

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

Meeting Minutes - April 27, 2016
At Town Hall

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

Not Present: Michael McCoy

Recorder: Stephen Legge

Visitors: John Petropoulos (BOS), Aidan Prince, Kevin Prince

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

Approval of Meeting Minutes:

The minutes of April 13th were reviewed.

Ms. Allen moved the minutes of April 13, 2016 be accepted as amended by Mr. Manugian. Mr. Robertson seconded. The minutes were approved 5 - 0 with Mr. Collins 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:

- 41 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; 146 have been completed; of those completed:
- 44 submissions have been accepted by the Committee;
- 91 submissions have been dismissed with no changes to the Charter recommended;
- 11 submissions have been referred to other town governing boards with no changes to the Charter recommended.

Mr. Manugian announced Mr. Giger had updated his working draft of the revised Charter for decisions made by the Committee through the month of March.

Presentations by (or from) the Public (Submissions # 19, 22, 29, 40 and 71):

Submissions # 19 and 22, proposed by the Groton Sewer Commission and the Groton Water Commission, respectively, ask that the Charter Review Committee not act to combine the Water and Sewer Departments.

There is nothing in the Charter to change to satisfy this request.

Mr. Schulman asked who has the authority to change the structure or responsibilities of these elected commissions. Are they not covered by state law?

Mr. Manugian moved to dismiss Submissions # 19 and 22 with no change to the Charter. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Submission # 29, proposed by Russell Harris, requests that members of the BOS not hold any other elected office and that Charter Section 3-2 be amended accordingly.

Mr. Collins moved to dismiss Submission # 29 with no further change to the Charter because this issue had been decided earlier and this change had been recommended by the Committee. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Submission # 40, proposed by an anonymous person, suggested no change to the Charter but requested that elected officials cease to have petty grudges and engage in power struggles. This topic had been explored earlier by the Committee, but it was decided this was not an issue which could be dealt with by the Charter.

Ms. Allen moved to dismiss Submission # 40 with no change to the Charter. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Submission # 71, proposed by an anonymous person, requested that the TV cable channel provide newer movies, better programs and fewer ads.

Mr. Collins moved to refer Submission # 71 to the Cable Advisory Committee and the BOS for further consideration. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Presentations by (or from) the Public (Submissions # 90, 93, 143, 153 and 175):

Submission # 90, proposed by Mr. Giger, comments that Charter Section 3-1(g)4, having to do with recall provisions for elected officers, is vague and should cite the principal law applying and any other laws that may be relevant.

Mr. Collins offered to look at this language and tighten it up.

Mr. Schulman said there was no need to change the section.

Mr. Manugian said the Committee needs to be careful about citing specific statutes. Some relevant statutes may be missed, or, a later change or addition of a statute render the citation incorrect.

Ms. Allen moved to dismiss Submission # 90 and make no change to the Charter. Mr. Schulman seconded. A vote was taken and the motion was approved 4 – 2 with Misters Collins and Giger voting no.

Submission # 93, proposed by Mr. Giger, requests that the Charter make more clear in Sections 3-4 through 3-9 why some elected officials are listed and described and others are not and described as “Other Elected Officials” in Section 3-9.

Mr. Collins agreed it was puzzling why some responsibilities are specifically mentioned and others are not. He pondered the possibility of doing something to clear up the confusion.

Mr. Schulman: In the U.S. Constitution the president’s cabinet is not mentioned, and yet it is a significant and important part of the government. He feels there is no need to change the Constitution in this respect, and therefore why change our Charter. Mr. Schulman admitted to being confused about who decided elected officials should be elected.

Ms. Allen (a member of the original Charter Committee) said the original Charter Committee spent a good deal of time deliberating and deciding who should be our elected officials and who should be appointed. In some cases, the Town Meeting approving the adoption of the original charter reversed some of the Committee’s decisions.

Mr. Giger commented he did not feel all committees need to be listed but asked that at least some criterion be put forth to explain why they might be mentioned in the Charter.

Mr. Manugian said the criterion was that the committee is “Charter-worthy”. That is, that there was a particular point to be made in the Charter relative to an elected official or body.

Mr. Collins proposed writing a preface to Article 3 of the Charter explaining what is being done, to alleviate the confusion.

Ms. Allen thought this idea would make things more confusing instead of less.

Mr. Giger mentioned the Regional School Committee and the Planning Board are required by state law. Why even mention them in the Charter?

Mr. Schulman said the number of members on a board is not necessarily mentioned in the state law, so it is sometimes up to the town to put that in the Charter.

Mr. Manugian suggested that the purpose of the Charter was to document departures from state law.

Mr. Schulman asked (as did Mr. Giger) why is the Regional School Committee mentioned in our Charter when it is a completely separate entity from the Town.

Mr. Manugian said political considerations are important and the School Committee is very important to the Town even if it is a separate entity, so it should be included in the Charter.

Ms. Allen felt important things should not be removed from the Charter just because they may be required by state law.

