

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

Meeting Minutes - January 20, 2016
At Town Hall

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

Not Present: Stuart Schulman (BOS)

Recorder: Stephen Legge

Visitors: Judy Anderson, Peter Cunningham (BOS), Mark Haddad (Town Manager), Russell Harris, John Petropoulos (BOS), Art Prest, Connie Sartini

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

Mr. Manugian said tonight the Committee will consider the minutes of the past meeting, then discuss deferred items, and finally discuss recently presented submissions for Charter changes.

Approval of Meeting Minutes:

Mr. Collins moved the minutes of January 6, 2016 be accepted. Ms. Allen seconded. An edit on Page 6 of the draft was accepted. The amended draft was approved unanimously.

Deferred Items, Charter Change Working Draft:

Mr. Giger passed out a working draft of the Charter with changes made to date incorporated into the wording. He also passed out all changes made to date in list form. He discussed some formatting changes he had made at the Committee's request. All changes were approved by consensus (see attached exhibits).

Action Item #1: Mr. Manugian asked all members to review Mr. Giger's changes as they applied to their own submissions, for content and appropriateness.

Mr. Collins requested an explanation of Mr. Giger's "Draft Charter Input Checklist" and a brief discussion ensued. Mr. Giger explained that the document was a summary of proposed Charter changes compiled from previous minutes.

Deferred Items, Capital Projects Balloting Requirements:

Opinions rendered in recent weeks by the Department of Revenue, the Attorney General's Office and Town Counsel were reviewed. The results were conflicting, ranging from answers of "probably yes" to "probably no" for the question of, is it legal to refer projects to a ballot approval which qualify neither as Proposition 2-1/2 overrides nor debt exclusion measures. The Committee agreed by consensus that the decisions were of no value and proceeded to discuss the issue.

After some discussion the Committee agreed to consider two submissions with requirements for balloting above certain spending limits and allow the state Charter review and approval to determine the validity of any proposed change. The submissions under consideration are # 78 (Ginger Vollmar) and 166 (Russell Harris).

Mr. Collins was concerned about defining the limit as a fixed dollar amount without consideration of the effects of inflation.

Mr. Manugian requested that the Committee determine whether or not the principle to force a ballot vote makes sense before attempting to define the amount and possible methods of indexing.

Mr. Robertson favored keeping the power to make capital project decisions in Town Meeting and not forcing a ballot vote unless required by law (Prop 2-1/2 overrides or debt exclusions).

Mr. McCoy: He agreed with Mr. Robertson. The proposals on the table give people who do not go to Town Meeting a veto power on Town Meeting measures, without hearing the arguments for and against.

Mr. Collins: A ballot vote will diminish attendance at Town Meeting.

Ms. Allen: If the measure to force a ballot vote is approved she is not concerned about the limit amount in the Charter becoming obsolete. The Charter is reviewed for changes needed every ten years and also Town Meeting has the power to reject a project, in which case the ballot requirement is moot. She supports the principle of the two submissions.

Mr. Giger: Spring and fall town Meetings no longer require a quorum. He was concerned that small interest groups could strongly influence a vote in Town Meeting and put through projects. He supported the ballot requirement.

Mr. Collins: An alternative idea would be to require a special town meeting vote for capital projects. Special town meetings do require a quorum and would, therefore, require that a quorum approve any capital expenditure.

Mr. Haddad: Calling a special town meeting or election cost the town about \$5,000.

Mr. Manugian was concerned that people who vote ballots are mostly those not hearing the arguments at Town Meeting, both for and against. Additionally, resolving project capital expenditures by ballot eliminates the alternative at Town Meeting to devote funds not voted to a modified, or another worthwhile cause by amendment at the meeting. Mr. Manugian offered two more arguments against this proposed Charter change: referring matters to ballot slows down the budget finalization process and gives townspeople additional incentive to not attend Town Meeting.

Mr. Giger moved to dismiss Submissions # 78 and 166, without changes to the Charter.

Mr. McCoy seconded.

Mr. Collins and Mr. Giger: Perhaps a better way to broaden participation in capital spending decisions would be to have special town meetings embedded in regular town meetings for the purpose of approving these decisions, and requiring a quorum be present. Quorums are already required in special town meetings. The vote could not take place unless a quorum is present (and at least one voter asks for a quorum count).

