

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

DRAFT Meeting Minutes - June 22, 2016 DRAFT
At Town Hall

Present: Jane Allen, Robert Collins, John Giger (Secretary), Michael McCoy, Bud Robertson (Vice-Chair), Stuart Schulman

Not present: Michael Manugian (Chair)

Recorder: Stephen Legge

Visitors: Judy Anderson

Call to Order: Vice-Chairman Robertson called the meeting to order at 7:00 PM.

Approval of Meeting Minutes:

Ms. Allen moved the minutes of June 15, 2016, as amended by Mr. Manugian, be accepted. Mr. Collins seconded. The minutes were approved 6 - 0.

Administrative Issues:

Mr. Robertson announced an updated status of all submissions made was included at the top of the agenda for tonight's meeting. The update is as follows:

- Two submissions have not yet been presented (added 6/15/2016);
- 15 submissions have been presented but not yet completed and are still being discussed by the Committee; 185 have been completed; there are a total of 202 submissions, of which one was added on April 27th and two on June 15th, 2016;

Of the 185 completed,

- 55 submissions have been accepted by the Committee;
- 116 submissions have been previously addressed or dismissed with no changes to the Charter recommended;
- 14 submissions will be referred to other town governing boards with no changes to the Charter recommended.

Discussion of Review Process for Accepting New Submissions:

A discussion about accepting new submissions for a limited time continued from the last meeting. Mr. McCoy presented a draft press release he had written for the Committee to

consider titled, “Final Call for Charter Change Suggestions”. An August 1st deadline was proposed for receiving new input.

Mr. Collins expressed concern the Committee could get a lot of submissions, and likely some repeats of earlier issues. He suggested wording be modified to make clear we would not want earlier issues, already decided, to be re-submitted.

Mr. McCoy: What is our benchmark, or in other words, are we working off the original Charter language or the new revised language based on revisions to date?

Mr. Collins said the only legal document is the original language.

Mr. Giger said the published and public version of the revised Charter is current only to December 31, 2015. herefore we do not really have a current version available for review and use by the public.

Mr. Collins requested again and with conviction that we not allow a new process to start all over and discuss what has already been discussed. He asked that the public announcement be specific and clear in this regard.

Mr. McCoy suggested we build a list of what we will consider from the new submissions that come in. However, he also suggested softening Mr. Collins’ language to something like “we reserve the right to ...”

Mr. Giger said there are nuances to old issues which can be something new. He counseled to be careful about filtering and decision-making on what we will not consider.

Mr. Schulman proposed we continue to process just as we have done all along. The process works, the public is now familiar with it and we are reasonably efficient at working our way through the issues.

Mr. Collins added, ad infinitum continuance may not be the best way to use our time. He then asked Ms. Allen how was this issue of inviting new input late in the process handled by the original charter committee. Ms. Allen said people brought up their issues in the Town Meeting itself when the Charter received its final review and approval.

Mr. Giger asked why there were two new submissions (not presented as yet) on our list tonight. [Note from the chair: One issue was to document the reconsideration of budget draft due date. The other was to document the change to allow presentation of future charter changes at either town meeting.]

Concerning tonight’s question of how to handle new submissions Mr. Giger proposed we invite new submissions by August 1st, then evaluate what comes in and decide at that time what our post-process will be.

Mr. Schulman moved to accept Mr. McCoy’s press release as written. Mr. Giger seconded.

Mr. Schulman agreed with Mr. Giger the process for submissions received did not have to be decided now. Mr. Collins asked that the words make clear repeat submissions would not be considered.

A vote was taken and the motion was approved 5 – 1 with Mr. Collins voting no.

Action Item #1: Mr. Manugian will be charged with the responsibility to give our press release for the solicitation of new submissions until August 1st to the Town Clerk for publication. [Note from the chair: The press release was given to the Town Clerk for posting and submitted directly to local newspapers for publication.]

Reconsiderations:

Mr. Robertson invited members to request reconsiderations. None were requested tonight.

Discussions of Previously Presented Submissions (# 175 and 170):

Submission # 175, proposes to generalize the term “Town Bulletin Board”, in Charter Section 1-9(j), to include the Town web site.

Mr. Manugian developed wording for the Committee’s decision to include the web site in the definition last week.