Mr. Collins still feels a sentence (maybe a long one) might be worthwhile to describe how choices are made as to which boards are to be included in the Charter.

Mr. Manugian summarized the choices the Committee might make based on the discussion thus far: 1) Make no changes; 2) Write a preface or preamble; and 3) Look at the MGLs and see if any conclusions can be drawn.

Mr. Schulman added 4) Include all elected positions.

Mr. Manugian commented no one has suggested they are offended by not being mentioned in the Charter.

Mr. Robertson moved to have Mr. Collins write an explanation for why certain elected committees are mentioned in Article 3 of the Charter, at the beginning of Article 3. Mr. Collins seconded.

Mr. Schulman said after reading through Section 3-1 he believes there is no need to change the Charter language. Mr. Manugian agreed with Mr. Schulman - the Committee should not include what Mr. Manugian termed “meta-language”, i.e., explanations as to why something is mentioned in the Charter.

Mr. Collins elaborated on his intention to meet the spirit of the motion; he would write a preamble and take out any unnecessary language. He would start with language in Section 3-9 (Other Elected Officers) and move it to the beginning of Article 3.

Mr. Manugian called for a vote. The motion was approved 4 – 2 with Ms. Allen and Mr. Manugian voting no.

Action Item # 1: Mr. Collins will write a preamble to Charter Article 3 and may rearrange a few other things in the Article to clarify why some elected offices are mentioned and others are not. The Committee granted the latter flexibility to Mr. Collins by consensus.

Submission # 143, proposed by Becky Pine, asks that more checks and balances be inserted into the Charter, and referred to submissions by Connie Sartini. Specifically, she mentioned that it is unclear why the Town Manager has authority over personnel in the Water and Sewer Departments when the Town has elected commissioners who should be overseeing these departments.

Mr. Schulman moved to dismiss Submission # 143 with no further change to the Charter because the committee had previously addressed this issue. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Submission # 153, written by Michael Bouchard, supports the present Charter and by various specific examples builds the case that the Town is much better run under a town manager form of government than it previously was without a town manager. He summarized by saying the town manager form changed lagging bureaucracy to responsiveness overnight and was a dramatic change for the good. Mr. Bouchard did not propose any specific changes to the Charter in this submission.

Mr. Schulman moved to dismiss Submission # 153 with no change to the Charter, because no actionable changes were proposed. Ms. Allen seconded. Mr. Schulman commented that Mr. Bouchard had offered a thoughtful commentary on the success of the current Charter.

A vote was called and the motion was approved 5 – 0 with Mr. Collins abstaining because he felt uncertain as to the intent of the submission.

Submission # 175, proposed by Michael Manugian, to generalize the term “Town Bulletin Board” to include the Town web site.

Ms. Allen asked where the Town Bulletin Board is mentioned.

Mr. Schulman said he thought nothing on the Town Bulletin Board would be excluded from the web site. Some discussion ensued on this point.

Action Item #2: Mr. Manugian will ask the Town Clerk if there is anything on the Bulletin Board not amenable to posting on the web site.

Mr. Schulman moved, with respect to Submission # 175, to require all items on the Town Bulletin Board be put on the Town web site. Mr. Collins seconded. A vote was taken and the motion was approved unanimously.

Action Item #3: Mr. Collins will write language for the Charter (an appropriate section) to require all items on the Town Bulletin Board be put on the Town web site.

Reconsiderations:

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

Mr. Schulman questioned the new language approved earlier for Charter Sections 5-2 and 5-3 having to do with the Town Manager’s authority to make appointments. He asked if the use of the new language “nominate” versus “appoint” would change the current process in any way. He specifically wants to hear Mr. McCoy’s rationale for this change since he missed it in the earlier meeting.

Mr. McCoy was not present in this meeting, so **Mr. Schulman moved to reconsider the Town Manager nomination/appointment process.** Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Action Item #4: Mr. Manugian will put the reconsideration of the Town Manager’s authority to appoint on the next meeting’s agenda.

Administrative:

Mr. Manugian presented the Committee with a new Charter Review Committee Master Schedule worksheet (three pages), for use by the Committee members only. The worksheet lays out all of the foreseen milestones and associated estimated dates necessary to finish the work of the

Committee and be ready to present draft recommendations to the Spring Town Meeting in April 2017. He reported that both Town Counsel and the Town Moderator recommended that the Charter Review Committee presents its recommendation only at a Spring Town Meeting because Section 7-6 of the Charter specifically stated that it be done in a Spring Town Meeting. An attempt to do this at a Fall Town Meeting could be challenged legally.

Mr. Schulman asked if we should not propose a change to this specific prohibition.

Action Item #5: Mr. Manugian will put a consideration of the proposed change to allow Charter changes to be presented at Fall Town Meetings on the meeting schedule.