Visitor Mr. Petropoulos: We can do a special town meeting inside a regular Spring or Fall Town Meeting. It's not a problem and would not incur any additional cost to the Town.

Mr. McCoy: What happens to our overall Charter change submission to the state if this one provision is disapproved? Visitor Mr. Haddad answered disapproval of one provision would not affect other provisions.

Mr. Petropoulos: Attendance at Town Meeting has fallen or at best leveled off in recent years. He would like, however, that the people who have to pay should have the chance to vote on a spending measure.

Visitor Mr. Cunningham: The Finance Committee will consider, vet and recommend for or against any measure such as these under discussion that have a budget impact. They are looking out for the citizens' interest and no special vote is required.

Visitor Ms. Sartini: There are many good reasons people cannot come to town meeting. Everyone should have a chance to vote on large capital items.

Visitor Mr. Harris suggested indexing a cap on capital projects, to account for inflation over the ten-year period between Charter reviews. He stated a ballot vote gives a higher level of confidence that the people's will is being reflected in a decision. A vote on a ballot would allow people who cannot come to a Town Meeting to participate. He felt that Town Meetings were a pro-forma exercise for the most part because 80% of the budget must be approved because it covers items which have already been committed to by the Town. He felt that this tended to reduce participation in town meetings.

Mr. Petropoulos commented that overrides refer to the entire budget, not just to a single (large) project.

Mr. Haddad: Debt exclusion votes mean the money can only be spent if it is approved by ballot. Sending capital projects to a ballot vote will decrease town meeting attendance.

Mr. Cunningham pointed out attendance at elections is also quite low.

Mr. Haddad added a multi-million-dollar project is usually bonded so that the impact on a single year's budget was only a fraction of the total cost.

The chair asked for a vote on the matter under consideration. This was the motion to reject the two capital item ballot suggestions with no change to the Charter. The motion was approved (which means the proposal was rejected) 4 – 2, with Ms. Allen and Mr. Giger voting no.

Mr. Collins moved to submit capital projects for approval to a special town meeting session, embedded in a regularly scheduled town meeting. Mr. McCoy seconded.

Ms. Allen did not see the benefit of the special town meeting idea. Mr. Collins answered special town meetings do get more attention from people. Mr. Giger added the idea is that it reaches out more to the community – it is special to be considered at a special town meeting.

Mr. McCoy asked if there was a cost for a special town meeting. Because it would be embedded in a regular town meeting no additional costs would be incurred.

Mr. Manugian believes the biggest excuse to not attend Town Meetings is people simply do not want to.

Mr. Harris asked Mr. Collins, who had been a member of an earlier town government study group, if Mr. Manugian's comment was true. Mr. Collins replied the most frequent comment was people felt overburdened by other commitments.

Mr. Harris said a public discussion around a ballot vote can make a project a better one.

A vote was taken on the motion and it was approved 4 – 2, with Misters Manugian and Robertson voting no.

Mr. Manugian said the Committee now must consider how to set a spending limit on proposed projects required to go to a special town meeting vote. Limits which were proposed in submissions were \$1,000,000 and \$2,000,000.

Ms. Allen moved to set the limit for referring projects to special town meeting votes at \$3,000,000. Mr. Collins seconded.

Mr. McCoy asked Mr. Harris why he set the limit in his submission at \$1,000,000. Mr. Giger commented he was thinking a \$5,000,000 limit was appropriate.

Mr. McCoy is thinking the likelihood the town would vote a \$5,000,000 project (probably spread out over a number of years), which would not qualify as a Proposition 2-1/2 override or a debt exclusion is pretty low.

Mr. Haddad referred to the recent new fire station project in which the entire funding of \$7,000,000 was absorbed in the annual operating budget with an override. He added the town had prepared by building up budget capacity over several years for the project, and this was a very rare circumstance, given the amount. Mr. Haddad believes any future projects coming in at \$5,000,000 or more would automatically be considered as debt exclusions.

A vote was taken on the measure and it was approved 5 – 1, with Mr. Manugian voting no.

