

# **Charter Review Committee (CRC)**

**Town of Groton, Groton, MA 01450 978-448-1111**

## **Meeting Minutes - July 6, 2016 DRAFT**

At Town Hall

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

**Recorder:** Stephen Legge

**Visitors:** None

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

### **Approval of Meeting Minutes:**

Mr. Robertson offered several corrections to the draft minutes of June 29, 2016 on Pages 1, 4 and 5. Ms. Allen moved the minutes of June 29, 2016, as amended by Mr. Manugian and corrected by Mr. Robertson, be accepted. Mr. Robertson seconded. The minutes were approved 6 – 0 with Mr. Collins abstaining due to absence from the meeting.

### **Administrative Issues:**

Mr. Manugian provided an updated status of all submissions made to date, included at the top of the agenda for tonight's meeting. The update is as follows:

- All submissions have been presented;
- 14 submissions have been presented but not yet completed and are still being discussed by the Committee; 188 have been completed; there are a total of 202 submissions, of which one was added on April 27<sup>th</sup> and two on June 15<sup>th</sup>, 2016;

Of the 188 completed,

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

Mr. Giger moved to correct the meeting date on the agenda from June 22<sup>nd</sup> to June 29<sup>th</sup>, referring to review of past meeting minutes. Mr. Schulman seconded. The motion was approved unanimously.

Mr. Manugian asked which members would be unable to attend next week. Ms. Allen and possibly Mr. Collins will not be able to attend. Mr. Manugian said we would have a meeting next Wednesday, 7/13.

Mr. Manugian asked if any member wished to ask for a reconsideration of past votes. There were no requests.

### **Continued Discussion of Last Week's Annual Budget Due Date Reconsideration Request from the School Committee:**

The request is to change the draft budget due date from Dec 31 to Feb 15.

Mr. Manugian: There are three important dates to consider in this discussion – 1) the Selectmen's goals due to the Town Manager, now in October; 2) the draft budget due from the Town Manager, now December 31<sup>st</sup>; and 3) the Spring Town Meeting date, now the third or fourth Monday in April. He asked that the Committee focus on these dates in their deliberations.

Mr. Robertson offered his opinion that the date the School Committee receives its first input for state funding from the Governor's budget is also a critical date, now in early February.

Mr. Schulman said the School Committee's request to extend the budget due date from December to February 15<sup>th</sup> greatly compresses the time schedule for public discussion of the budget. Also this time of year in New England famously robs us of meeting time due to winter weather conditions. He believes it is a grave mistake to move out our budget due date so far. This year the Town needed every day of its time, and then some, without any change in the date.

Mr. Collins agreed with Mr. Schulman. He noted the February 15<sup>th</sup> date is only about the funding side of the budget. The importance of the budget discussion revolves greatly around the cost side. This should be available for the School Committee to present and discuss much earlier. Mr. Collins thinks the present December 31<sup>st</sup> due date should stay as it is.

Mr. Manugian commented the School Committee's biggest numbers from the state do not vary by so much from year to year. The Finance Committee actually needs the School Committee's cost numbers in October. It was noted that the School Committee and Superintendent have had a good record of providing cost numbers in a timely fashion in recent past years. It was also noted the Superintendent is new this year and did well providing the detailed needs assessment.

Mr. Robertson noted the Tri-Board (regional School Committee, Groton Selectmen and Dunstable Selectmen) meets with the school superintendent and agrees on cost numbers

reasonably early in the annual budget process. In Mr. Robertson's opinion this process is working well and there is no need to change the due date under consideration.

Mr. Manugian referred to the present due date of December 31<sup>st</sup> for a balanced budget submitted by the Town Manager. He said there is a problem with "balancing" if the Town needs an override. It might be more appropriate to ask the Town Manager for two budgets – one with, and one without an override. There may be some years when the expense side will not require consideration of an override. If an override is necessary, the Finance Committee can decide how the override is shared between the Town and the regional school district. Mr. Manugian is concerned that if the school budget arrives later in the budget process the regional school district may be perceived as being responsible for the override.

Mr. Robertson said he would be satisfied with a Charter language change which would allow for the preparation of two budgets.

