

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

Meeting Minutes - July 13, 2016
At Town Hall

Present: John Giger (Secretary), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair), Stuart Schulman

Not Present: Jane Allen, Robert Collins

Recorder: Stephen Legge

Visitors: Judy Anderson, Anna Eliot (BOS), Barry Pease (BOS)

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

Approval of Meeting Minutes:

The draft meeting minutes of July 6, 2016 were considered. Mr. Schulman moved the minutes of July 6, 2016, as amended by Mr. Manugian, be accepted. Mr. McCoy seconded. The minutes were approved unanimously.

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:

- Remaining to present - 1 (received after July 1, 2016);
 - 12 submissions have been presented but not yet completed and are still being discussed by the Committee; 190 have been completed; there are a total of 203 submissions;
- Of the 190 completed,
- 53 submissions have been accepted by the Committee;
 - 123 submissions have been previously addressed or dismissed with no (further) changes to the Charter recommended;
 - 14 submissions have been referred to other town governing boards with no changes to the Charter recommended.

Mr. Manugian announced eight new submissions had been received in the last week. He passed out a list of these submissions with new submissions numbers assigned in sequential order of being received (# 172 – 179).

Presentation and Discussion of Submission # 179:

Mr. Manugian read Submission # 179 from Mr. David Melpignano, proposing term limits for the Board of Selectmen.

Mr. Giger said the Committee had received similar submissions previously.

Mr. Schulman agreed with the idea. He personally set a term limit for himself and retired as Selectman this year after three terms. Most positions are unpaid volunteer positions. If no one runs after a proposed retirement Mr. Schulman does ask the question, should one run again. He ran for his third term because no one stepped up to run to replace him.

Mr. McCoy feels it is undemocratic to impose a term limit. Let the voters decide through their vote whether or not to re-elect. Anybody can run against an incumbent.

Mr. Manugian asked if anyone would speak further in support of # 179.

Mr. Giger noted the Committee had received Submission # 35 from Mr. Pease who had in part proposed term limits and in addition Submission # 78 from Ms. Vollmar who proposed a maximum three terms or 11 years in the event of a partial term served.

Mr. Manugian cited the minutes of the meeting on March 2, 2016 (Page 8) in which the Committee considered term limits and unanimously rejected the idea.

Mr. Robertson moved to dismiss Submission # 179 with no change to the Charter. Mr. Giger seconded. The motion was approved unanimously.

Reconsiderations:

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

Discussion of the Charter Review Committee Schedule and Process for Presenting Changes to the Town:

Mr. Manugian issued a revision of the worksheet dated July 11th, replacing the original version issued at the last meeting. It was noted three people will be unable to attend either of the two meetings scheduled for October 12th, so those meetings will be postponed. Mr. Manugian also noted the Town needs 35 days' minimum notice to place a warrant on a town ballot. Such ballot would be held after the Spring Town Meeting.

There was discussion of how to present the Charter changes for a vote at the Town meeting. It could be presented as a whole with one yes or no vote, or it could be presented in parts, some of which may get voted for and some against. It was then questioned what would happen if an amendment voted at Town meeting required a clean-up through the Charter. It was not clear that this would be allowed. Mr. Manugian proposed that if people did have the option to vote parts up and parts down in Town Meeting, at the least it should be one question on the ballot after the Town Meeting.

Mr. McCoy proposed that Town Meeting be asked to authorize the Charter Review Committee to do a clean-up after any changes are made to its original proposed version. The authorization requested would be only for the purpose of maintaining consistency and clarity throughout the Charter.

Mr. Giger asked how the process for Charter change worked in the earlier case of revising the Charter language to include the new Department of Public Works.

Action Item #1: Mr. Manugian will talk to the Town Clerk about the detailed process options for moving ahead on a ballot vote and presenting the specific provisions of the Charter to Town Meeting.

Mr. Giger observed it will be difficult to prepare ahead for all the possible change scenarios which might occur in Town meeting.

Mr. Manugian asked Selectman Anna Eliot if there was any precedent for this situation that she was aware of.

Ms. Eliot said we should talk to Town Counsel, Attorney Lauren Goldberg, about this.

Mr. Robertson proposed to limit any post-Town Meeting work for the Committee to only making consistency changes accounting for changes voted at the meeting.

Action Item #2: Mr. McCoy offered to research what other towns have done in presenting Charter changes at town meeting and making corrections afterward.

Action Item #3: Mr. Manugian offered to contact the Massachusetts Municipal Association with the same questions.

Mr. McCoy suggested presenting and voting changes article by article in the Charter.

Mr. Manugian thought this approach might be too complicated. He was inclined to submit one warrant article. He proposed the Committee create a report of the detailed changes proposed, their rationale and impact. This would be presented in public meetings ahead of the Town Meeting. Then a shorter version would be presented at Town Meeting.

Mr. Giger said he will start reviewing all past action items in the minutes to see that there is a resolution for each one. He has so far incorporated all changes into the draft revised Charter up through Committee actions taken as of March 31, 2016.