Mr. Manugian proposed questions to consider for the Master Schedule worksheet, at the top of the worksheet, as follows:

1. Do we allow people to make new submissions?
2. What characteristics of the Charter do we need to check during the clean-up?
3. Do we request a town hall/government review during the day or in the evening?
4. Should we propose CRC meetings only when 6 or 7 members are available?
5. Should we propose a ballot vote prior to submission of Charter changes to the state?

Mr. Manugian exhorted members to think of other clean-up tasks required to finish the Committee's work. He asked members to consider whether there were other questions the members feel were important to ask? These will be discussed at a future meeting.

Action Item # 6: Mr. Manugian will add additional time to the schedule worksheet required for town government and Town Counsel to prepare and present their responses to issues raised regarding the Committee's decisions.

Language Changes Proposed for Submission # 27:

Mr. Collins offered language changes to the Committee in response to discussions and decisions relating to Submission # 27, regarding waivers of Town fees. These changes are detailed in his letter dated April 27, 2016 (one page), attached to these minutes.

Mr. Collins concluded it makes the most sense to allow only the BOS to waive fees. Mr. Robertson approved of Mr. Collins new language and said it tightened things up greatly.

Mr. Schulman confirmed the BOS can indeed waive fees for the Town itself, because it is usually logical to do so.

Mr. Manugian wanted the change to cover the waiving of fines and penalties in addition to the fees. Also, he felt fees should not ever be waived, even for the Town. He stated that a fee is charged because there is a generally a cost associated with the service covered by the fee. When a fee is waived for a town project, the real cost of the project is improperly reduced.

Mr. Collins moved to accept his wording in the letter of April 27, 2016 for Submission # 27, and to add the words “fines and penalties” after the word “fees”. Mr. Schulman seconded. A vote was taken and the motion was approved 5 – 1 with Mr. Manugian voting no.

The meeting was adjourned with unanimous consent at 9:07 PM.

**** The next meeting is scheduled for Wednesday, May 4th, at 7:00 PM. ****

Exhibits:

- A. E-mail message from Becky Pine to John Giger, subject: Re: [CRC] Charter Review Committee - Review of Unheard Submissions Scheduled for 04-27-16 & Agenda, dated April 27, 2016
- B. Letter to Charter Review Committee from Attorney Robert Collins, subject: Section 7 (?) and Section 6-2, dated April 27, 2016

Exhibit A to Charter Review Committee
04-27-16 Meeting Minutes

From: Becky Pine
To: John Giger; john.crc@cybergiger.com
Subject: Re: [CRC] Charter Review Committee - Review of Unheard Submissions Scheduled for 04-27-16 & Agenda
Date: Wednesday, April 27, 2016 17:48:30

Hi John,

Thanks for the reminder about tonight's meeting. I will not be there, because I think my comment is obvious (that in general we need more checks and balances) and I don't have any specific recommendations for changes. I leave it to you all to continue your work, and I look forward to seeing what you come up with.

Thank you again for your work,
Becky

On Apr 22, 2016, at 4:00 PM, John Giger <john@cybergiger.com> wrote:

Greetings, you are receiving this email because you submitted one or more recommendations to the Charter Review Committee, expressed interest in the Charter Review process or asked that you be added to the distribution list. The review of unheard submissions continues. The next sessions will address submissions identified in the table immediately below. Please note that our meetings begin at 7 PM. A copy of the meeting agenda is attached for your information.

Present and Discuss the following Submissions:

	<i>Sub #</i>	<i>Page</i>	<i>Submitted By</i>	<i>Summary</i>
1	19	45	Groton Sewer Commission	Don't combine water and sewer
2	22	45	Groton Water Commission	Don't combine water and sewer
3	29	43	Russ Harris	Selectmen can't hold other elective office
4	40	3	Anonymous	Change politics, not charter
5	71	7	Anonymous	Complaint about cable offerings
6	90	46	John Giger	Clarify nomination of candidates in 3-1 (g) 4
7	93	44	John Giger	Decide which elected officers to list in charter
8	143	6	Becky Pine	More checks and balances
9	153	6	Michael Bouchard	Supports charter; no changes recommended
10	175		Michael Manugian	Generalize the term Town Bulletin Board to include the Town web site

If you are listed, above, as a submitter, you are invited to come before the meeting, and you will have up to 3 minutes, uninterrupted, to present your submission. If you wish to bring a short presentation on a USB stick in Word, PowerPoint or .pdf format, we will have a laptop connected to the projector in the room for you to use. If you wish, you may also bring printed copies of your presentation for the seven committee members. If you wish to make a short presentation, please provide the committee's clerk (john.crc@cybergiger.com) with an electronic copy of your presentation not

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27 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 7 (?)

(This language deals with issues raised in Submission 27; we discussed this issue previously, and the following language reworks that proposed in my letter of the 6th.)

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 authorized by a vote of the Board of Selectmen 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."

Section 6- 2

The most recent Action Item List requests verification that the issues raised by Submission 104 have been dealt with; new language for this section was voted on by the Committee on December 9th.

Very truly yours,


Robert L. Collins