Mr. Schulman felt it may not be necessary to change the Charter in this regard.

Mr. Giger added that contingency planning based on assumptions is already a part of the normal process.

Mr. McCoy said the Town Manager develops a "straw-man" budget on December 31<sup>st</sup>. He said the School Committee chooses to not share all of its information early on. Is there a basic trust issue? Ideally the School Committee would be more trusting of the process and share all of its information earlier.

Mr. Robertson countered that the present process works, with the current players (including the new superintendent). He acknowledged the possibility that in the future with new players the process may not work as well.

Mr. Manugian asked if there was a consensus to not change the budget due date in the Charter.

Mr. Schulman said it is good not to constrain ourselves (the Town) with Charter change unless it is clearly beneficial.

Ms. Allen asked how much the Finance Committee changed the budget submitted by the Town Manager in the current budget cycle.

Mr. Robertson answered, by a fair amount - several hundreds of thousands of dollars.

Ms. Allen was concerned that the regional school district gets the burden of override requests disproportionately. She added, she is not sure how to fix the problem.

Mr. Robertson said the School Committee has plenty of time to get its cost picture together. He also believes the School Committee should be cautious about expanding its requests for funding when the implication is losses of town staff, without some sense of balance.

Mr. Schulman said this is a good discussion, but how does it relate to the need to change the Charter.

Mr. Giger asked how much the Tri-Board knew about the schools' needs analysis last fall. Mr. Robertson said the Superintendent had stated the needs analysis would not be completed until after the new year (January 1<sup>st</sup>). It was actually made available in early February. Prior to this a "ballpark" figure had been discussed. The final figure was quite close to this estimate. Mr. Robertson also said the Town reworked its side of the budget and reduced an original 2.2% growth to no growth or slightly negative growth after the magnitude of the schools' need became clear.

Mr. Schulman commented that we have had four superintendents in the last six years. The present superintendent did not have much time to pull things together this year. He believes planning will work more smoothly for the next budget year.

**Mr. Schulman moved to not adopt the reconsideration request to change the annual budget due date from December 31<sup>st</sup> to February 15<sup>th</sup>.** Mr. Robertson seconded. The Committee voted to approve the motion unanimously.

### **Discussion of Reconsideration of the Vote to Require a Special Town Meeting Vote for Capital Projects Exceeding Costs of \$3 Million:**

Note: This provision was to apply only to those projects not funded through an override or a debt exclusion ballot measure.

Mr. Manugian: Voting cannot take place in a special town meeting if the quorum requirement is not met. The original idea was to require this inside of a regular town meeting to force more voter participation in a decision to spend. However, there is a real possibility quorum requirement (the lesser of 200 voters or 20% of total voters) will not be met in such a case. As a result this change in the process could prevent voters from considering certain capital spending articles.

Mr. Robertson agreed that it may not be wise to adopt this measure and believes the originally voted Charter change should be rejected.

Mr. McCoy asked if this was really a bad idea. Maybe it was the right idea. If people chose not to come to support such capital spending, then it is an expression of their will.

Mr. Robertson said there will always be at least 12 voters at any town meeting because the Finance Committee and the Selectmen will always be there.

Mr. McCoy stated he is not convinced that Town meeting is the ultimate expression of democracy. People tend to rally for their favorite issue – vote it – then go home. He is happy with the special town meeting option that was earlier approved by the Committee. If the people

cannot rally a quorum for a special town meeting, then the proposal to spend in excess of \$3 million should be defeated.

Mr. Schulman pointed out that it is rare for a capital project in excess of \$3 million to be neither an override nor a debt exclusion.

**Mr. Giger moved to retain the committee's previous decision to require a Special Town Meeting vote for capital projects requiring in excess of \$3 million funding, not subject to an override or debt exclusion ballot vote.** Mr. McCoy seconded.

Mr. Robertson believes the regular town meeting should have the power to approve or reject funding for such projects, i.e., the earlier vote should be reversed.

A vote was taken and the motion was defeated 3 – 4 with Ms. Allen, and Misters Giger and McCoy voting yes.

**Mr. Schulman moved to fall back to the original (current) Charter wording on the capital spending measure, i.e., capital projects exceeding \$3 million, requiring neither an override nor a debt exclusion ballot vote, would be decided in a regular town meeting.** (Charter Section 6-4(b) deals with this.) Mr. Robertson seconded.

