The department shall be responsible for the performance of all the fiscal and financial activities of the town. The town manager shall serve as the finance director; provided, however, that the town manager may, at the town manager's discretion, appoint another person to serve as the finance director. The appointment shall be subject to confirmation by the **Board of Selectmen** ~~board of selectmen~~ in accordance with section 4-2(c).
- (b) The **Department of Finance** ~~department of finance~~ shall assume all of the powers, duties and responsibilities related to municipal finance activities which, before to the adoption of this charter, were performed by or under the authority of the town accountant, the tax collector, the town treasurer and the principal assessor and to the coordination of those activities with the activities of all other town agencies. The **Department of Finance** ~~department of finance~~ shall have additional powers, duties and responsibilities with respect to municipal finance related functions and activities, as the town may provide by by-law.
- (c) The **Department of Finance** ~~department of finance~~ shall assure that complete and full records of the financial and administrative activities of the town are maintained and shall render written reports, comprising a full accounting of all town administrative and financial operations, to the **Board of Selectmen** ~~board of selectmen~~, not less often than once per

calendar quarter. The quarterly reports shall be rendered within 30 days after the end of the calendar quarter to which they apply and shall be made available to the public in accordance with the requirements of section 10 of chapter 66 of the General Laws. Additional reports shall be rendered to the **Board of Selectmen** ~~board of selectmen~~ at their request.

- (d) The **Department of Finance** ~~department of finance~~ shall collaborate with the **Finance Committee** to prepare, maintain, and present to the **Board of Selectmen** ~~board of selectmen~~ and **Town Meeting** ~~town meeting~~ a **five-year** ~~5-year~~ financial plan for the town.
- (e) **Town Accountant** - The town accountant shall be appointed by the town manager for a term not to exceed 3 years. The town accountant shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- (f) **Treasurer/Collector** - The treasurer/collector shall be appointed by the town manager for a term not to exceed 3 years. The treasurer/collector shall have all the powers and duties vested in this office by law, this charter, by-laws or other town meeting vote.
- (g) **Principal Assessor** - The principal assessor shall be appointed by the town manager for a term not to exceed 3 years. The principal assessor shall have all the powers and duties vested in this office by law, this charter, by-law or other town meeting vote.

Section 5-4: Department of Public Works [Added by Ch. 50, Acts of 2010]

5-4-1 There shall be a department of public works in the town under a director. The director shall be appointed by the town manager subject to confirmation by the **Board of Selectmen** ~~board of selectmen~~ in accordance with paragraph (c) of section 4-2. The director shall also serve as and perform the duties of a highway surveyor as set forth in the General Laws.

5-4-2 The principal functions of the department of public works shall include:

- (a) the construction, maintenance, repair, and cleaning of public town roads, sidewalks, street lights, storm drains, bridges, dikes, and other public way related structures;
- (b) the maintenance, repair, and cleaning of all buildings owned or leased by the town except those of the regional school district;
- (c) the maintenance of the old cemetery, parks, parking areas, recreational and beach facilities, except those of the regional school district;
- (d) snow removal, including the salting and sanding of roads, except those of the regional school district;
- (e) supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of same;

- (f) the supervision, care and replacement of trees;
- (g) providing for, or causing to be provided for, the maintenance and repair of certain town-owned vehicles;
- (h) implementing the policies developed by the Groton water commission and the Groton sewer commission, performing functions required by the rules and regulations of the Groton municipal water and sewer systems, routine operation and maintenance and other functions related to the municipal water and sewer systems of the town; and
- (i) such other functions as may be prescribed by the town manager.

5-4-3 Powers and Duties. The department shall work in close coordination with the necessary town boards and departments to enable the effective and efficient performance of its duties pursuant to the general laws, this charter, by-law or vote of town meeting.

Regarding Proposal #63 (FinComm):

Bold text indicates proposals for additions to the Groton Charter.

~~Strikethrough text~~ indicates proposals for deletions from the Groton Charter.

