

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

**Meeting Minutes - April 6, 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, Anna Eliot (BOS), John Petropoulos (BOS), Connie Sartini

**Call to Order:** Chairman Manugian called the meeting to order at 7:02 PM.

**Approval of Meeting Minutes:**

The minutes of March 30<sup>th</sup> were reviewed. **Mr. Giger moved the minutes of March 30, 2016 be accepted as amended by Mr. Manugian.** Mr. McCoy seconded. The minutes were approved 5-0 with Mr. Collins abstaining due to absence from the meeting.

**Administrative:**

Mr. Manugian said he had received feedback from the Town Clerk that the agendas submitted by the Committee in advance were insufficiently detailed. From this time forward the submitted agendas will have more details.

Mr. Manugian reminded Committee members their appointments had been made for one year and expired June 30<sup>th</sup>. Mr. Manugian noted that Mr. Giger had agreed to send letters to the appointing authorities of each committee member requesting that their appointments be extended through June 30, 2017.

Mr. Manugian commented that three members had informed him of their inability to attend the meeting scheduled for Wednesday April 20<sup>th</sup>. He recommended that meetings be cancelled if less than five could attend and therefore that the April 20<sup>th</sup> meeting be cancelled.

**Mr. Collins moved the April 20<sup>th</sup> meeting be cancelled.** Mr. McCoy seconded. The motion was passed unanimously and the meeting is cancelled.

Mr. Manugian announced public presentations would probably be scheduled for the next meeting of the Committee, pending progress made in tonight's meeting.

**Reconsiderations:**

Mr. Manugian asked if any member wished to reconsider any issue or votes previously made. Ms. Allen wished to reconsider the issue of town residency requirements for committee memberships. It had been decided in an earlier meeting that appointing authorities of committees would be granted the authority to decide case by case whether to permit non-residents to be appointed to any given committee, and that no restrictions would be placed in the Charter.

**Ms. Allen moved to reconsider the issue of residency requirements.** Mr. Giger seconded.

Ms. Allen explained she felt it reasonable to mandate all memberships on town committees be filled with residents unless there were unusual circumstances. Mr. Giger agreed with this. A vote was taken and the measure failed to pass 3 – 3 with Misters Collins, Manugian and Robertson voting no.

### **Discussion of the Status of Submissions Presented, not Completed (# 158, 34.2, 32.1, 78.1, 164.1 and 78.5):**

**Submission # 158**, regarding responsibility for publishing the annual town report. Mr. Robertson spoke with Town Clerk, Mr. Bouchard, and concluded the responsibility for the annual town report is already covered in the Charter in Section 2-3. The BOS is responsible.

**Mr. Collins moved to dismiss Submission # 158 with no further change to the Charter.** Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

**Submission # 34.2**, regarding the incorporation of the Town Manager's review process into the Charter. Mr. Giger said the review process does not rise to the level of need for incorporation into the Charter.

**Mr. Giger moved to dismiss Submission # 34.2 with no change to the Charter.** Mr. McCoy seconded. A vote was taken and the motion was approved unanimously.

**Submission # 32.1**, regarding limitations on the Town Manager's spending authority. Much prior discussion on this issue had taken place.

**Mr. Collins moved to dismiss Submission # 34.1 with no further change to the Charter.** Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

**Submission # 78.1**, regarding the words "strong town manager" in the Charter. This phrase does not appear anywhere in the Charter.

**Mr. McCoy moved to dismiss Submission # 78.1 with no change to the Charter.** Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

**Submission # 164.1**, regarding the Town Manager's authority to appoint ad hoc committees for special projects. This issue had been discussed previously by the Committee.

**Mr. Collins moved to dismiss Submission # 164.1 with no change to the Charter.** Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

**Submission # 78.5**, regarding involvement of the School Committee and the Finance Committee at the beginning of the budget process. This issue had been discussed at length in earlier meetings.

**Mr. Robertson moved to dismiss Submission # 78.5 with no further change to the Charter in view of the fact that a new Section 6.125 had been approved by the Committee for the Charter.** Mr. Giger seconded. A vote was taken and the motion was approved unanimously.

### **Discussion of the Status of Submissions Presented, not Completed (# 38.3, 104, 126.1, 156, and 58):**

**Submission # 38.3**, regarding clarification of the Finance Committee's role in the budgeting process. Much discussion of this matter had taken place in earlier Committee meetings.

**Mr. Robertson moved to dismiss Submission # 38.3 with no further change to the Charter in view of the fact that a new Section 6.125 had been approved by the Committee for the Charter.** Mr. Collins seconded. A vote was taken and the motion was approved unanimously.