Action Item #2: Mr. Collins will develop word changes for the Charter reflecting decisions of the Committee to incorporate requirements for a Special Town Meeting vote on capital projects.

Discussion on Personnel Board Submissions:

Submission # 41 (Page 26 in the Submissions by Applicable Charter Section Summary) proposes the HR director be separated from a reporting relationship to line management and instead report to the BOS. Currently the HR director reports to the Town Manager, to whom most department heads and staff report.

Mr. Manugian gave a recent example of an employee issue which arose where the Town Manager took issue with the way a particular issue was handled. Mr. Manugian questioned the effectiveness of the HR director's involvement in this matter.

Mr. Haddad answered he had an issue with the way the employee handled communications. The issue became blown out of proportion. There was no discipline in this case, only advice given. The HR Director was involved. He (the Town Manager) has a right to talk to his employees.

Mr. Robertson asked why this example became an issue. Mr. Manugian answered that a public statement of dissatisfaction with the performance of an employee who was performing his job properly was inappropriate.

Mr. Collins asked why should the Charter be changed in this way. Mr. Manugian answered reporting to the Town Manager limits what the HR director can or would do in a situation where he or she disagrees with the Town Manager. Ms. Allen said she agreed.

Mr. McCoy said in theory he agrees with Mr. Manugian and Ms. Allen, but in practice HR's independence was less important for protecting employees than negotiated agreements, which cover the great majority of town employees. So HR's independence was only of marginal value and would have little practical benefit.

Mr. Haddad said that union employees always had the option to file a grievance if they felt there was a problem.

Mr. Manugian said there is a hurdle to filing a grievance. He is concerned the HR director could have a strong incentive to go along with the Town Manager's decisions. HR should, and is required to, do what is correct by statute and local policy.

Mr. Giger wants to see an issue resolved in-house, without the need to file a grievance except in the most egregious cases. Having a more potent Personnel Board to go to would negate the need for the HR reporting relationship change proposed here.

Mr. Robertson: How can a reporting relationship to the BOS actually work on a day-to-day basis when the Selectmen are not available on a day-to-day basis?

Visitor Mr. Prest: He agrees with Mr. Robertson. In his model of the town's government the Town Manager is the CEO, the BOS are the board of directors. It makes no sense to change the present arrangement, having HR report to the board of directors.

Mr. Cunningham: This issue is moot because most town employees are under bargaining agreements. It would be cumbersome to put HR under the BOS.

Mr. Manugian, responding to Mr. Prest, said he feels that a better model is that the town's board of directors is Town Meeting and the BOS is the Town's CEO. Mr. Prest answered the Town Meeting is more like stock holders, the BOS a board of directors and the Town Manager a CEO.

Visitor Ms. Sartini: Considering the comments by Mr. McCoy and others about most employees being subject to bargaining agreements, she feels the HR director is not in need of being a strong, independent position.

Ms. Allen moved to table the issue of the HR director reporting to the BOS until the Personnel Board responsibilities are specified. Mr. McCoy seconded.

Mr. Manugian felt that linking issues and tabling was a bad idea. He felt that the Committee should decide individual issues, and then to go back and reconsider voted decisions when new information comes to light. Mr. McCoy said the defined advisory-only role of the Personnel Board is not helpful to this argument. We need to reconsider after they have a more significant role.

A vote was taken and the motion to table passed 4 – 2 with Manugian and Robertson voting no.

Submission # 42 (Page 25 in the Charter Section Summary) proposes the Personnel Policy Negotiating Team must include one member of the Finance Committee, one member of the BOS, one member of the Personnel Board and the HR director. The team must be involved in any town policy or procedure involving town employees. It would also be involved in union or employee contract negotiations.

Mr. Manugian, in an earlier meeting, had said the purpose of this proposal is that more people be involved in big decisions. Tonight he said this proposal would give the Personnel Board a bigger role than advisory-only.

Mr. Collins pointed out the Town Manager should also be on this team and Mr. Manugian agreed.

Ms. Allen asked what is personnel policy?

Mr. McCoy asked is there a personnel policy team now? The answer was no.

Mr. Manugian's main point is to include the Personnel Board and the HR director in policy decisions. He felt there was more breadth of experience available on the Personnel Board with an HR Director than was available with the HR Director along.

