

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

Meeting Minutes - June 8, 2016
At Town Hall

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

Recorder: Stephen Legge

Visitors: Judy Anderson

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

Approval of Meeting Minutes:

The minutes of May 18, 2016, as amended by Mr. Manugian, were discussed. Ms. Allen requested a change to the terminology in the status report at the beginning of the meeting. Items labeled “dismissed” should be labeled ‘previously addressed or dismissed’. **Mr. Collins moved the amended minutes be accepted with Ms. Allen’s change.** Mr. Schulman seconded. The minutes were approved 5 – 0 with Misters McCoy and Robertson 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:

- 9 submissions have not yet been presented by the public;
- 19 submissions have been presented but not yet completed and are still being discussed by the Committee; 172 have been completed; there are a total of 200 submissions, of which one was added on April 27th;

Of the 172 completed,

- 53 submissions have been accepted by the Committee;
- 106 submissions have been previously addressed or dismissed with no changes to the Charter recommended;
- 13 submissions have been referred to other town governing boards with no changes to the Charter recommended.

Presentations by (or from) the Public (Submissions # 38.1, 82, 83, 84 and 85):

Submission # 38.1, by the Town of Groton department heads, proposes new definitions of policy, executive powers, administration, appointing authority and emergency, to be placed in Charter Section 1-9, Definitions.

Submission # 82, by John Giger, proposes to define the term “officer” or redefine the term “Town Officer” in Charter Section 1-9, Definitions. Mr. Giger noted the term “officer is used in many different ways and places in the Charter and is ambiguous.

Submission # 83, by John Giger, proposes to find all the references in the Charter to “rules” and “regulations”, and provide a consistent definition, or remove them.

Submission # 84, by John Giger, proposes to examine the use of the terms “Town Meeting”, “Annual Town Meeting” and “Special Town Meeting” and provide a clear and consistent definition to each of the terms used in Charter Section 1-9, Definitions.

Mr. Collins said the Definitions section of the Charter sometimes seems to be at variance with other sections which describe the terms in more detail. Therefore, he agrees there is inconsistency.

Mr. Manugian suggested, throughout our discussion tonight of various definitions, one person accept responsibility for each definition and provide the following

1. list of occurrences of each term in the Charter
2. proposed change in wording for each occurrence, if any
3. proposed change or new definition, if any.

Submission # 85, by John Giger, proposes to define the term “Town Warrant” in Charter Section 1-9. The current Charter defines the term “Warrant” in Section 1-9. He wants the Charter to be consistent.

Presentations by (or from) the Public (Submissions # 87, 89, 114 and 116):

Submission # 87, by John Giger, proposes to add definitions to the Charter in Section 1-9, Definitions, for 13 terms which he states are used in the Charter, including, among others, division heads, department heads, Town of Groton By-Laws, Town of Groton Regulations, the Code of Groton, and spring and fall town meetings.

Mr. Schulman commented there is no such thing as a division head at present, to his knowledge.

Submission # 89, by John Giger, proposes to change the definition of “Days” in Charter Section 1-9(b). He would like to clarify the state and federal holidays which affect the counting of days in the Charter’s various provisions.

Mr. McCoy said the Mass General Laws define holidays and give a list.

Ms. Allen said Evacuation Day is recognized in some counties and not others.

Mr. Schulman commented labor contracts may define days off which are not necessarily holidays.

Submission # 114, by Connie Sartini, proposes to define the meaning of “construed liberally” and “interpreted broadly” in the Charter, Section 1-5, Interpretation of Powers, or delete them.

Submission # 116, by Connie Sartini, proposes to add eleven new definitions to Charter Section 1-9. She also states this list is incomplete, that there are more definitions needed.

Mr. Collins questioned the last two items titled, “Role and Responsibility ...” of the Finance Committee and the Personnel Board. He also questioned the item titled, “Modern concepts of fiscal presentation”.

This was the last of 200 submissions, presented by the public, completed at 7:34 PM.

Discussion of Submission # 38.1, Presented this Evening:

This submission proposes new definitions of “policy”, “executive powers”, “administration”, “appointing authority” and “emergency”, to be placed in Charter Section 1-9, Definitions. Each item was discussed and decided individually.

Policy:

Mr. Schulman is not sure it is a good idea to define this.

Mr. Manugian agreed, thinking it best not to define. It is too general a term. Any definition of ours is likely to create new problems of meaning and interpretation.

Mr. Collins does not like the definition offered.

Mr. Manugian proposed a motion be made and voted, whether to add or not.