**Submission # 104**, regarding the Finance Committee setting timely budget priorities for the Town in a public hearing. It was thought there was language developed to address this concern.

**Mr. Collins moved to dismiss Submission # 104 with no further change to the Charter.** Mr. Robertson seconded.

Mr. McCoy questioned the wisdom of dismissing before we verify we have approved appropriate language.

Mr. Collins withdrew his motion.

**Action Item #1:** Mr. Collins will verify new language has been developed to resolve this issue. Mr. McCoy commented the summary of this submission in the agenda is incorrect – the submission states that the BOS, not the Finance Committee should be setting the budget priorities in a public hearing.

**Submission # 126.1**, regarding the BOS in conjunction with the Finance committee setting budget goals and whether or not to automatically increase the budget by the 2.5% levy limit.

**Mr. McCoy moved to dismiss Submission # 126.1 with no further change to the Charter.** Mr. Robertson seconded.

There was a lively discussion.

Mr. Collins said no one can spend until the Town Meeting approves.

A vote was taken and the motion to dismiss was approved unanimously.

**Submission # 156**, regarding involvement of the Finance Committee earlier in the budget process.

**Mr. Robertson moved to dismiss Submission # 156 with no further change to the Charter in view of the fact that a new Section 6.125 had been approved by the Committee for the Charter.** (Note: This subject is covered in changes proposed for section 6-1.25 and section 6-2.) Ms. Allen seconded. The Committee voted to approve the motion unanimously.

**Submission # 58**, regarding making audits of the Town's finances available to the public.

**Mr. Collins moved to dismiss Submission # 58 with no further change to the Charter.** Mr. McCoy seconded. A vote was taken and the motion was approved unanimously.

### **Discussion of Language Earlier Developed for Submissions Presented, not Completed (# 35.1, 35.2, 152, 66.1 and 139):**

**Submission # 35.1 and 35.2**, regarding a selectman not allowed to hold any other elected office. Mr. Collins presented wording, in his letter dated March 10, 2016, to implement the committee's earlier decision to make this a Charter requirement.

After discussion, it was the consensus of the Committee to strike out the last phrase of Mr. Collins' wording in the letter to make clear finishing a prior elected term on another body would not be an allowed exception.

**Mr. Collins moved to amend Charter Section 3-1(c) by replacing the present language with the following: "Eligibility – Any voter shall be eligible to hold any elective town office, unless prohibited by law; provided, however, that members of the Board of Selectmen shall not simultaneously hold any other elected position."** Ms. Allen seconded.

Visitor Ms. Eliot expressed the opinion that it was undemocratic to not allow people to finish an elected term on a prior board. It was the will of the people to have that person in that position.

A vote was taken and the motion was approved unanimously.

**Submission #152**, regarding the need to allow selectmen to talk to Town employees for the purpose of gathering information, but not interfere with the Town Manager's management of day-to-day operations. Mr. Collins proposed wording in his letter dated March 10, 2016 to replace with new language the second sentence of the present Charter Section 3-2(b)4.

Mr. McCoy: What is the relationship between the BOS and the Town Manager? There are concerns expressed that the two positions are co-equal peers. All discussion to date indicates this is not valid, and that the BOS is firmly in charge. So, certainly, the BOS should be allowed to "interfere" if a majority decides to do so.

Misters Giger and Manugian commented the Charter's language accounts for the fact that there are proper lines of authority drawn in the working relationships; the BOS should work through the Town Manager, not around him/her.

There was a lively discussion around how to draw the line on the right of Selectmen to confer with employees but at the same time not unduly influencing employees or interfering with the legitimate right of the Town Manager to supervise and conduct day-to-day operations.

Mr. McCoy drew a distinction between the "rogue actions" of a single Selectman versus the considered decision of a majority of the Board. If the latter is prohibited in any way he claimed the wording is fundamentally flawed.

Mr. Manugian asked for a poll of opinion from the members.

Ms. Allen, Mr. Collins, Mr. Manugian, and Mr. Robertson are satisfied with Mr. Collins' proposed language.

Mr. Giger and Mr. McCoy want better language.

**Ms. Allen moved to accept Mr. Collins language for the second sentence in Section 3-2(b)4 as follows:**

**"Members of the Board of Selectmen may confer with municipal employees during regular business hours for the purpose of discussing municipal policies and assessing and understanding the functioning of municipal government; while this right to confer is to be construed liberally in order to effectuate its purpose, it shall not allow members of the Board of Selectmen to utilize their elected position to unduly influence municipal employees in the performance of their duties. Except in the case of an emergency, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town Board, department or agency."** Mr. Collins seconded.

