

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

Meeting Minutes - April 13, 2016
At Town Hall

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

Not Present: Robert Collins

Recorder: Stephen Legge

Visitor: Judy Anderson

Call to Order: Chairman Manugian called the meeting to order at 7:04 PM.

Approval of Meeting Minutes:

The minutes of April 6th were reviewed. Mr. Robertson made two minor corrections on Page 2. **Ms. Allen moved the minutes of April 6, 2016 be accepted as amended by Mr. Manugian.** Mr. Robertson seconded. The minutes were approved 5-0 with Mr. Schulman abstaining due to absence from the meeting.

Administrative:

Mr. Manugian said a current status of all submissions made was included at the top of the agenda for tonight's meeting. The update is as follows:

- 50 submissions have not yet been presented by the public;
- 12 submissions have been presented but not yet completed and are still being discussed by the Committee; 137 have been completed; of those completed:
- 42 submissions have been accepted by the Committee;
- 85 submissions have been dismissed with no further changes to the Charter recommended;
- 10 submissions will be referred to other town governing boards with no changes to the Charter recommended.

Presentations by (or from) the Public (Submissions # 20, 23, 102, 103, 108 and 111):

Submissions # 20 and 23, proposed by the Groton Sewer Commission and the Groton Water Commission, respectively, reference the Charter under Section 5-4-2, Department of Public Works, and ask that Part 2, Paragraph (h) be deleted in its entirety. The reason given was that the

Water Department and the Sewer Department staffs are separate and report directly to the Town Manager, neither through the DPW.

Mr. Robertson moved to accept Submissions #20 and 23, removing Paragraph (h) from Charter Section 5-4-2. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Submission # 102, offered by John Giger, proposed to clarify the words “operating agencies” in Charter Section 5-1 and differentiate them from Town departments, officers and department heads.

Mr. Manugian asked to talk about definitions in the Charter. Which ones need to be added, which ones changed? Why is it important? If a change clears up a specific confusion then perhaps it is a good one, otherwise leave words as they are.

Mr. Schulman liked what Mr. Manugian said. He thinks there is no problem with Section 5-1 terminology.

Mr. Giger said there is already a definition in Section 1-9(i) for “Town agency”.

Mr. McCoy said under law an agency is anyone who can operate under a principal, in this case the Town. The problem narrows to the word “operating” which is not part of the definition.

Ms. Allen moved to remove the word “operating” in Section 5-1. Mr. Schulman seconded. A vote was taken, the motion failed to pass 2 – 4 with Mr. Giger and Ms. Allen voting in favor.

Mr. McCoy moved to dismiss Submission # 102 with no change to the Charter. Ms. Allen seconded. A vote was taken and the motion passed unanimously.

Submission # 103, proposed by John Giger, took issue with the term “Department of Finance” in Charter Section 5-3, suggesting there may be a more appropriate name for the group.

Mr. Schulman moved to dismiss Submission # 103 with no change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

Submission # 108, offered by John Giger, proposed requiring in Charter Section 7-5 that all rules and regulations adopted by any Town agency be codified and posted on the Town website, preferably all in one place.

Mr. Schulman moved to refer Submission # 108 to the Public Records Committee. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Submission # 111, proposed by John Giger, asked for clarification of Charter Section 5-4-2(h) with respect to the operating relationships of the DPW, the Water Department and the Sewer Department. This issue was dealt with earlier this evening.

Mr. Schulman moved to dismiss Submission # 111 with no further change to the Charter. Ms. Allen seconded. The motion was approved unanimously.

Presentations by (or from) the Public (Submissions # 115.2, 125, 160 and 168):

Submission # 115.2, offered by Connie Sartini, refers to Charter Section 1-8, Ethical Standards. It proposes the Town Manager be prohibited from holding another elected or appointed office in the Town, and also not engage in any political activity.

Mr. Schulman: The Town Manager is on the Sign Committee. No one else seems to want to fill this position. It is helpful to have him doing this.

Mr. McCoy: In our earlier discussion on Town Manager political activity the Committee concluded that it was not practical to try to limit this in the Charter.

Ms. Allen believes only residents of the town should be on committees. She also thinks it best that the Town Manager be a non-voting member of any committee at most. Ms. Allen pointed to Mary Jennings in her earlier tenure as superintendent of schools during a time of building the new high school. She was not ever a voting member of any building committee, even though she was a resident.

Mr. Robertson moved to dismiss Submission # 115.2 with no change to the Charter. Mr. McCoy seconded.

