

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

**Meeting Minutes - December 2, 2015**  
At Town Hall

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

**Recorder:** Stephen Legge

**Visitors:** Judy Anderson, Gary Green (Finance Committee Chair), Jason Kauppi (Town Moderator), Barry Pease (Finance Comm), John Petropoulos (BOS), Lynn Ann Spadone

**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 18, 2015. The minutes were approved as submitted unanimously.

**Recap of Records Policy Recommendation to the BOS:**

Mr. Manugian and several other Committee members met with the Selectmen at their regularly scheduled meeting on Monday November 30<sup>th</sup> to present the Committee's recommended Records Policy for the town (three pages). Three questions were asked of the board:

Will you accept this as a draft policy? They answered, yes.

Will you consider other policy referrals from the Committee in the future? They answered, yes.

Does the Board want assistance from the Charter Review Committee to complete this policy?

They answered, yes.

The policy specified that the Town Manager would have administrative responsibility for all town records, listed responsibilities for the Town Manager, types of records and how they should be handled.

Mr. Schulman stated that the presentation was well received, and the Committee was generous with its time and energy to offer this help to the Town. He also mentioned that there may well be new costs to the town of implementing this type of policy.

Mr. Manugian said he is offering his time voluntarily for the purpose of developing the policy. Mr. Collins said there is no need for Charter deadlines or further action on this issue, which is beyond the scope of recommending changes to the Charter.

### **Committee Discussion on Finance and Budget – Finance Committee Appointing Process:**

Visitor Mr. Kauppi, the Town Moderator, was given the floor. Mr. Kauppi said it was appropriate for him to be impartial in all things; he does not give his personal opinions on town issues. He addressed the question of separation of powers in the Finance Committee appointing process. He said different towns do quite different things in this regard.

Mr. Giger asked, whom do you appoint in our town? Mr. Kauppi answered he has appointed various search committees, the Town Meeting Revision Committee, a member of the Charter Review Committee, and a member of the Groton Public Library Endowment Committee.

Mr. Robertson asked if the moderator should appoint approximately 50% of the Finance Committee. He then asked why do so many towns in the commonwealth (64%) have the moderator appoint the entire committee.

Visitor Mr. Green: State legislation stated that the purpose of the finance committee is to advise town meeting, not necessarily create the budget.

Mr. Manugian proposed the Committee first discuss election vs. appointment of the Finance Committee.

Mr. Collins said the problem with an elected committee is that members are may be less qualified than if they were appointed by a committee which reviewed their qualifications.

Ms. Allen believes election is the way to go and she does not believe the members would be less capable. She knows of some elected finance committees where they are strongly qualified. She felt that an elected committee would receive more support from the electorate and be more responsive to the needs of voters.

Mr. Giger feels we need a process which will insure high qualifications.

Mr. Schulman: Most committees in Groton recommend their own candidates to the Selectmen for appointment. They have already found people who are qualified and interested. This system has worked well for our town. Sometimes there is competition for an opening, and in these cases Selectmen typically favor the candidate recommended by the committee whose opening is being filled.

Mr. McCoy: The advantage of appointing is that you get better qualified people. The disadvantage is you may get more recycling of the same people – outsiders have less chance at

breaking in. The weakness of the elected process is there is no assurance the most qualified will win.

Ms. Allen commented to this the ability to make good policy recommendations is as important as, or more important than, financial experience.

**Mr. Schulman moved the Charter wording reflect an appointed committee, not an elected one, but without regard to how it is done.** Mr. Robertson seconded.

Visitor Mr. Petropoulos: There is a tendency with the appointment process to do things the same way over time. An elected process allows the injection of new ideas more reflective of the citizens' will.

Mr. McCoy: Appointment by the Selectmen reflects the citizens' will because they (the Selectmen) are elected.

Mr. Green: The purpose of the Finance Committee is to advise town meeting. The job is not to be political or to set budgets - the board's job is to be impartial. He feels it is more important to be impartial than to be technically highly qualified. He feels it is better for the board to be appointed.