Mr. Collins asked the word “office” in the first line be corrected to “official”.

Mr. McCoy: The Town Clerk has responded to the Committee with a notice that the Open Meeting Laws (OML) are very specific as to posting places, hours available for reading and visibility for the public.

Mr. Robertson: Problems with the OML need to be addressed by Mr. Manugian and the Town Clerk. We may need to revise our proposal if necessary.

Mr. Schulman offered the opinion the OML issues are out of our scope concerning Charter changes. The Town Clerk should be concerned with addressing operating issues in conflict with the OML.

There was a discussion of the Charter Review Committee’s posting problem of three weeks ago, which led to cancellation of a meeting, and how it related to the issue under discussion in Submission # 175.

Mr. McCoy moved that he pursue the Submission # 175 discussion with Mr. Manugian and report back to the Committee next week. Mr. Giger seconded. The motion was approved unanimously.

Submission # 170, proposes to develop proper and consistent capitalization throughout the Charter. Mr. McCoy presented a style Guide draft (two pages) to the Committee which offered guidance on how to deal with the many capitalization, punctuation and phrasing conventions encountered in the Charter.

Mr. Collins disagreed with the convention advanced by Mr. McCoy regarding capitalization of boards and offices of the Town and the name “Town” itself when it refers specifically to the Town of Groton. He believed the nouns such as “board” should be capitalized when referring to a specific part of the Town and having a title, such as Board of Selectmen. “Town” should be capitalized when referring specifically to the Town of Groton.

Mr. Schulman agreed with this position.

Ms. Allen: Capitalizing boards is good because it is easier to spot them when reading a document.

Mr. Collins also proposed a new method for enumeration in the Charter document, using all numerals and no letters to denote sections and subsections of articles. Enumeration in the current Charter is inconsistent, as noted by Mr. McCoy. Mr. Collins would separate section and subsection numbers with periods. An example would be 3.4.2.1. Four levels, such as are shown in the example, is as far as the ordering system needs to go to break the text down. Most subsections only require three levels.

The Committee liked this idea for its simplicity and consistency.

Ms. Allen moved to amend Mr. McCoy’s Style Guide by adopting Mr. Collins’ enumeration ordering scheme for the Charter using all numbers and periods. Mr. Collins seconded. A vote was taken and the motion passed unanimously.

Action Item #2: Mr. McCoy will consider Mr. Collins’ capitalization comments and redraft a recommendation in the Style Guide for the Committee (Submission # 170).

Discussions of Previously Presented Submissions (# 174, 42, 93, 169.3 and 151):

Submission # 174, proposes to delete or replace Charter Article 8, Transitional Provisions. The current section in the original Charter language is no longer needed since those transitions have already taken place.

It was decided in the last meeting to leave this submission open for now until all other changes have been decided. At that time a new article on transitions will be drafted (if necessary) to address issues accompanying the recommended new changes to the Charter.

Submission # 42, proposes the Personnel Policy Negotiating Team.

Mr. Collins is working on the language to implement this decision by the Committee.

Submission # 93, proposes the need to identify which elected officers are listed in the Charter. Mr. Collins is working on language for a preamble to Article 3, Elected Officers, to clarify why some elected offices are mentioned in the Charter and others are not.

Submission # 169.3, by Mr. Collins, is the only paragraph not decided by the Committee in an earlier discussion of Submission # 169. Mr. Collins offered to withdraw this part of the submission because the issue had been resolved earlier.

Submission # 151, proposes to consider “day to day” language vs. “policy” with regard to the Selectmen’s duties, responsibilities and authorities as compared to those of the Town Manager.

There was some confusion around the issue of what language in Section 3-2(b) 4 had actually been changed to date, to address this issue. Mr. Manugian researched this point and reported back to the Committee earlier today. The Committee had accepted a Charter language change as a result of discussion of submission #152, which raised the same issue. Therefore, there was no need for additional discussion of submission #151.

Discussions of Previously Presented Submissions (# 96, 100, 104, and 176):

Submission # 96, proposes to clarify which individuals are included in Charter Section 4-2(b) in the phrase “including all appointed officers and their respective departments.”