**Mr. McCoy moved to amend Mr. Collins' wording for Submission # 152 by removing the words" nor a majority of its members" in the last sentence.** Ms. Allen seconded. There was a spirited discussion.

A vote was taken on the amendment and the motion failed 3 – 3 with Misters Collins, Manugian and Robertson voting no.

A vote was taken on the main motion (not amended) and it was approved 4 - 2 with Misters Giger and McCoy voting no.

**Submission # 66.1**, regarding the new process for appointing the Finance Committee.

**Mr. Manugian moved to approve new wording in the Charter for the Finance Committee appointment process by modifying Section 3-2(d) to remove "finance committee" from the Selectmen's appointing authority so it would not be inconsistent with the wording on new Charter Section 6.125.** Mr. Robertson seconded.

A vote was taken and the motion was approved unanimously.

**Submission # 139**, regarding a proposal for clarifying the hearing requirements for the Town Manager in cases of a resolution for suspension or removal. Mr. Collins proposed new wording for Charter Section 4-3(a)2 in his letter dated March 10, 2016 to reflect earlier decisions of the Committee.

**Mr. Collins moved to amend Charter Section 4-3(a)2 by inserting a sentence after the last sentence of this section as follows:**

**“The hearing envisioned by this section shall be held in an Executive Session if requested by the town manager and if the circumstances meet the statutory requirements for an Executive Session, and such hearing shall be deemed to meet the hearing requirements of this section.”** Mr. McCoy seconded.

Visitor Mr. Petropoulos feels there is redundancy here because all of the rights and requirements enumerated in the motion, including the availability of an executive session, are covered in the Open Meeting Law.

Mr. Robertson suggested removing the word “public” from references to “public hearing” in Paragraphs (a)2 and (a)3.

**Mr. Collins withdrew his first motion and made a new motion to delete the word “public” where it appeared in “public session” in Sections 4-3(a)2 and (a)3, and also to add the language from his letter dated March 10, 2016 after the last sentence of Section 4-3(a)2.** Mr. McCoy seconded.

A vote was taken and the motion was approved 5 – 1 with Mr. Manugian voting no. Mr. Manugian explained his no vote was because he thought it unnecessary to make these changes to the Charter because he felt that availability of an executive session hearing was already covered by the Open Meeting Law.

### **Discussion of New Language Developed for Submissions Presented, not Completed (# 27, 32 and 78):**

**Submission # 27**, regarding the placing of limitations on waivers of fees due the Town by the governmental officers or bodies setting the fees. Mr. Collins proposed language in his letter dated April 6, 2016 which implements the Committee’s decision to limit waivers of fees by requiring such waivers be approved in a public meeting. He suggests this be incorporated in a new section under Article 7, General Provisions.

Mr. Manugian requested the wording include “fines and penalties” as well as “fees”. Mr. Manugian also suggested removing the words “by the respective Board or appointing authority authorized to charge such fees” because he feels it is less important who does it than that it is done openly and in a public meeting.

Mr. Collins disagrees. He thinks it is better to not have a possible conflict with the appointing authority over a decision to waive. Misters Giger and Manugian argued the only issue is that the waivers be in a public setting – let the boards and committees, etc., decide how to do it.

**Mr. Collins moved to table discussion in order to re-think and reword the language.** Mr. McCoy seconded. Misters Giger and Manugian dissented and wanted to resolve the matter at tonight's meeting. A vote was taken and the motion to table was approved 5 – 1 with Mr. Manugian voting no.

**Action Item #2:** Mr. Collins will rethink the language developed for Submission # 27, particularly with respect to who will conduct the public hearings to waive fees, fines or penalties.

**Submission # 32 and 78**, proposed to set a maximum limit over which capital projects would be subject to a ballot vote at a town election. The Committee decided after much discussion in an earlier meeting to require capital projects exceeding \$3 million to be approved by vote on a Special Town Meeting warrant. The latter was thought sufficient because Special Town Meetings require a specified minimum number of voters (quorum) to take action on warrants whereas holding a separate town-wide ballot was both expensive and disruptive to the budgeting process..

Mr. Manugian reminded the Committee that part of this idea was to require the Special Town Meeting inside an Annual Town Meeting, so as to eliminate the additional costs of calling a stand-alone town meeting (estimated at around \$5,000).