A vote was taken and the motion was approved 5 – 2 with Misters Giger and McCoy voting no.

### **Discussion on the Charter Review Schedule:**

Mr. Manugian passed out a schedule worksheet (for internal discussion) to Committee members for discussion tonight.

Question # 1 has been decided - new submissions will be accepted until 11:59 pm, Monday, August 1<sup>st</sup>. Public invitations to submit have already been released to local media outlets. It was decided by consensus that Mr. Manugian will schedule any new submissions received in the coming weeks for the “next weekly meeting + 1”. By this is meant that the presentations will be scheduled as closely as possible to the next weekly meeting no sooner than seven days away from date of receipt. This will allow for time to post a public presentation and give presenters and public participants time to prepare for the meeting.

Question # 2, “What characteristics of the Charter do we need to check during the clean-up?” The Committee has already undertaken a number of tasks, including review of definitions and implementing consistency via the style guide currently under discussion. The Committee felt that no additional review tasks were required.

Question # 3, “Do we request a town hall/ government review during the day or in the evening?” Mr. Collins said do both. The Committee agreed by consensus. It was acknowledged to be likely the full Committee would not be able to attend all meetings.

It was suggested that we accept written input in conjunction with the public hearings. Mr. Schulman said the purpose of such meetings is to obtain significant input and allow for reconsideration of past decisions. Live public meetings can promote good interactions with other government boards and the public. The Committee agreed not to accept written comments in order to encourage this type of interaction and discussion..

Mr. Collins offered it may be a better idea for the Committee to enter discussions at later meetings after the outside input has been received. The Committee agreed that it would defer discussions in order to maximize the amount of time available to the Public to provide comment.

Question # 4, “At the April 27th, 2016 meeting the Committee agreed to meet only when six or seven would be in attendance. Should this apply for these meetings?”

It was suggested the minimum in attendance should be five. Mr. Giger expressed concern for those unable to attend.

Mr. Schulman suggested a minimum of four votes be required to make changes, regardless of the number in attendance.

Mr. Robertson felt there was no need for a special consideration for a missing member on voting or attendance because reconsiderations, by the Committee, were always possible whenever one member felt it was necessary and a majority agreed.

There was a consensus that a minimum five in attendance at meetings would be acceptable.

Question # 5, “Should the Committee propose a ballot vote to the Town for final acceptance of Charter changes.” The legislature typically makes its approval of Charter changes contingent upon an affirmative ballot vote.

Mr. Schulman suggested putting the Charter changes approval on a “convenient” ballot, i.e., one that is already scheduled to take place, to save money for the Town.

There was a consensus to recommend a town ballot approval of the Charter changes proposed.

### **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. Discussion was continued from the meeting of June 22<sup>nd</sup>.

Mr. Collins noted legal notices are required by the Open meeting Law (OML) to be posted on the Town Bulletin Board (TBB), but not the Town web site (TWS) whereas agendas and meeting notices must be published on both. He reported he met with the Town Clerk, Mr. Bouchard. Mr. Bouchard is concerned that legal notices are of lesser interest and posting of them on the Town Web Site may also become too burdensome for Town Hall. Mr. Bouchard suggested that committees and boards may want to consider putting their materials on their own individual websites. Mr. Manugian expressed his understanding that any postings on any portion of the Town web site had to be done by the Town IT department, so, either way, town employees would have to do the actual posting.

Mr. Manugian had proposed this submission and now offered to remove it from consideration. He was satisfied that the meeting notices would appear in both locations and agreed that the posting of legal notices was of lesser interest. Mr. Schulman suggested giving the issue to the Town Manager to study and decide what to do.

**Mr. Robertson moved to dismiss Submission # 175 without changes to the Charter.** Mr. Collins seconded.

Mr. McCoy reminded everyone the issue arose because the definition of the Town Bulletin Board in the Charter did not include the Town web site. But the OML does include the TWS in many aspects of the Town's required communications protocols. He asked where else does the term "Town Bulletin Board" appear in the Charter.