A vote was taken and the motion was approved 6-1, with Ms. Allen voting against.

### **Discussion on Best Appointment Process for the Finance Committee:**

Mr. Collins: There is some wisdom to splitting up the appointing power, however, he notes the present system seems to work quite well.

Mr. Giger agrees with Mr. Collins generally. He proposes the Committee consider the Town Moderator appointing four members and the BOS appointing three. Don't make it too complicated.

Mr. Robertson: The Finance Committee has recommended a three-party appointing board consisting of the Town Moderator, the BOS and the chairman of the Finance Committee. This would ensure no one group has too much influence.

Mr. Schulman: Leave it the way it is - The Finance Committee was first appointed by the BOS in the 1970's and it is still done the same way. There has been a good record of independence by the Finance Committee over this time period. Even when there have been major differences of opinion between Selectmen and committee members, those people have still been reappointed. Mr. Schulman does not like the idea of the Finance Committee chair having a role in appointing a member of his own committee. In such a case the appointed people are doing the appointing -

less connection to voters. He is also concerned with giving the Town Moderator appointing authority.

Mr. McCoy: Before deciding how to appoint, it might be helpful to decide how vetting of candidates is to take place.

Ms. Allen also does not like giving appointing authority to the Finance committee chair.

Mr. Giger: I am concerned that the body doing the vetting is also doing the financial advising for the Town.

Mr. Manugian: He is concerned with a member of the Finance Committee on a board doing the appointing. He feels that elected officials should do that. Some members of the public have expressed concern that the BOS having sole appointing authority.

Mr. Robertson thinks it would be ok for the BOS to do the appointing, but thinks the Finance Committee should first provide input (candidates) to them for consideration. This is not quite the same as giving the Finance Committee absolute authority to qualify candidates. Mr. Robertson does not feel that the system in use today is broken in any way.

Visitor Ms. Anderson asked the Selectmen what would they do if there is only one candidate for one opening and they feel the candidate is not especially qualified? Mr. Schulman answered they are under no obligation to appoint that person in such a case.

Mr. Giger said his interest is in getting the best people on the Finance Committee. But that does not mean there is an absolute standard that must be met.

Mr. McCoy said it would be good the Finance committee to provide input when multiple candidates are available for a position.

Mr. Schulman: Some people have charged that Town finances are not good. He disagrees. The best evidence is the Town's very excellent bond rating.

Mr. Collins: The concerns in town are over the appointment process, not Town Finances. People are concerned that the Finance Committee members may be overly influenced by the Selectmen who appoint them. Keeping things as they are because they are not broken bolsters those perceptions. Mr. Collins thinks it might make sense to make some small, but not inconsequential, changes in the process to address these concerns.

Mr. Schulman pointed out that Town Meeting has on some occasions voted against the Finance Committee recommendation, thus showing they are not always swayed by the Finance Committee.

**Mr. Giger moved a new method for appointment of the Finance Committee be adopted, and Charter changes be made, whereby the Town Moderator appoints four members and the BOS appoints three, all on a rotating basis.** Mr. Collins seconded.

Mr. Robertson does not like to break up the appointments – he prefers one group, perhaps consisting of the Town Moderator and the BOS, make all seven appointments.

Mr. Collins likes three for the Town Moderator and four for the BOS.

Mr. Schulman: Appointment could be by a joint committee where the Town Moderator has more votes than one to balance better with the BOS.

Visitor Mr. Green pointed out that in some towns boards are self-appointed. Perhaps we are making things too complicated.

Visitor Ms. Spadone felt that the Committee is over-complicating issues. Are we solving a perception problem? What is the problem? She is confused by the discussion.

Visitor Mr. Pease: The motion is lacking critical input from the Finance committee. He thinks its proposal is helpful and would help reduce the possibility of admitting onto the committee people who are not properly qualified. The Finance Committee put forth a good suggestion which was determined after a long period of thoughtful consideration.

The Committee voted to defeat the motion 1-6, with Mr. Giger the only member in favor.