ARTICLE 6: FINANCE AND FISCAL PROCEDURES

Section 6-1: Fiscal Year

The fiscal year of the town shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

Section 6-2: Updates to Financial Management Policy

The Board of Selectmen and the Finance Committee shall review and update the town's overall financial management policy annually, seeking input from the Department of Finance and other advisors.

Section 6-3 ~~Section 6-2~~: Submission of Budget and Budget Message

Within the time fixed by by-law, but not later than December 31 of the year immediately preceding the year in which the next spring town meeting is to convene, the town manager, after consultation with the **Board of Selectmen** ~~board of selectmen~~, shall submit to the **Finance Committee** ~~finance committee~~ a proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town manager shall simultaneously provide for the publication of a general summary of the proposed budget in a local newspaper and the town's website. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which the complete copies of the proposed operating budget are available for examination by the public.

Section 6-4 ~~Section 6-3~~: Budget Message

The budget message of the town manager shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include other material as the town manager deems desirable or the **Board of Selectmen** ~~board of selectmen~~ may reasonably require.

Section 6-5 ~~Section 6-4~~: The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by the General Laws,

this charter or by-law, it shall be in the form which the town manager deems desirable or the **Board of Selectmen** ~~board of selectmen~~ may require. In the presentation of the budget, the town manager shall utilize modern concepts of fiscal presentation so as to furnish information in a complete, clear and concise manner and in accordance with best practices of financial reporting and control. The budget shall show, in detail, all estimated income from the proposed property tax levy and all other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections the following:

- (a) proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs and the method of financing such expenditures; and
- (b) proposed capital expenditures during the ensuing fiscal year, detailed by town agency and the proposed method of financing each such capital expenditure.

Section 6-6 ~~Section 6-5~~: Action on the Budget

The **Finance Committee** ~~finance committee~~ shall, upon receipt of the 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 its review and consideration. The **Finance Committee** ~~finance committee~~ may require the town manager, or any town agency, to furnish it with additional information as it may deem necessary to assist it in its review and consideration of the proposed budget. The **Finance Committee** ~~finance committee~~ shall file with the town clerk, at least 14 days before to the first session of spring town meeting, a report containing its proposed budget and its comments or recommendations regarding differences between its proposed budget and the budget submitted by the town manager. The report shall also be made available to voters of the town by publication on the town's website and by leaving copies of the report at least 3 public places in the town at least 14 days before the first session of spring town meeting. Additionally, copies of the report shall be made available to voters at the first session of spring town meeting. The failure to timely file the budget report with the town clerk 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 nor shall it affect the validity of any vote taken thereon at town meeting.

The **Finance Committee's** ~~finance committee's~~ proposed annual town budget shall be presented to the town meeting by motions made by the **Finance Committee** ~~finance committee~~, which shall also present its comments and recommendations with respect to the budget. The town manager or the **Board of Selectmen** ~~board of selectmen~~, or both, shall also present their comments and recommendations, if any, at the town meeting with respect to the budget. The budget shall be voted upon in accordance with the by-laws.

Section 6-7 ~~Section 6-6~~: Capital Improvement Plan

The town manager shall submit a capital improvement plan to the **Board of Selectmen** ~~board of selectmen~~ and the **Finance Committee** ~~finance committee~~ at least 6 months before the start of the fiscal year. The plan shall include:

- (a) a clear, concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

Section 6-8 ~~Section 6-7~~: Audits

The **Board of Selectmen** ~~board of selectmen~~ shall provide for an independent audit of all financial books and records of the town, annually and whenever it deems an audit of the whole town or of any particular town agency to be necessary. Audits of the town's financial books and records shall be conducted by a certified public accountant, or a firm of such accountants, having no direct or indirect interest in the affairs of the town.

Robert L. Collins
Attorney At Law
P. O. Box 2081
Westford, Massachusetts 01886

Telephone (978) 448-3511
Facsimile (978) 448-8511

Groton Office:
204 Gay Road
Groton, Massachusetts 01450

18 November 2015

The Groton Charter Review Committee
Michael Manugian, Chairman
Town Hall
173 Main Street
Groton, MA 01450

Dear Committee Members:

I wish to offer the following language for the Committee's consideration:

Records Management:

Add a new subsection (n.) to Section 4.2 reading as follows:

To develop policies for and to oversee the preservation, management, and administration of all municipal records so as to facilitate the access to same.