Mr. Collins drew attention to his letter to the Committee dated June 22, 2016 in which he brought up the definition of “Town Officer” mentioned in Submission # 82. This is similar to the issue stated in Submission # 96. Mr. Collins proposes to define more succinctly the term “Town Officer”. There is a current definition in Charter Section 1-9(1). His new definition excludes employees of the Town. It would include elected and appointed officers of the Town.

Mr. Schulman pointed out that all employees are appointed. A Town officer must then have some other distinguishing characteristic.

Action Item #3: Ms. Allen offered to go through the Charter and locate all “Town officer” references and determine to whom they are referring. She will include in the research the terms “Town official” and “official of the Town” (Submissions # 96 and 82).

Submission # 100, refers to the definition of the term “officers” and proposes to define or remove the term. This submission was deferred by consensus of the Committee until research is completed on Submission # 96.

Submission # 104, proposes to add to Charter Section 6-2, Submission of Budget and Budget Message, the responsibilities of the BOS to set budget priorities. It was decided by consensus to defer this item until the discussion with the School Committee on their request for budget timing at next week’s meeting.

Submission # 176, proposes to change Charter Section 7-6, Periodic Charter Review, to allow votes on Charter changes at either the Spring or Fall Town Meetings.

There was discussion of the language in Section 7-6. Mr. McCoy pointed out the term “deemed to be” in reference to the town meeting definitions in Section 2-1 and connected this discussion to an earlier discussion of whether the Fall Town Meeting can be considered an “Annual Town Meeting”.

Mr. Schulman noted the connection of the start of the process of charter review to the Spring Town Meeting in Section 7-6. He questioned whether there should be a limitation as to when the process could start, other than when the BOS decides to do so.

Visitor Ms. Anderson spoke of the time allowed in Section 7-6 before a public hearing is required (within 30 days of organizing). She suggested a 60-day deadline after the BOS decides to organize, to provide constructive pressure to make appointments and get started.

Mr. Schulman moved to change Section 7-6 in the 4th line, replacing the term “spring town meeting” with “an annual town meeting”. Mr. McCoy seconded. The motion was approved unanimously.

Ms. Allen moved to change Section 7-6 in the 2nd last sentence, replacing “after the final adjournment of the spring town meeting” with “after the full committee has been appointed.” Mr. Collins seconded. The motion was approved unanimously.

The meeting was adjourned with unanimous consent at 8:55 PM.

**** The next meeting is scheduled for Wednesday, June 29th, at 7:00 PM. ****

Exhibits:

- A. Proposed press release announcing the acceptance of new CRC submission until August 1, 2016, drafted by Michael McCoy, 06-20-16
- B. Committee Action Item List from June 15th meeting prepared by Michael Manugian, 06-20-16
- C. Summary of Activities regard 2010 Charter section 3-2(b)4, Selectmen Powers and Duties prepared by Michael Manugian, 06-22-16
- D. Proposed language for submission #175 for Charter section 1-9(j) prepared by Michael Manugian, 06-22-16
- E. Release 0.1 of the Charter Review Committee Style Guide prepared by Michael McCoy, 06-22-16
- F. Letter to the Charter Review Committee from Attorney Robert Collins, dated 06-22-16, addressing language for the term Town Officer (Section 1-9, sub-section 1) and submission # 82

Exhibit A to Charter Review Committee
06-22-16 Meeting Minutes

From: michael@riyality.com
To: towncharterreviewcommittee@townofgroton.org
Subject: CRC press release draft: Final Call for Charter Change Suggestions
Date: Monday, June 20, 2016 13:57:53

For discussion at Wednesday's CRC meeting. Please do not respond to this email.

Headline: Final Call for Charter Change Suggestions: Deadline is 1 August 2016

The Town Charter defines Groton's town government in broad strokes, enumerating its governing bodies and the scope and limits of the powers and responsibilities of elected and appointed officials. For the past year, the Town Charter has been undergoing lively review and discussion. The Charter Review Committee has received and reviewed more than 200 suggestions for changes to the Town Charter.

The Charter Review Committee is making a final call for suggestions for changes to the Town Charter. If any resident of Groton wishes to make new proposals for changes to the Town Charter, those proposals must be submitted to the Charter Review Committee no later than **1 August 2016**. If you have submitted proposals for changes previously, you do not need to send your ideas again. <Do we want to note that submitters will be invited to present their ideas to the CRC as part of our process?>

Proposals for changes to the Town Charter must be submitted via email or in writing. To submit a proposal via email, send your proposal (and the reason you believe the change is appropriate) to TownCharterReviewCommittee@townofgroton.org.