**Mr. Collins moved to accept his language, presented in a letter to the Committee dated April 6, 2016, and to delete his words “proposed as part of a capital improvement plan”, and add the words ”aggregate total” before the word “cost”. The sentence would be in a new subsection in Charter Article 6 which deals with the Town’s Capital Improvement Plan. His words are as follows:**

**“Capital projects which are projected to have an aggregate total cost in excess of \$3,000,000.00 shall require a favorable Vote by the Town Meeting, and shall be presented in the warrant of a Special Town Meeting.”** Mr. Robertson seconded.

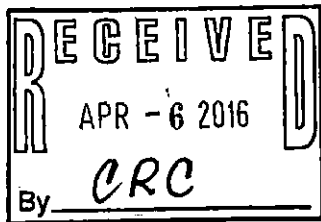
A vote was taken and the motion was approved unanimously.

**The meeting was adjourned with unanimous consent at 9:25 PM.**

**\*\* The next meeting is scheduled for Wednesday, April 13th, at 7:00 PM. \*\***

**Exhibits:**

- A. Letter from Attorney Robert Collins to the Charter Review Committee, dated April 6, 2016, subject: Language for Section 6-6 and 7 (?) of draft 2016 Charter
- B. Chairman’s Action Item List from March 30, 2016 meeting



**Exhibit A to Charter Review Committee**  
**04-06-16 Meeting Minutes**

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6 April 2016

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 as possible language for the Committee's consideration:

**Section 6-6:**

(This language deals with issues raised in Submissions 32 and 78.)

Amend the section by adding a new subsection (perhaps at the end of the current language):

"Capital projects proposed as part of a capital improvement plan which are projected to have a cost in excess of \$3,000,000.00 shall require a favorable Vote by the Town Meeting, and shall be presented in the warrant of a Special Town Meeting."

**Section 7 (?)**

(This language deals with issues raised in Submission 27)

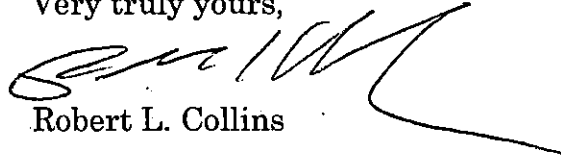
Amend the section by adding a new subsection reading:

"Administrative fees which may be charged by any municipal department shall not be waived unless such waiver is voted upon by the respective Board or appointing authority authorized to charge such fee(s) at a posted public meeting;



such vote to authorize the waiver of a fee may be made on an individual basis or as part of a policy decision of uniform applicability."

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. L. Collins', with a long, sweeping horizontal line extending to the right.

Robert L. Collins

**Charter March 30, 2016 Meeting**  
**Review Committee - Action Item List**

**#1: (Submission # 27)** Mr. Collins will develop language for the Charter to implement the Committee's decision to have proposals for waivers of fees or penalties presented and voted at a public meeting before granted. Waivers may be granted via policy or on an individual basis.

**#2: (Submission # 92)** Mr. Giger will put his research on Town committees into the public record and will refer it to the Public Records Committee which was recently established by the Selectmen.

**#3: (Submission # 32)** Mr. Collins will make a language change proposal for the Charter to address the Committee's decision to require votes on capital projects over \$3 million in a special town meeting held within a regular town meeting. Same as AI 5.

**#4: (Submission # 74)** Mr. Collins will make a language change proposal for the Charter to address the Committee's decision to provide for BOS and Finance Committee input to union contract negotiations.

**#5: (Submission # 78)** Mr. Collins will make a language change proposal for the Charter to include the additional (if any) requirements of the Committee's decision to provide for votes on capital projects over \$3 million, same as AI 3 for Submission # 32.

**# 6: (Submission # 42)** Mr. Collins will make a language change proposal for the Charter to address the requirement of the Committee to create a new Personnel Policy Negotiation Team.

**# 7: (Submission # 35.1)** Mr. Collins will make a language change proposal for the Charter to address the requirement of the Committee for the BOS members to hold no other elected offices in section 3-1 (c). Wording already in letter of 10 Mar, 2016.

**#8: (Submission # 38, Part II)** Mr. Collins will develop a proposal for the Charter to make the language of Section 4-2(e) and 302 (b) 4 consistent with the language of Submission # 66.1.

**#9: (Submission # 35.2)** Mr. Collins will make a language change proposal for the Charter to be consistent with the language developed for Submission # 35.1 in section 3-2 (a).

**#10: (Submission # 158)** Mr. Robertson will clarify with Mr. Bouchard what change needs to be incorporated into the Charter to address his concern for establishing responsibility to publish the Town's annual report.