Mr. McCoy commented we are piecemealing the Personnel Board related issues. It would be more helpful to discuss the full role of the Personnel Board now. Mr. Manugian responded we are doing that now.

Mr. Robertson commented the Personnel Board has been working with the BOS and HR on several specific issues. They have not, however, worked on any wage issues.

Ms. Allen moved that the Personnel Policy Negotiating Team be created and must include one member of the BOS, one member of the Personnel Board, the Town Manager, the HR director and may include other members as appropriate. Mr. Collins seconded.

It was mentioned that the Finance Committee may have a role in this matter.

Mr. Robertson thinks it would be valuable to the town to have the Personnel Board involved in union agreement bargaining strategy sessions, as well as participation on the Personnel Policy Negotiating Team.

Mr. Petropoulos feels this motion is a good idea and would give the Personnel Board more standing. Admittedly things have gone well to date with the relationship between the Board and the BOS, but there is no guarantee that would continue to be the case in the future without incorporating this into the Charter.

The motion was approved unanimously.

Action Item #3: Mr. Collins will develop word changes for the Charter reflecting the decision of the Committee to accept Submission # 42 regarding roles of the Personnel Board.

The Chair decided to postpone discussion on the next subject, Submission # 119 to the next meeting.

The meeting was adjourned with unanimous consent at 9:05 PM.

**** The next meeting is scheduled for Wednesday, January 27th, at 7:00 PM. ****

Exhibits:

- A. ToG 2016 Draft Charter Input Checklist
- B. Sample Page, 2016 Working Draft Charter
- C. Change History 2016 Working Draft Charter
- D. Committee's Missing Issues List, 2016-01-20

**Exhibit A to Charter Review Committee
01-20-16 Meeting Minutes**

ToG 2016 Draft Charter Input Checklist							
File ID: ToG Charter 3016 Cgecklist jrg1a.xlsx							
Minutes Date	Notes Page Created	Minutes Search File Created	Minutes Searched	Minutes Search File Copied toOneNote	Decision Posted to 2016 Draft Charter	Minutes .docx file and .pdf File Copied to OneNote	Status
20150902	20160118	20160119	20160119	20160119	N/A	20160119	Done
20150909	20160118	20160119	20160119	20160119	N/A	20160119	Done
20150923	20160118	20160119	20160119	20160119	N/A	20160119	Done
20150930	20160118	20160119	20160119	20160119	N/A	20160119	Done
20151007	20160118	20160119	20160119	20160119			Issue
20151014	20160118	20160119	20160119	20160119	N/A	20160119	Done
20151021	20160118	20160119	20160119	20160119	N/A	20160119	Done
20151028	20160118	20160119	20160119	20160119			Issue
20151104	20160118	20160118	20160118	20160118			Issue
20151118	20160118	20160118	20160118	20160118	20160118	20160118	Issue
20151130	20160118	20160119	20160119	20160119	N/A	20160119	Done
20151202	20160118	20160119	20160119	20160119			Issues
20151209	20160118	20160120	20160120	20160120			Issues
20151216	20160118	20160120	20160120	20160120	NA	20160120	Done
20151230	20160118	20160120	20160120	20160120	20160120	20160120	Done
20160106	20160118						
20160120	20160118						

Exhibit B to Charter Review Committee
01-20-16 Meeting Minutes

WORKING DRAFT For Discussion Only - Subject to Revision **WORKING DRAFT**
File ID: ToG Charter 2016 Draft Changes Master jrg1c.docx

CHARTER

[**HISTORY: Adopted by the Special Town Meeting of the Town of Groton 10-22-2007 by Art. 8; enacted by the General Court as Ch. 81 of the Acts of 2008. Amendments noted where applicable.**]

ARTICLE 1: INCORPORATION, EXISTENCE AND AUTHORITY

Section 1-1: Incorporation

The inhabitants of the town of Groton, within the corporate limits established by law, shall continue to be a body corporate and politic with perpetual succession under the name "town of Groton."

Section 1-2: Short Title

This instrument shall be known and cited as the Groton Charter.