Mr. Manugian cautioned members about writing rules which limit elected or appointed decision makers carrying out their responsibilities.

A vote was taken and the motion was approved 5 – 1 with Ms. Allen dissenting.

Submission # 125, by Connie Sartini, proposes the Selectmen, not the Town Manager, should appoint the Department of Public Works Director, as provided in the Charter, Section 5-4-1.

Mr. Robertson suggested the recent change in language approved by the Committee regarding the Town Manager's current process of making appointments takes care of this concern. The Town Manager would be "nominating" a candidate, but the BOS would be "approving", and thus actually making the appointment.

Mr. McCoy proposed to change the Charter's language in 5-4-1 to be consistent with the new language.

There was some discussion about thinking Ms. Sartini may have intended the Town Manager have no involvement at all in the appointment process. Mr. Giger thought there was no need for the Town manager to be involved.

Mr. McCoy thought it was reasonable to have the Town Manager involved in the decision. Ms. Allen said the BOS had enough to do with the police chief and fire chief appointments.

Mr. Schulman moved to dismiss Submission # 125 with no change to the Charter. Mr. Giger seconded. The motion was approved unanimously.

Ms. Allen moved to delete the words “as set forth in the General Laws” in the last sentence of Charter Section 5-4-1 in reference to the DPW director performing the duties of the Highway Surveyor. Mr. McCoy seconded.

Mr. Schulman moved to amend the motion to send the current language in Section 5-4-1 to Mr. Collins for consideration of new language instead of deleting the phrase about the General Laws. Mr. Giger seconded. A vote was taken and the amendment failed 3 – 3 with Misters McCoy and Manugian and Ms. Allen voting no.

Attention returned to the main motion. Mr. Manugian stated it was unnecessary to further change the section – the words were good, just clarify the duties.

Mr. McCoy said if the motion was defeated, we could return to it at a later time.

Ms. Allen: The Mass General Laws say the highway surveyor does not report to the Selectmen.

A vote was taken and the motion was defeated 1 – 5 with Ms. Allen voting yes.

Action Item #1: Mr. Manugian is to remember to clean up this section with proper and consistent language reflective of the Committee’s will to change the language of the Town Manager’s making appointments.

Submissions # 160 and 168, by Edward Strachan and Berta Erickson, respectively, recommend changes to the process for selecting Finance Committee members. As background, a new Section 6.125 in the Charter has already been added by the Committee to deal with, among other things, the appointment process for Finance Committee members.

Mr. Robertson moved to dismiss Submission #160 with no further change to the Charter, in reference to new Section 6.125. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Mr. Robertson moved to dismiss Submission # 168 with no further change to the Charter, in reference to new Section 6.125. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Reconsiderations:

Mr. Manugian asked if any member wished to reconsider any issue or votes previously made.

Mr. Schulman reported that the earlier decision of the Committee to change the process for selecting members of the Finance Committee, made during one of his absences, did not sit well with him and also with one of his fellow Selectmen. He did not, however, request reconsideration of this issue.

Consideration of the CRC Presentation Draft for Spring Town Meeting:

A presentation on status for the work of the Charter Review Committee to date was drafted by Mr. Manugian and presented for discussion. He presented four slides as he would at the Spring Town Meeting and it took 2 minutes 16 seconds.

There was discussion of how the Town Meeting approval process will actually work. A question arose as to whether each individual change to the Charter would be voted, or would all changes recommended be voted as a single package. The Committee felt that it was best to complete the consideration of all submissions before determining how they might be voted on at Town Meeting.

Action Item #2: There is a need to discuss and develop a strategy for how to move the proposals for change to the Charter at Town Meeting, either individually or aggregated in some manner.

Ms. Allen said the 85 submissions which had been dismissed to date, on Slide 3, should be explained – some were duplicates submitted by different individuals, and others were dismissed because changes had been made previously, addressing the issue. Some, of course, were dismissed because they were thought not appropriate changes to the Charter.

Mr. Giger suggested that the word “Accepted”, referring to certain submissions, was too strong a term and he wanted more explanation of what that meant.

Mr. Schulman said we cannot get into the details of proposed changes at the Spring Town Meeting since there is an allotment of only three minutes to the presentation of status. He suggested removing the seventh bullet on Slide 4 which referenced Fall Town Meeting 2016, because this would preserve flexibility in timing for the Committee as to when things will be scheduled to be done.