Mr. Manugian asked if Mr. Giger could bring it up to date to the present. Mr. Giger answered it would take him a couple of weeks to do this.

Mr. McCoy asked if would make sense to obtain preliminary approval for the Charter changes at the Fall Town Meeting. It was conceded this approach might only complicate the approval process instead of facilitating it.

Mr. Manugian was concerned that the Committee look at the proposed schedule very carefully and be sure to be comfortable that all has been accounted for. Mr. Manugian has proposed four public meetings before the Spring Town Meeting to fully air the changes being proposed. He envisions the four meetings really being two parts of the presentation, one week apart, each held at two different times – during the day and in the evening.

Mr. Robertson commented the Country Club was a bigger, more appropriate venue for the meetings than the Senior Center.

Mr. Schulman felt the Town Hall second floor meeting room was a great venue, not as large as the Country Club, but large enough.

Mr. McCoy thought splitting up the presentation to two nights was a mistake. He urged that it be done in one night. Also, he noted, the School Committee made the mistake of inviting people to their own meeting place instead of going to places more appropriate for the public.

Mr. Robertson disagreed on this point, feeling the School Committee had done well with its choice of different venues.

Mr. Manugian asked if there should be one venue or a “road show” of different venues.

Mr. Robertson moved that one venue be used, at the Town Hall second floor meeting room.

Mr. Schulman seconded. The motion was approved 4 – 1 with Mr. McCoy voting no.

Action Item #4: Mr. Manugian will put the Committee’s (amended) schedule on the Town’s website for public consumption.

Submission # 170 Discussion, Continued from the Last Meeting:

Submission # 170, proposes to develop proper and consistent capitalization throughout the Charter. Mr. McCoy presented a style guide draft (two pages) to the Committee in its June 22nd 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 at the last meeting reflecting earlier discussions, and another version at this meeting (Version 0.3, four pages).

Mr. McCoy has found two places in the Charter where governing bodies are misnamed: the Park Commission and the Groton Public Library Board of Trustees. Mr. McCoy also asked does “Groton” belong in front of committee names. He noted it is not often used.

Mr. McCoy reported he consulted Black’s Law Dictionary (last week’s action item) to learn how to properly use the word “comprise”. The definition is on Page 3 of tonight’s Style Guide handout. He has found that the words “is comprised of ...”, which appear in a few places in the Charter, should be replaced by the words “shall include”.

Mr. Schulman moved to approve the Style Guide, Version 0.3, for use in cleaning up the Charter and making it internally consistent. Mr. Giger seconded.

Mr. Manugian proposed to keep the Style Guide as a living document with, perhaps, wider use.

Action Item #5: Mr. McCoy will develop language to replace the word “comprise” on Page 6 of the Charter, Section 2-11, Paragraph 1, Line 7.

Misters McCoy and Giger commented the Charter needs a clear and consistent numbering system from the beginning. For the most part, changes to the present Charter will only occur at the third and fourth levels of numbering (subsections and sub-subsections) since most articles

and sections under articles will stay as they are. Mr. Giger said he would implement the new system in his drafting of the revised Charter, discussed earlier and underway for the next several weeks.

A vote was taken to accept the Style Guide (Submission #170) and the motion was approved unanimously.

Action Item #6: Mr. Manugian will ask Mr. Collins to review the latest version of Mr. McCoy's Style Guide for the Charter, accepted by the Committee tonight.

Discussion of Previously Presented Submissions (# 42, 93, 151, 96, 100, 104, 176, and 109):

Submissions # 42 and # 93 were postponed until next week because Mr. Collins (not present) is working on language.

Submission # 151, from Mr. Petropoulos, regarding the definition of "Day-to-Day" responsibility for the Town's affairs and the role of the BOS was brought forward.

Mr. Giger moved to dismiss this submission with no further change to the Charter because the issue had been addressed previously and decided by the Committee. Mr. Schulman seconded. A vote was taken and the motion was approved 4 – 1 with Mr. McCoy voting no. The latter's no vote reflected his belief that the BOS should have no restriction on its boundaries of responsibility when the Board acted as a board (not individually) with a minimum majority vote.

Submissions # 96 and # 100 were postponed to the next meeting because Ms. Allen (not present) was researching these issues for the Committee.

Submission # 104, from Mr. Giger, proposed the BOS would set budget priorities at the beginning of the annual budget cycle.

Mr. Schulman moved to dismiss Submission # 104 with no further change to the Charter because the issue had been addressed previously and decided by the Committee. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Submission #176, by the Charter Review Committee, proposed to allow a vote on Charter changes at either the Spring or Fall annual Town Meetings.

AI #7: Mr. Manugian will talk to Mr. Collins about language needed to implement the Charter Review Committee's Submission #176, regarding Charter Section 7-6 and the current overly restrictive requirement to submit Charter changes only to the Spring Town Meeting.

Submission # 109, from Mr. Giger, proposed to clarify the removal process of appointed town employees not covered by bargaining agreements described in Charter Section 7-7.