Mr. Collins moved to not add the new definition of Policy to the Charter. Ms. Allen seconded. A vote was taken and the motion passed unanimously.

Executive Powers:

Mr. Collins moved to not add the new definition of Executive Powers to the Charter. Mr. Robertson seconded.

Mr. Schulman asked where it is used in the Charter. Do we actually need a definition? Attention was directed to Section 3-2(b) where it was thought an adequate, and in fact good, definition of executive power already existed.

A vote was taken and the motion to not add was approved unanimously.

Administration:

Mr. Collins moved to not add the new definition of Administration to the Charter. Mr. Robertson seconded.

Mr. Robertson pointed out the term is used primarily in the preamble to Charter Section 4-2, the Town Manager’s powers and duties.

Mr. Schulman said the Town Manager does more than just administer.
Mr. Robertson said there is a difference in titles and authorities from town to town in the Commonwealth – titles are Town Manager and Town Administrator.
Mr. Manugian said the title does not matter – what does matter is the definition of duties and responsibilities.

A vote was taken and the motion to not add passed unanimously.

Appointing Authority:

Mr. Giger moved to not add the new definition of Appointing Authority to the Charter.

Mr. Robertson seconded. A vote was taken and the motion passed unanimously.

Emergency:

This item currently has a definition in Charter Section 1-9(c).

Mr. Collins thought the existing definition was better than the proposed one.

Mr. Schulman moved to not add the new definition of Emergency to the Charter. Ms.

Allen seconded. A vote was taken and the motion passed unanimously.

Discussions of Submissions # 82, 83, 84 and 85, Presented this Evening:

Submission # 82: proposes to define the term “officer” or redefine the term “Town Officer” in Charter Section 1-9, Definitions.

Mr. Collins thought the term should be defined and a good point had been made. The current definition of Town Officer in Charter Section 1-9(l) is elegant, but may not be necessary or may be better defined.

Mr. Manugian charged members to find every reference in the Charter. Is the definition adequate, or not. Look at the use of other, similar terms. Look for consistency.

Action Item #1: Mr. Collins will research the term “Town Officer” as it is used in the current Charter Section 1-9(l) and the list presented by Mr. Giger in Submission # 82. Is the current definition adequate? He will make a recommendation.

Submission # 83: proposes to find all the references in the Charter to “rules” and “regulations”, and employ a consistent definition for each or remove them.

Mr. Collins feels there is no need to define these terms, they are not appropriate in the Charter.

Action Item #2: Mr. Giger offered to research the use of the terms “rules” and “regulations” throughout the Charter and make a recommendation as to the appropriate use of these terms.

Submission # 84: proposes to examine the use of the terms “Town Meeting”, “Annual Town Meeting” and “Special Town Meeting” and provide a clear and consistent meaning to all the different terms used in Charter Section 1-9, Definitions.

Mr. Robertson thinks there is no reason for new definitions – they are already defined in Charter Section 2-1. There is a detailed explanation of the nature and purpose for Spring and Fall town meetings. Special town meetings are described in Section 2-4.

Visitor Judy Anderson commented she does not like calling two meetings, Spring and Fall, “Annual” town meetings. It was pointed out that the term the Charter used the term annual to indicate that the rules in the Mass General Laws applicable to an Annual Town Meeting applied to Groton’s Spring and Fall town meetings.

Action Item #3 and motion: Mr. McCoy moved that Ms. Allen research this issue of better defining town meetings’ names and purposes. Mr. Giger seconded. A vote was taken and the motion passed 6 – 1 with Mr. Schulman voting no.

Submission # 85: proposes to define the term “Town Warrant” in Charter Section 1-9. The current Charter defines the term “Warrant” in Section 1-9.

Action Item #4 and motion: Ms. Allen moved Mr. Giger research the use of the term “warrant” in Charter Section 1-9(n) and “Town Warrant” throughout the Charter and make a recommendation concerning any changes needed. Mr. Robertson seconded. A vote was taken and the motion passed unanimously.

Discussions of Submissions # 87, 89 and 114, Presented this Evening:

Submission # 87: proposes to add definitions to the Charter in Section 1-9 for 13 terms which he states are used in the Charter, including among others, division heads, department heads, Town of Groton By-Laws, Town of Groton Regulations, the Code of Groton, and spring and fall town meetings.

Action Item #5 and motion: Mr. Collins moved that he research three of the items, division head, department head and Code of Groton and recommend whether or not appropriate definitions should be put in Charter Section 1-9, Definitions. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Submission # 89: proposes to change the definition of “Days” in Charter Section 1-9(b). The submitter would like to clarify the state and federal holidays which affect the counting of days in the Charter’s various provisions.