**Mr. Collins moved that two members be appointed by the Town moderator and five by the BOS, with all candidates vetted by a group consisting of the town Moderator, BOS and the Finance Committee.** No one seconded this motion.

**Mr. Robertson moved selected language in Submission # 66 to go into the Charter in Article 6 or a new article covering appointed committees as follows:**

**“There shall be a Finance Committee consisting of seven voters of the Town, appointed by a three-person committee consisting of the Chairperson of the Board of Selectmen, the Chairperson of the Finance Committee and the Town Moderator. Members of the Finance Committee serve terms of three years each, arranged so that the terms of office of as nearly an equal number of members as is possible shall expire each year. The Finance Committee will appoint a chairperson and a deputy chairperson to run meetings and present the**

**Finance Committee’s recommendations during the town budget process.”** Ms. Allen seconded.

Mr. Schulman objects to the same thing as before (putting an appointed Finance Committee member in the position of appointing his own committee).

Mr. Pease pointed out the Finance Committee also recommended another sentence, omitted here, which is already in our town by-laws. The Committee agreed that because the wording was in the by-laws it was not necessary to add it to the Charter.

Mr. Manugian said he is very uncomfortable with the chair of the Finance Committee having appointing authority. Mr. Schulman agreed.

Mr. Green said the Finance Committee does not set goals – the BOS does. Mr. Manugian pointed out that wording changes approved by the Charter Review Committee did give the Finance Committee authority to participate in the setting of financial goals.

A vote was taken and the motion passed 4-3, with Misters Manugian, Schulman and Collins voting no.

Mr. Collins: The closeness of the vote is indicative that we are not quite where we need to be. Perhaps more consideration of this issue is in order.

Mr. McCoy: Evaluation by the Finance Committee chair is sufficient, without appointing authority.

Mr. Collins did not think the vetting process needed to be in the Charter.

Mr. Collins left the meeting at 8:23 PM.

Mr. Giger thinks the vetting/evaluation process should be in the Charter.

The Committee agreed to make no additional changes to the process for appointing the Finance Committee.

**Action Item #1:** Mr. Collins will examine wording appropriateness and possibly revisions for Submission # 66, Section x-1, referring to the appointment process for the Finance Committee, voted for Charter change by the Committee.

## **Discussion on Research on Capital Spending Measures Going to Ballot:**

At Mr. Manugian's request, Mr. Giger read his letter (attached) to the Mass Department of Revenue asking for clarification of the legality of sending capital spending measures to ballot, when they qualify neither as Proposition 2-1/2 overrides nor debt exclusion measures.

**Action Item #2:** Mr. Giger will talk to the Town Manager about the legality of presenting capital projects for ballot votes when they qualify neither as proposition 2-1/2 overrides nor debt exclusion votes.

The Committee agreed to wait until responses on this issue were received from the Attorney General, Town Counsel and the DOR before continuing discussion on this issue.

### **Discussion on Proposed Wording for Charter Changes in Section 6-2:**

Mr. Collins proposed wording in his letter dated November 18, 2015 (two pages) in response to the need to incorporate the Finance committee into the annual budget planning cycle. This letter was attached to the minutes of November 18<sup>th</sup>.

Ms. Allen commented October 31<sup>st</sup> was a late date for setting budgetary goals for the next fiscal year. Mr. Robertson said dates are constrained by the need to complete Fall Town Meeting in October prior to setting goals for the next fiscal year.

Mr. McCoy stated that departments can always begin ahead of these dates to start developing their budgets.

Additional wording changes were agreed to by consensus among Committee members.

**Action Item #3:** Mr. Giger will write up changes to the wording of Charter Section 6-2 which were agreed upon by consensus among Committee members. This will be circulated to members and voted upon in a later meeting.

### **Other Topics:**

Mr. Manugian read a letter to the Committee from Mr. Petropoulos concerning the use and definition of the word "newspaper" in the Charter. Mr. Petropoulos was concerned that the appropriate media be considered wherever there was a reference to public notice in the Charter. The letter is attached.