Proposals for changes to the Town Charter can also be mailed to:
Town Clerk
Town Hall
173 Main Street
Groton, MA 01450

Proposals for changes can be submitted anonymously. To submit an anonymous proposal, do not provide any personal or contact information. If a proposal is submitted anonymously, the Charter Review Committee cannot confirm receipt, ask for more information, or schedule discussion with the submitter.

In accordance with the public records laws, all submissions will be available to the public and will be published to the Charter Review Committee space on the town website.

Michael McCoy
20 Paquawket Path
Groton, MA 01450
(h) 978.448.8094
(c) 978.302.9549
michael@riyality.com

Charter Review Committee - Action Item List

June 15, 2016 Meeting

#1: Mr. Manugian offered to develop language for Submission # 175, referring to the Town Bulletin Board and web site.

#2: In reference to Submission # 170, Mr. McCoy offered to go through the Charter and propose a “style guide” for proper and consistent capitalization to the Committee, for its approval. (Mr. Giger agreed to make any changes to the draft Charter required by the style guide, once approved.)

#3: With reference to Submission # 151, Mr. Manugian will research confusion around the issue of what language in Charter Section 3-2(b) 4 had actually been changed to date and report back to the Committee before any further action is taken on the motion. S. # 151 proposes to consider “day to day” language vs. “policy” with regard to the Selectmen’s duties, responsibilities and authorities as compared to those of the Town Manager. It was thought Submission #152, from Russ Harris, may have addressed this issue and Mr. Collins may have, or still is drafting language for it.

Activity Concerning Charter Section 3-2 (b) 4 Selectmen: Powers and Duties

This lists committee activity as summarized from published minutes concerning Charter Section 3-2 (b) Selectmen Powers and Duties with particular focus on 3-2 (b) 4 concerning day to day administration. Submission #31, although not applicable to this issue, was brought up in the discussion and is included here for completeness. The result is that the Committee on Apr 6, 2016 voted to accept the wording change proposed by Bob Collins and listed below.

Feb 24, 2016

Committee voted to accept substance of #152 and Bob Collins agreed to provide wording for 3-2 (b) 4 to clarify day to day vs. policy

Mar 10, 2016

In a letter Bob Collins submitted the following wording change in response to #152.

I would suggest adding the following language after Section 3-2 (b)4:

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.

Mar 23, 2016

Committee voted to replace 3-2 (b) 1 in response to submission #31 from Russ Harris

Original Wording

serve as the chief policy making agency of the town;

New Wording

serve as the principal goal-setting and policy making agency of the town for matters within its statutory authority and for those matters for which the Town Meeting has directed the Board to act;

Apr 6, 2016

Committee voted to accept language of Mar 10, 2016 proposed by Bob Collins.

TABLED 06-22-16

HCC to take up MM

Proposed Language for Submission #175 for charter section 1-9 (j)

Original Language

(j) "Town Bulletin Board", bulletin boards in the town hall on which office notices are posted and those at other town buildings or facilities which may be designated as town bulletin boards.

Proposed Language

(j) "Town Bulletin Board", bulletin boards in the town hall on which office notices are posted and those at other town buildings or facilities which may be designated as town bulletin boards. Notices posted on a Town Bulletin Board shall also be accessible on the Town Web Site. However, accessibility on the Town Web Site shall be considered a convenience and shall not be considered a statutory posting requirement.

official

Justification

The goal is that any document available on a town bulletin board should be accessible remotely via the town web site. The intent is that when a document is posted on a town bulletin board, it should also be posted within a very short period of time on the town web site.

Since some people may not have web access, the physical bulletin boards are the formal posting locations for statutory posting purposes.

Also, given the vagaries of computer accessibility, we did not wish to impose an electronic posting requirement which could jeopardize a statutory posting requirement. For example, if a document were posted on a bulletin board in time to meet a statutory posting requirement, but was not posted on the town web site within the required time period for any reason whatsoever, the posting would be considered to have met statutory posting requirements.