This subject was thought to be worthy of consideration, by consensus of the committee.

Action Item #6 and motion: Mr. McCoy moved that he research the use of the term “Days” throughout the Charter and recommend whether or not it is appropriate to refer to federal or state holidays in Section 1-9, Definitions. Mr. McCoy will also check with the Town Clerk on this. Mr. Schulman seconded. A vote was taken and the motion passed unanimously.

Submission # 114: proposes to define the meaning of “construed liberally” and “interpreted broadly” in the Charter, Section 1-5, Interpretation of Powers, or delete them.

Mr. Collins said these terms are often used, in the Charter and elsewhere. They are intended to have broad meaning and should not be defined.

Mr. Collins moved to not add the new definitions of “construed liberally” and “interpreted broadly” to the Charter. Mr. Robertson seconded. A vote was taken and the motion passed unanimously.

Discussions of Submission # 116, Presented this Evening:

This submission proposes to add eleven new definitions to Charter Section 1-9. The submitter also states this list is incomplete, that there are more definitions needed.

Mr. Manugian stated the Committee need not try to add new definitions to the list of eleven presented. Rather the Committee should proceed as it has been: adding new terms as they are needed.

Mr. Schulman said some presented are not really definitions.

Mr. Schulman moved to not add “Modern concepts of fiscal presentation” to the Charter. Mr. McCoy seconded. A vote was taken and the motion was approved unanimously.

Mr. Manugian stated the next item, “Executive vs. Administrative Powers” had been dealt with earlier by the Committee, so this item will not be considered.

Mr. Collins moved to not add “Grounds for removal/dismissal – general and specific” to the Charter. Mr. Robertson seconded.

Mr. Collins said this would only add inconsistency. The appropriate place for this was in other documents such as union contracts.

A vote was taken and the motion was approved unanimously.

Mr. Manugian said “day-to-day”, referred to in Charter Section 3-2(b)4, had been discussed and dealt with earlier by the Committee, so this item will not be considered.

Mr. Giger moved to not add a definition of “salaried vs. hourly” or change the Charter with regard to these terms. Mr. Collins seconded. A vote was taken and the motion was approved unanimously.

A discussion of “Personal Considerations” ensued with regard to its use in Charter Section 1-8, Ethical Standards.

Mr. Schulman moved to not add a definition of “Personal Considerations” to the Charter. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Mr. Manugian said adding a definition of “Ethical and Moral Standard” to the Charter had been discussed and decided previously and no further discussion was necessary.

Mr. Collins moved to not add a definition of “Part-time” to the Charter. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Mr. Schulman moved to not add a definition of “Town Affairs” to the Charter. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Mr. Manugian stated that roles, responsibilities and appointment to the Finance Committee and Personnel Board had been discussed and decided by the Committee earlier.

Discussions of Submissions Previously Considered, not yet Completed (Submissions # 117, 135, 135 and 86):

Submission #117, by Connie Sartini, proposes to define the meaning of “designate a deputy” in Charter Section 2-7 (availability of town officials at town meeting). The Committee agreed that the meaning of this term was clear.

Mr. McCoy moved to dismiss Submission # 117 with no change to the Charter. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Submission # 134, by Jane Allen, proposes to increase the number of signatures required to submit a warrant article, in Charter Section 2-6(a). Ms. Allen said the number ten seems too few - this may reduce the number of frivolous articles submitted.

Mr. Giger: it costs up to \$5,000 for a Special Town Meeting. This may be a good idea.

Mr. McCoy said all numbers are arbitrary. Ten is reasonable. We want a low number so an issue affecting a small number of people can be considered at Town Meeting.

Mr. Schulman does not recall any frivolous articles proposed at Town Meeting for a number of years – it’s not a problem. There is built-in pressure to be serious when presenting these.

Mr. Manugian agrees.

Mr. Schulman said there is no meaningful difference between ten and twenty.

Mr. Robertson asked why change it.

Ms. Allen offered to withdraw the submission. It was withdrawn.

Submission # 135, by Jane Allen, to clarify the term “Town Officers” in Section 2-7 has already been discussed.

Submission # 86, by John Giger, proposes to add a definition in Charter Section 1-9, Definitions, to define who is qualified to vote in various town affairs.

Town Clerk, Michael Bouchard has indicated to the Committee that registered voters are allowed to vote on ballot measures and to participate and vote in town meeting, that anyone can be appointed to a Town committee, even non-residents and non-U.S. citizens, and that all committee members have the right to vote on any of that committee’s affairs.