Mr. Legge offered several edits of Slides 2, 3 and 4, with an eye toward making the slides easier to understand and discuss outside of the Town Meeting environment.

The Committee reached a consensus that Mr. Manugian should be the presenter at Town Meeting.

Administrative:

Mr. Manugian commented he would like to postpone any consideration of specific language changes until the next meeting when Mr. Collins can be present.

There was a discussion concerning whether there is a legal limitation on whether the Charter revisions proposed must be presented at a Spring Town Meeting (and would not be permitted at a Fall Town meeting).

Action Item #3: Mr. Manugian will request an opinion from Town Counsel as to whether Charter changes can be presented for a vote at the next Fall Town Meeting or if we will have to wait until the next Spring Town Meeting.

Mr. Manugian reminded everyone there would be no meeting scheduled for next Wednesday, April 20th. The next meeting would be April 27th. Mr. McCoy mentioned he could not attend the April 27th meeting.

The meeting was adjourned with unanimous consent at 8:46 PM.

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

Exhibit: E-mail from Mike Manugian to Charter Review Committee dated April 13, 2016, subject: FW: FW: PassPort (sic) Fees

From: [Michael Manugian](#)
To: [Bud Robertson](#); [Jane Allen-Home](#); john.crc@cybergiger.com; [Michael McCoy](#); [Robert Collins](#); [Stuart Schulman](#)
Subject: FW: FW: PassPort Fees
Date: Wednesday, April 13, 2016 16:04:29
Attachments: [20160411161456039.pdf](#)

Hi All,

I have forwarded an email from the Town Manager explaining his policy regarding passport fees.

See below.

Thanks,

Mike

From: Jane Allen [mailto:jane@mrmrealty.com]
Sent: Tuesday, April 12, 2016 3:36 PM
To: Michael Manugian
Subject: Fwd: FW: PassPort Fees

Here is what Connie sent. j.

----- Forwarded message -----

From: CSartini <sartini38@verizon.net>
Date: Mon, Apr 11, 2016 at 4:55 PM
Subject: FW: PassPort Fees
To: "Jane Allen (Home)" <janemrm@gmail.com>

FYI

From: Eliot [mailto:annaeliot@verizon.net]
Sent: Monday, April 11, 2016 3:52 PM
To: Connie Sartini
Subject: Fwd: PassPort Fees

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: PassPort Fees
From: Mark Haddad <mhaddad@townofgroton.org>
To: "Jack Petropoulos (jack.petropoulos@gmail.com)" <jack.petropoulos@gmail.com>, Anna Eliot <annaeliot@verizon.net>, Stuart Schulman home <stuartschulman@hotmail.com>, Peter Cunningham-home <brecca@charter.net>, Josh Degen-Home <josh@joshdegen.com>
CC: Dawn Dunbar <ddunbar@townofgroton.org>, Robin Eibye <reibye@townofgroton.org>, Michael Bouchard <mbouchard@townofgroton.org>, Patricia DuFresne <pdufresne@townofgroton.org>

Good afternoon Members of the Board:

Recently, it has been brought to my attention that the Charter Review Committee and others, are questioning the waiving of Passport Fees by the Town Manager. For those of you who are not familiar with the process, my office serves as a Passport Acceptance Agent for the United States Department of State. We have been providing this service since 2011 when the State Department no longer allowed the Town Clerk's Office to provide this service. We process approximately 550 passport applications a year. We collect two fees from individuals seeking a passport. The first fee of \$110 (or \$80 for children 15 years of age or younger) is collected by check and sent to the State Department with the passport application. The second fee of \$25 is collected either by cash or check and kept by the Town of Groton as our fee for processing the passport. We collect anywhere from \$12,500 to \$14,000 per year. These fees go into the general fund and is part of our estimated receipts for the year.

From the time my office has served as the Passport Acceptance Agent, I have had the policy to waive the Town's \$25 fee for Town employees and their families. As a matter of fact, I have waived these fees for members of the Board of Selectmen's families. We have probably waived no more than 10 fees in five years or \$250 in total. This has never been an issue and is just something we thought was a nice thing to do for our employees. There has been one exception to this policy. When I applied for a Passport in February, I paid the Town \$25 as I did not want to be accused of waiving my own fee. Attached is a copy of my receipt.

Unless directed by the Board, I will continue to provide this courtesy as it has no material impact on our budget or estimated receipts. Please feel free to contact me with any additional questions or concerns with regard to this matter.

Mark

Mark W. Haddad

Town Manager
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