Section 1-3: Powers of the Town

It is the intent and purpose of the voters of the town, through the adoption of this charter, to secure for the town all the powers possible under the constitution and laws of the commonwealth, as fully and as completely as though each power were specifically and individually enumerated herein.

Section 1-4: Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen and a town manager. The legislative powers shall be exercised by an open town meeting.

Section 1-5: Interpretation of Powers

The powers reserved or granted to the town under this charter shall be construed liberally and interpreted broadly in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-3.

Section 1-6: Intergovernmental Relations

The town may enter into agreements with any other units of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Section 1-7: Precedee of Charter Provisions

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

**Exhibit C to Charter Review Committee
01-20-16 Meeting Minutes**

Town of Groton Charter, 2016 Draft Change History
 Maintained by John Giger (john.crc@cybergiger.com)
 File ID: ToG 2016 Draft Change History Master jrg1c.docx

<u>Tag</u>	<u>Type</u> A=Added D=Deleted M=Modified	<u>Description</u>	<u>Source Reference</u>
20151226-A	A	Added section 6-7 as a placeholder for potential membership section.	Submission #66
20151226-B	A	Added section 6-8, Roles and Responsibilities (a) through (e).	CRC meeting minutes of 12/09/15
20151227-A	M	Modified section 6-2 by replacing existing paragraph with a re-written version.	CRC meeting minutes of 12/09/15
20151230-A	M	Modified section 6-6 by replacing the first sentence with a new first sentence.	CRC meeting minutes of 11/18/15
20151230-B	M	Modified section 6-4 by replacing the second sentence with a re-written second sentence.	CRC meeting minutes of 11/18/15
20151230-C	M	Replaced the existing section 5-3d text with re-written text.	CRC meeting minutes of 11/18/15
20151230-D	A	Added section 6-1.5 which will eventually be changed to section 6-3 and all following Article 6 sections increased by 1.	CRC meeting minutes of 11/18/15
20160118-A	A	Modified section 5-3(c) to adding and to the Finance Committee in the fourth line.	CRC meeting minutes of 11/18/15
20160118-B	A/M	Predesignated existing paragraph (m) as (n). Added new paragraph (m).	CRC meeting minutes of 11/18/15
20160119-A	A	Added section 5-5, Department of Information Technology	CRC meeting minutes of 11/14/15
20160119-B	A	Added section 6-1.25 which will eventually be changed to section 6-2 and all sections after 6-1.5 will be increased by 1.	CRC meeting minutes of 12/09/15
20160119-C	A	Replace all original text in Section 4-2(e) with new text.	CRC meeting minutes of 12/09/15
20161230-A	M	Section 3-8(b), deleted the words personnel board and added the words Human Resources Director.	CRC meeting minutes of 12/30/15

Exhibit D to Charter Review Committee
01-20-16 Meeting Minutes

Missing Issues List, 2016-01-20

1. Minutes of 20151007: Information Technology discussion (page 5), missing approved language for this approved Add. RC
2. Minutes of 20151118: Submission #105 (page 5). missing results of Action Item #2, Charter language for Submission #105. RC
3. Minutes of 20151028: Missing results of Action Item #1 (page 2), copies of management reports associated with recent audits. MM
4. Minutes of 20151028: Missing results of Action Item #4 (page 6). specific language for #62. MMc.
5. Minutes of 20151104: Submission #150 (page 4), missing specific wording for this approved submission. RC
6. Minutes of 20151104: Missing results of Action Item #2 (page 7), need specific wording for this approved change. RC
7. Minutes of 20151104: Submission #67 (page 9), missing Action Item #3, specific language for this approved submission. RC
8. Minutes of 20151104: Submission #57 (page 10), missing Action Item #4, specific language for this approved submission. RC
9. Minutes of 20151104: Submission #106 (page 10), missing Action Item #5, specific language for this approved submission. RC
10. Minutes of 20151209: Submission 142: Action Item #3 (page 6), may still be open. SS
11. Minutes of 20151209: Submission #121: Action Item #2. No one assigned to complete this action item. MM
12. Minutes of 20151209: Discussion of Charter Change in Section 3-2(d), Action Item #4, miss approved wording for this action. RC
13. Minutes of 20151216: Action Item #4 (page 7) may still be open. SS