Mr. Collins said the reality is that meetings are already posted in both places, with no special prompting from the Charter needed.

A vote was taken and the motion to dismiss Submission # 175 was approved unanimously. No other measures relating to this issue were proposed for further Charter change.

**Submission # 170**, proposes to develop proper and consistent capitalization throughout the Charter.

The Committee agreed to move to a review of the Charter Style Guide which covered this issue. Mr. McCoy presented a style guide draft (two pages) to the Committee in its June 22<sup>nd</sup> meeting which offered guidance on how to deal with the many capitalization, punctuation and phrasing conventions encountered in the Charter. He presented a revised version 0.2 (dated 6/26/2016, four pages) at this meeting reflecting the earlier discussions.

Mr. McCoy consulted two different authorities on capitalization. He found that the two authorities disagreed with each other, so it comes down to defining one's (or the Committee's) personal preferences. Mr. McCoy went through a comprehensive list of terms appearing in the Charter and recommended capitalization conventions to adopt. Generally it was agreed by the Committee to capitalize words such as "Committee" or "Board" when the reference is to a specific and named group, such as Groton's Board of Selectmen, but not when the reference is generic. It was noted that all references to committees and boards must be in good context to maximize clarity to readers.

Mr. McCoy captured the style recommendations of the Committee for inclusion in the final version of the style guide.

On the subject of numbering and ordering the text of the Charter, Mr. Manugian asked if paragraphs without headings should be numbered uniquely or just bulleted. It was agreed to number every paragraph, even those without headings.

**Action Item #1:** Mistery Collins and McCoy both offered to research the definition of “comprising” in Black’s Law Dictionary.

The Committee agreed to adopt to gender neutral recommendation in the style guide to make the Charter gender neutral.

**Action Item #2:** Many additional decisions were made in the following review and discussion, all to be reflected in a third version of the style guide to be issued by Mr. McCoy.

**The meeting was adjourned with unanimous consent at 9:15 PM.**

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

**Exhibits:**

- A. Letter from Attorney Collings, dated 07-06-16, appropriate capitalization for consideration in the Charter Committee Style Guide
- B. Draft Charter work schedule for discussion, submitted by Michael Manugian, 007-05-16



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6 July 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:

**Appropriate Capitalization**

Submission number 170 dealt with the lack of appropriate capitalization in the existing Charter.

The most glaring mistake is in the name of the town; the legal name of this municipal corporation is the Town of Groton, and it should be thus so stated in the municipality's most important document of governance.

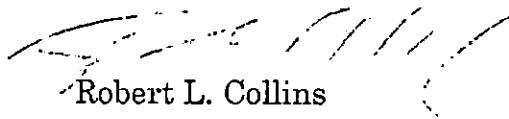
I consulted A Uniform System of Citation, Twelfth Edition, published as a collaborative effort of the Columbia Law Review, Harvard Law Review Association, The University of Pennsylvania Law Review, and the Yale Law Journal. This diminutive booklet provides the appropriate way to cite publications, legislative and other governmental documents and entities throughout the United States and in selected other jurisdictions.

Boards, Commissions, and Committees are properly capitalized, ie.: Board of Selectmen; Conservation Commission, Finance Committee, etc. When just the

word Board, Commission, or Committee is stated, it should be capitalized if referring to a particular Board, Commission, or Committee.

I believe our Charter should follow this system.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert L. Collins", written over a light-colored background.

Robert L. Collins

## Groton Town Charter Review Committee Schedule Worksheet

**NOTE: This is NOT the schedule of the Charter Review Committee. It is merely a worksheet for planning purposes.**

Shaded items are dates set by BOS and are NOT Charter Review Meetings

### Questions for the Committee

### Exhibit B to Charter Review Committee 07-06-16 Meeting Minutes

1. Do we allow people to make new submissions?
2. What characteristics of the Charter do we need to check during the cleanup?
3. Do we request a town hall/govt review during the day or in the evening?
4. Propose meetings only when 6 or 7 members available, ok? Agreed Apr 27, 16
5. Should we propose a ballot vote?