Mr. Giger's original concern was to protect those employees by providing due process because it seemed the Town Manager was able to remove such employees without oversight or involvement of the BOS. The Charter Review Committee subsequently decided to require the BOS to approve such removals proposed by the Town Manager, because they (the BOS) are the true appointing authorities.

Mr. Giger therefore proposed and moved to dismiss Submission #109 with no further change to the Charter because it was handled previously. Mr. McCoy seconded. The motion was approved unanimously.

Discussion of Previously Presented Submissions (# 171, 82, 87, 74 and 38.2):

Submission # 171, from Mr. Ellenberger, offered information to the Committee through the archives of The Groton Herald (newspaper), describing the original development process when the Charter was conceived, written and approved, approximately ten years ago.

Mr. Manugian added he had read the Herald articles offered and had indeed found them interesting. However, he felt they had no specific impact on the Committee's present Charter change process.

Mr. McCoy moved to dismiss Submission # 171 because no Charter change was proposed, and no action was required. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Submissions # 82 was postponed until next week's meeting because Ms. Allen is researching this subject (definition of an "officer") for the Committee.

Submission # 87, from Mr. Giger, proposes to define "Department Head", "Division Head" and "Code of Groton" in the Charter.

Mr. Manugian explained some of these items needed attention and some not, after discussion in a previous meeting. Department heads and division heads are mentioned only in Charter Section 2-7(a). He believes the terms are used generically and may only be intended for their future use in the Town's management structure, when and if needed. Mr. Manugian further believes the Charter language should remain as it is.

Mr. Schulman moved to dismiss Submission # 87 with no change to the Charter. Mr. Robertson seconded. A vote was taken and the motion was approved 4 – 1 with Mr. Giger voting no.

Submission # 74, anonymously proposed, explored the Town Manager's role in labor negotiations. A new Charter Section 6-8 proposed by the Committee earlier in response to the Finance Committee's Submission # 66 has dealt with this issue.

Mr. Robertson moved to dismiss Submission #74 with no further change to the Charter. Mr. Schulman seconded. The motion was approved unanimously.

Submission # 38.2, from the Groton department heads, proposes to modify the language in Charter Section 4-2(e) clarifying the role of the Town Manager in labor negotiations and confirming the BOS authority to provide final ratification to negotiated agreements.

It was confirmed that the Charter Review Committee had addressed this issue in previously decided Charter changes.

Mr. Schulman moved to dismiss Submission # 38.2 with no further change to the Charter. Mr. Giger seconded. A vote was taken and the motion was approved unanimously.

Discussion of Language in Charter Section 2-7(b) Regarding Scheduling of Town Body Meetings During Town Meetings:

Mr. Schulman noted Charter Section 2-7(b) forbids convening a session of a multiple member body or Town agency during any session of Town Meeting. He is confused because the BOS and Finance Committee routinely convene their committees during Town Meetings when a quorum is present.

Visitor Mr. Pease (BOS) stated that committees present at Town Meetings are already considered in session because town meeting is a special situation. Perhaps it is only a formality to convene the individual committee, he surmises.

Mr. Manugian stated he believes the intent of the Charter provision is to prevent town bodies from convening outside Town Meeting in other locations during Town Meetings.

Mr. Schulman moved to reword Charter Section 2-7(b) to more clearly articulate the intent of the provision and remove the confusion around what the bodies inside of town Meeting can do. Mr. Robertson seconded.

Mr. Giger asked is it necessary to convene committees with quorums inside of a Town meeting.

A vote was taken and the motion was approved unanimously.

Action Item #8: Mr. Manugian will ask Mr. Collins to develop language for Charter Section 2-7(b) to make clear the intent of the present language to disallow other Town meetings to be scheduled during a time when Town Meeting is in session. This in reference to Mr. Schulman's noting that the current practice is for various bodies to assume to be in session at the Town Meeting.

Other Administrative Issues:

Mr. Giger noted the above discussion on Charter Section 2-7(b) and decision requires the assignment of a new submission number. Mr. Manugian said he would take care of it.

Mr. Giger said he will work on the re-numbering of sections and paragraphs in the revised Charter document he will be drafting in the next few weeks.

Mr. Schulman suggested re-numbering and style guide changes not be flagged as “changes” in the draft. There was a discussion on this subject. **A consensus emerged to not flag re-numbering or capitalization changes, but to definitely flag text changes.**

A discussion ensued about the need to tag changes in Mr. Giger’s new revised Charter draft to identify sources of changes and provide explanations/rationales for them. Sources could be meeting minutes or other documents.

Mr. Giger said he will not attempt to provide specific rationales for changes. The tags he will provide will actually be enumerated in a separate document. He provided an example in a one-page Appendix A, titled “Working Draft Change History”, passed out to Committee members.

Mr. Manugian said he will not be able to attend next week’s meeting, but it will be held.

Mr. Manugian directed Committee members to be prepared to review Mr. Giger’s completed draft revised Charter in three weeks at the August 3rd meeting.

The meeting was adjourned with unanimous consent at 9:06 PM.

**** The next meeting is scheduled for Wednesday, July 20th, at 7:00 PM. ****