Robert L. Collins
Attorney At Law
P. O. Box 2081
Westford, Massachusetts 01886

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Facsimile (978) 448-8511

Groton Office:
204 Gay Road
Groton, Massachusetts 01450

22 June 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 language for the Committee's consideration:

Town Officer (Section 1-9 Subsection 1)

Submission number 82 dealt with the definition of "Town Officer." This term appears in multiple sections of the Charter.

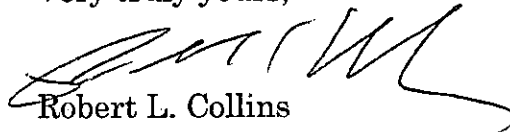
As currently written, "Town Officer" is defined as "a person having charge of an office or department of the town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the town."

While there is a certain amount of elegance to the language, I believe that as written it is capable of multiple, and possibly conflicting, interpretations. I also feel that as currently defined, this term would arguably include some employees, which I do not believe was the intent.

I feel that the term should be limited to elected officials and appointed officials, and thus wonder if the following wouldn't be a better definition:

"Town Officer: a person elected to a municipal position or a person duly appointed by an official or officials having the authority to appoint pursuant to statute or by provisions set forth in this Charter."

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert L. Collins', written in a cursive style with a long, sweeping tail.

Robert L. Collins

Charter Review Committee Style Guide

Version 0.1 (Unreviewed MMc draft)

Capitalization

- Present article titles in **ALL CAPS**.
- Present section and subsection titles in **Sentence Caps**.
Good: "Section 2-8: Clerk of the Meeting" (p5)
Bad: 2. Elected multiple member body (p7)
- Do not capitalize the names of offices, boards, or committees.
Good: board of selectmen, finance committee
Bad: Board of Selectmen, Finance Committee
- Capitalize the first word of bulleted and ordered list items.
Good: 6. Ballot Proposition (p9) (all caps)
Bad: 1. serve as the chief policy making agency (p9)

Exhibit E to Charter Review Committee
06-22-16 Meeting Minutes

Internet Terms

- Use "website", "email"
Good: "the xxx website" "to the following email address"
Bad: "the xxx Web site" "to the following e-mail address"

Numbers

- Spell whole numbers less than 10; use numerals for whole numbers greater than 9 and for decimal numbers.
Good: "three days" "100 voters", "3.5"
Bad: "consisting of 5 members elected for terms of 3 years each..."
Exceptions: Use numbers when presenting section numbers, ranges ("1-12"), percentages ("6%"), or money (\$8.00)

Punctuation

- Rule: Use a serial comma (Oxford comma) before the concluding conjunction in a series.
Good: "...storm drains, bridges, dikes, and other public way related structures..." (p18)
Bad: "the fiscal, prudential and municipal affairs..." (p2)
- Commas and periods appears inside quotation marks.

- **Use curly quotes, not straight quotes, to set off quotations and terms to be defined.**
Good: ...under the name “town of Groton” (p1)
Good: “Charter”: This charter... (p2)
Bad: ...shall appear the word "Candidates"... (p9)
- **Question marks and exclamation marks appear inside quotation marks if they are part of the quotation; otherwise, they appear outside the quotation marks.**
- **Use one space after a period at the end of a sentence.**
- **Where practical, do not split a hyphenated word at the hyphen.** See “by-laws” in §2-8.

Word List

Groton Charter (but “this charter”)

board of selectmen (not capitalized)

town manager (not capitalized)

comprises (means “contains”)

Good: “...comprising a full accounting of all town administrative and financial operations...” (p18)

Bad: “...shall be comprised of the following...” (p6)

Avoid “he” and “his”: rewrite to avoid gender-specific wording.

Other Issues

“per cent” or “percent”?

Do not start section titles with “The”. See §2-3.

Do we need consistent sub-subsection (#-#-#) numeration? Compare §5-4-3 *Powers and Duties* to §4-4 (c) *Powers and Duties*.

Is there a difference between “officials” and “officers”?

Glossary entries (§1-9): Initial capitalization or Title Capitalization?

Why colons as separators for section titles and hyphens as separators for subsection titles?

“chosen as aforesaid” is awkward (p16)

References to Massachusetts Statutes and Regulations

References to Massachusetts statutes should reference “the General Laws”.

Good: “as provided for in section 10 of chapter 39 of the General Laws ...”

Bad: “pursuant to the general laws, this charter, by-law or vote of town meeting.”

Sources

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