⑤

<i>Date</i>	<i>Type</i>	<i>Topic(s)</i>	<i>Notes</i>
4/25/16		Spring Town Meeting Day 1	
4/27/16	Committee	Present and discuss 10 of 41 remaining submissions	no Michael
5/4/16	Committee	Present and discuss 10 of 31 remaining submissions	no Bud
5/11/16			no John, Mike, Michael
5/17/16		Town Elections	
5/18/16	Committee	Present and discuss 11 of 21 remaining submissions	no Michael
5/23/16		Spring Town Meeting Day 2	
5/25/16			no Bob, John
6/1/16	Committee	Present and discuss final 10 submissions	
6/8/16	Committee		
6/15/16	Committee		
6/22/16		Discuss incomplete submissions	
6/29/16		Reconsider budget due date	
7/6/16		Reconsider budget due date, other submissions	
7/13/16		Complete all remaining wording	
7/20/16		Complete all remaining wording	
7/27/16	Committee	Review draft for wording completeness	
6/29/16	Committee	Review draft for definitions, consistency, etc.	
7/6/16	Committee	Review draft explanations	no Bob
7/13/16	Committee	Review draft justifications	no Bob, Jane
7/20/16			no Mike
7/27/16	Committee	Complete & submit package for town hall/government review	no Mike
8/1/16	Deadline	New submissions due by 11:29 pm	
8/3/16			no Stuart
8/10/16			no Bob, Mike

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<i>Date</i>	<i>Type</i>	<i>Topic(s)</i>	<i>Notes</i>
8/17/16			no Bob
8/24/16	Committee	Conduct town hall/govt review	
8/31/16	Committee	Respond to town hall/govt review	
9/7/16	Committee	Respond to town hall/govt review	
9/14/16	Committee	Complete & submit package for town counsel review	
9/21/16			
9/28/16			
10/5/16	Committee	Respond to town counsel review	
10/12/16	Committee	Respond to town counsel review	
10/19/16	Committee	Draft presentation for public hearing	
10/26/16	Committee	Complete presentation for public hearing	
11/2/16		Post presentation for public hearing	
11/9/16	Public Hearing	Present recommendations for public input – part 1	
11/16/16	Public Hearing	Present recommendations for public input – part 2	
11/23/16		No meeting – day before Thanksgiving	
11/24/16		Thanksgiving	
11/30/16	Committee	Respond to public input	
12/7/16	Committee	Respond to public input	
12/14/16	Committee	Draft wording of warrant articles	
12/21/16			no meeting
12/24/16		Christmas Eve	
12/25/16		Christmas Day	
12/28/16			no meeting
12/31/16		New Year's Eve	
1/1/17		New Year's Day	
1/2/17		Warrant opens (est)	
1/4/17	Committee	Approve wording of warrant articles	
1/11/17	Committee	Draft presentation for public hearing	
1/18/17	Committee	Complete presentation for public hearing	
1/25/17	Committee	Draft presentation for Town Meeting	
2/1/17	Committee	Complete presentation for Town Meeting	
2/8/17			
2/15/17			
2/22/17			
2/23/17		Warrant closes (est)	
3/1/17			
3/8/17			
3/15/17			

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<i>Date</i>	<i>Type</i>	<i>Topic(s)</i>	<i>Notes</i>
3/20/17		Warrant article final wording due to Town Manager (est). Public Hearing with Fincom, BOS (est)	
3/22/17			
3/29/17			
4/3/17		Warrant sent to printer (est)	
4/5/17	Public Hearing	Present Final Recommendations – part 1	
4/10/17		Warrant posted (est)	
4/12/17	Public Hearing	Present Final Recommendations – part 2	
4/19/17			
4/24/17		Spring 2017 Town Meeting Day 1 (est)	
4/26/17			
5/1/17		Spring 2017 Town Meeting Day 2 (est)	
5/3/17			
5/10/17			
5/16/17		Town Elections (est)	
5/17/17	Committee	Draft package to Atty General	
5/24/17	Committee	Submit package to Atty General	
5/31/17			
6/7/17			
6/14/16			
6/21/16			
6/28/16	Committee	Receive notes from Atty General (if any) Present changes to town hall/govt – part 1	
7/4/16		Independence Day	
7/5/16			no meeting
7/12/17	Committee	Present changes to town hall/govt – part 2	