### **Discussion of Scheduling for Future Meetings:**

Mr. Manugian announced there would be public presentations invited from the public concerning the 17 submissions on the topics of the Human Relations Department, the Personnel Board and the regional school system at the next scheduled meeting on December 9<sup>th</sup>.

### **Discussion of Finance Committee Roles/Responsibilities (Submission # 66):**

In this submission, the Finance Committee proposed six specific roles for itself, to be inserted into Charter Article 6 or a new article for appointed committees.

Mr. Giger: In the first item, add “the Town Meeting” as another party to be advised on matters of budget. There ensued a discussion on whether this would be covered in the third item.

Mr. McCoy: If we are giving more responsibility to the Finance Committee, we are obligated to enumerate what they are to do in the Charter.

Mr. Giger wants the advisory role to Town Meeting clearly stated. Since this is the Finance Committee’s principal purpose, it should be done in the first item. There was a consensus to do this.

Mr. Giger: There is a problem with Item # 3 with the word “ratify”. Instead say “transitionally approve or recommend”. Mr. Manugian suggested that the Committee should refer this issue for a proposal containing recommended language and bring it back for a vote.

There was discussion about Items #4 and 5, referring to collective bargaining. Mr. Robertson said the point of this wording is to ensure the Finance Committee has input/guidance to the BOS and Town Manager concerning the long-term impacts of collective bargaining.

Mr. Schulman: Item #5 might be construed to imply the BOS is not involved in the final step. Mr. Manugian commented we must accept a little ambiguity in the wording at times. We cannot perfectly define everything.

Mr. Manugian asked what is the intent of Item #6, and in particular the meaning of the words “all municipal questions”? Mr. Pease indicated that this meant to cover the case where a warrant article did not have direct financial impact but might have financial impact in the future. Mr. Manugian stated that statute already gave the Finance Committee the authority to consider any questions which may have a future financial impact. The Committee agreed by consensus to remove Item #6.



Mr. Manugian asked if there were any suggestions to add anything to the list of Finance Committee responsibilities. There were no further suggestions.

**Action Item # 4:** Mr. Giger will rewrite the roles and responsibilities of the Finance Committee to reflect the Committee's (Charter Review) consensus. He will also incorporate the ideas enumerated in Submission #65 into this rewrite.

### **Discussion of the Town Manager's Authority Regarding Town Expenditures (Submission # 73):**

Misters Schulman and Manugian feel this issue has already been discussed and addressed. The Committee agreed.

**Mr. McCoy moved to dismiss Submission # 73 with no change to the Charter.** The submission proposed to limit Town Manager's authority to submit budgets up to the levy limit any given year. Ms. Allen seconded. The motion was approved unanimously.

### **Discussion to Create a Financial Contract Negotiating Team for Larger Town Expenditures (Submission # 43):**

It was proposed to create a special negotiating team consisting of a representative from the Finance Committee, the BOS and the Town Manager to review and negotiate contracts for the Town exceeding a one-time cost of \$10,000, or for multi-year contracts exceeding \$10,000 over a three year period.

Mr. Schulman stated the Town's bidding rules sufficiently protect the Town in these situations. There was some brief discussion about this.

**Mr. Giger moved to dismiss Submission # 43 with no change to the Charter.** Ms. Allen seconded. The motion was approved unanimously.

### **Discussion of the Town Manager's Role in Collective Bargaining for Union Contracts (Submission # 38, Item II):**

It was proposed by the Town's department heads and Town Manager to clarify wording in the Charter, Section 4-2(e) to read as follows:

“(Town Manager is) To act as a negotiator for all collective bargaining agreements to which the Board of Selectmen is a party, subject to ratification of the Board of Selectmen pursuant to Section 3-2(b)(4).” The reason given was common misperception about the amount of authority the Town Manager had in this area.

It was also pointed out that in Submission # 74, it was proposed that the BOS and Finance Committee provide negotiation objectives and minimum targets for raises and allowances, and at least one member of the two boards would be in attendance in the negotiations. It was concluded that this latter submission had been discussed and handled previously.