Mr. Manugian said we have an obligation to explain matters like this to the public. This is a good example, even though no change to the Charter may be warranted. This should be included in an educational component of the final Charter presentation.

Mr. McCoy suggested we add an executive overview to the Charter presentation, explaining why and how we change the Charter periodically, in addition to presenting the changes themselves.

Mr. Collins moved to adopt Mr. McCoy's suggestion exactly as stated. Mr. Schulman seconded. The Committee voted unanimously to accept the motion to add an executive overview to the final Charter presentation.

Reconsiderations to be Discussed and Administrative Matters:

Action Item #8: Mr. Manugian will check with the Town Clerk on the procedural details regarding appointment to the Charter Review Committee.

Mr. McCoy drafted earlier (March 23rd, 2016 meeting), and the Committee approved, language which amended Charter Section 4-2(c), the Town Manager's powers and duties referring to appointments and removal authority. The change replaced the word "appoint" with "nominate", recognizing that the BOS actually accept appointments through their authority to approve the Town Manager's choices of candidates. The approved language also made it clear the BOS would approve any removals as well. Present language is silent as to BOS approval of removals.

Mr. Schulman asked to reconsider this change to the Charter. He feels it is quite important and deserves a second look. He felt he needed time outside of meeting time to consider this change before he could make a specific recommendation.

Action Item #9: Mr. Manugian will schedule this discussion for a future meeting.

Mr. Schulman was requested to consider what wording he would like to see, in place of that approved on March 23rd.

Reconsideration # 2 and 3 (on the agenda) will be discussed at a future meeting of the Committee. Mr. Robertson requested a later discussion date for #2, the School Committee's request to move a major town budget due date to a later time, to ensure attendance of a representative of the Finance Committee, a representative of the School Committee, the Town Manager and a representative of the BOS.

Action Item #10: Mr. Manugian will notify the parties and request their attendance.

Mr. Schulman commented he is concerned the new budget date requested by the School Committee does not allow sufficient time for the budget process to play out. He points to this year's scenario as a dramatic example of how hard it is to complete with the dates as they are presently.

Mr. Robertson commented this proposed Charter change is a very dramatic one for the Town's budgeting process.

Action Item #11: Mr. Robertson will send members a link to the Town's budget timeline for this year.

Mr. Manugian announced Mr. Collins will be unable to attend the Committee's next meeting on June 15th.

Mr. Manugian requested that Mr. Legge provide a list of all the action items to Mr. Manugian by tomorrow evening, June 9th.

Mr. Manugian directed attention to his email of June 8th referring to his discussion with Bill Keegan of the Massachusetts Municipal Association. Among other things, Mr. Keegan offered assistance from the MMA to review our draft changes when they were complete.

Mr. Giger mentioned Mr. Legge will be unavailable to record minutes for the June 29th meeting. Mr. Giger will request that the Town Manager provide a substitute.

The meeting was adjourned with unanimous consent at 9:16 PM.

**** The next meeting is scheduled for Wednesday, June 15th, at 7:00 PM. ****

Exhibit: Email from Mike Manugian to the Charter Review Committee, dated June 8, 2016, concerning Massachusetts Municipal Association's offer of assistance

John Giger

From: Michael Manugian <Mike@ManugianInc.com>
Sent: Wednesday, June 8, 2016 15:49
To: Bud Robertson; Jane Allen-Home; john.crc@cybergiger.com; Michael McCoy; Robert Collins; Stuart Schulman
Cc: Steve Legge; wkeegan@foxboroughma.gov
Subject: MMA Offer of Assistance

Hi All,

I spoke with Bill Keegan, Foxborough Town Manager, who called me back when I contacted the MMA to pursue their offer of assistance with the Charter Review process.

I filled him in on our process, current status and plans for completion. He explained the types of help the MMA typically provided for Charter Review.

He suggested that it would be best if we had a ballot vote on the Charter Changes in addition to the Town Meeting vote. In general, the broader the buy-in from the public the more comfortable the legislature would be with their approval.

Once we have completed all of our draft changes, he is willing to ask representatives of the MMA to review the changes and provide feedback to us. I suggest that we do this once we have our first complete draft and prior to legal and town government review and prior to our next public hearing.

He also felt that our plan to provide training on the approved changes to the public and town government was a good one and would help avoid any misunderstanding or misinterpretation.

We can discuss these points at our next meeting and work out an approach as a committee.

Thanks,

Mike