Budget and Budget Message:

Amend Section 6.2 to read as follows:

The Board of Selectmen, the Town Manager, the Finance Team, and the Finance Committee shall meet each year prior to October 31st to determine the budgetary goals for the subsequent fiscal year. The Town Manager, after consultation with the Board of Selectmen and the Finance Committee, shall submit to the Finance Committee a proposed balanced operating budget with an accompanying budget message, summary, and supporting documents which follows the budgetary goals determined at the meeting(s) referenced in the first sentence prior to December 31st of each year for the next fiscal year. The summary of the proposed budget shall identify deviations from the current

operating budget and outline the reasons for these changes, The Town Manager shall have the summary of the operating budget published in a local newspaper and placed on the Town's website contemporaneously with the submission of it to the Finance Committee; this publication shall indicate the times and places at which copies on the proposed budget with the accompanying documentation are available for examination by the public.

Amend Section 6.4 as follows:

Insert the words "or Finance Committee" after the words "Board of Selectmen" in the second sentence.

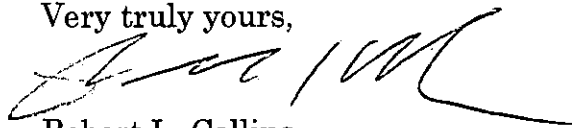
(Note: I wonder if it wouldn't make more sense to re-word this sentence so that it reads: "Except as may otherwise be required by the General Laws, it shall be in the form which the Town Manager, following consultation with the Board of Selectmen and Finance Committee, deems desirable.")

Capital Improvement Plan

Amend Section 6.6 as follows:

Change the wording of the first sentence to read as follows: "The Town Manager shall submit a capital improvement plan to the Board of Selectmen and the Finance Committee prior to December 31st of each year."

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert L. Collins", written over a horizontal line.

Robert L. Collins

Exhibit D to Charter Review Committee
11-18-15 Meeting Minutes

John Giger

From: judy schuster <judy@schuster@gmail.com>
Sent: Wednesday, November 18, 2015 15:48
To: towncharterreviewcommittee@townofgroton.org; judy schuster
Subject: Charter Review Question/Concerns

Dear Mike and Charter Review Committee - I presented the below proposed submissions (#128) to the charter review committee on October 21, 2015. Two other proposals linking the town and schools were presented on Oct 21 (#32, #78). Although I have not seen a formal communication from the committee, I am disappointed to read the below article in the Groton Herald that states the review committee rejected all. Additionally, the minutes posted on the town website do not accurately reflect the dialogue that took place on October 21, 2015.

<http://www.grotonherald.com/main.asp?SectionID=40&SubSectionID=120&ArticleID=5927>

Proposals Submitted:

- The charter should identify and include the principal function, powers and duties of the Groton Dunstable Regional School Committee.
- The town charter should focus on "sustainability", meeting the needs of both our town and our schools.
- The town charter should include some details pertaining to the Regional Agreement between the two towns.

The discussion around proposed changes to the Town Charter should be an iterative process. Not simply an absolute decision by a few. The charter review committee is tragically missing an opportunity to strengthen both the town and schools by continuing with the status quo. As stated during the Oct 21 meeting, it is understood the complexity of a regional school district. But even the Town Charter of our neighbors in Acton (regional school district) have a clear message to all citizens that the town administration, school administration and School Committee are all pulling on the same side to improve both the town and schools. Why do we not have the same for Groton?

Taken from the Town of Acton, MA Charter: *SECTION 7 - 8 School and Town Administration*

The town administration and school administration shall communicate and cooperate to the greatest degree possible in all areas where joint activity will produce economy and efficiency.

The charter is the perfect document to state what our town's views are on the importance of a sustainable services for both our municipal and schools. I hope that you will reconsider and we can work together to do the right thing for our town and schools.

Your feedback/comments are appreciated.

Kindest regards,

Judy Schuster

Groton Resident

978.339.3180 - c