**Mr. Schulman liked the wording submitted by the department heads and Town Manager. He moved to accept those words as written for Charter change as described.** Mr. Robertson seconded. The motion was approved unanimously.

### **Discussion of Finance Committee’s Role in the Finance Department (Submission # 124):**

Several different matters were brought up in this submission. The role of the Finance Committee, the appointment of the Finance Director, and the right of the BOS to use contract personnel to fill vacancies among critical department heads in the Finance Department.

There was some discussion of what is done now and whether any new rights needed to be defined for the BOS, including the right to use contract (outside) personnel. It was concluded there were really no problems to be solved and it was believed the Finance Committee should not have an active role in the Department’s day-to-day handling of the Town’s personnel.

**Mr. McCoy moved to dismiss Submission # 124 with no change to the Charter.** Mr. Schulman seconded. The motion was approved unanimously.

### **Discussion of Mr. Hartnett’s Letter to the Committee (Town Financial Standing) (Submission # 37):**

Mr. Hartnett summarized the Town’s excellent financial condition and bond rating in his letter. He gave much interesting and useful background information. No changes to the Charter were proposed. Therefore no action was required of this Submission.

Mr. Schulman moved to dismiss Submission # 37 with no change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

## **Other Topics:**

Mr. Manugian announced that all finance and budget topics submitted to the Charter Review Committee have now been reviewed, discussed and decided as to whether or not Charter changes will be recommended. There are still wording changes to consider at future meetings.

The next big issues to consider involve the Board of Selectmen and the Town Manager. There was a consensus of the Committee to review the Town Manager issues first. There are 30 submissions referring to the Town Manager.

**Action Item #5:** Mr. Schulman offered to research the roles and responsibilities of the BOS and the Town Manager, and how they are split.

**Action Item #6:** Misters Giger and Manugian will figure out how to divide up the Town Manager submission issues in a manageable way for the Committee's consideration.

Regarding the Wednesday, December 30<sup>th</sup> meeting, Mr. Giger suggested it be a Committee discussion only, and not trouble people to come in and present during this holiday week. Mr. Manugian thought that a reasonable idea and proposed the possibility that it be a shorter meeting. The Committee agreed.

For the December 9<sup>th</sup> meeting presentations will be scheduled from the public on submissions involving the Human Relations Department, the Personnel Board and the schools.

**The meeting was adjourned with unanimous consent at 9:56 PM.**

**\*\* The next meeting is scheduled for Wednesday, December 9th, at 7:00 PM. \*\***

**Exhibit:** E-mail message from Jack Petropoulos to Michael Manugian dated November 29, 2015, subject: Definition of Newspaper

**John Giger**

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**From:** Michael Manugian <Mike@ManugianInc.com>  
**Sent:** Wednesday, December 2, 2015 16:22  
**To:** Bud Robertson; Jane Allen-Home; john.crc@cybergiger.com; Michael McCoy; Robert Collins; Stuart Schulman  
**Cc:** Jack Petropoulos; Steve Legge  
**Subject:** RE: Definition of Newspaper

**Exhibit to Charter Review Committee**  
**12-02-15 Meeting Minutes**

Hi All,

I am forwarding this email from Jack Petropoulos to the committee.

Thanks,

Mike

**From:** Jack Petropoulos [mailto:jack.petropoulos@gmail.com]  
**Sent:** Sunday, November 29, 2015 8:37 PM  
**To:** Michael Manugian  
**Subject:** Definition of Newspaper

Hi Mike

I am not sure if it is too late or if this is already covered but the term "newspaper" is defined in the Charter. Over the years, as a result of personal feelings, Talk About Groton and The Groton Line have been omitted from use as vehicles for distributing public information. Amazingly, these two publications have far greater circulation than the Herald or the Sun.

Is it possible to visit the definition of 'newspaper' in the Charter either to include other forms of publication or perhaps changing the term 'newspaper' to some other term that acknowledges the importance of online publications.

I am glad to write it up as a submission if that is useful.

Thanks

Jack