

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

Meeting Minutes - July 20, 2016
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:

The draft meeting minutes of July 13, 2016 were considered. **Mr. Schulman moved the minutes of July 13, 2016 be accepted.** Mr. Giger seconded. The minutes were approved 4 – 0 with Ms. Allen and Mr. Collins abstaining due to absence from the meeting.

Administrative Issues:

Mr. Robertson 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 - none;
 - 8 submissions have been presented but not yet completed and are still being discussed by the Committee; 196 have been completed; there are a total of 204 submissions;
- Of the 196 completed,
- 54 submissions have been accepted by the Committee;
 - 128 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. Robertson announced no new submissions had been received in the last week, and therefore there were no more presentations to be scheduled for now.

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

Discussion of Previously Presented Submissions (# 42, 93, 82, 96 and 100):

Submission # 42, by Michael Manugian, proposed the creation of a Personnel Policy Negotiation Team which would include one member of the Finance Committee, one member of the BOS, one member of the Personnel Board and the Town HR Director. After submitting this Mr. Manugian had admitted to forgetting to add the Town Manager. The Team would prepare and approve any Town policy or procedure involving Town employees, whether elected, appointed or hired. The Team would also be involved in any union or other employee contract negotiation.

Mr. Collins: The only change he feels is being asked for is to add the Town Manager after "Human Resources". He is confirming this understanding with the Committee. There was also some question of eliminating the Finance Committee from the list.

Mr. Schulman asked what is being changed. It is not clear to him what in the Charter needs to be changed. There was some confusion on the part of the Committee as to what had been decided at earlier meetings and there was mention of deferring this issue to Mr. Manugian upon his return.

Mr. McCoy found the Committee's decision to create the Personnel Policy Negotiation Team at its January 20th, 2016 meeting.

Action Item #1: Mr. Collins will review past decisions, talk to Mr. Manugian, then draft what language change he feels the Committee is wanting.

Submission # 93: Mr. Collins had taken an action item at an earlier meeting to draft a preamble to Charter Article 3 explaining the rationale for how elected officials are treated in this article (some are discussed in detail, others not). He felt that the School Committee and the Groton Electric Light Department should be considered for removal from the Charter since they are both covered under separate legislation in the MGL.

Ms. Allen asked what elected boards or positions were not mentioned in Article 3. It was found that all elected offices are mentioned in the Charter, but some are elaborated upon in Sections 3-2 to 3-8, and the others are simply listed in Section 3-1.

Mr. McCoy said the Charter was really a blueprint for government of the Town, and it is not required to furnish every detail.

Mr. Collins then asked why there is an expanded treatment for some offices.

There was a consensus on the part of the Committee that the School Committee and GELD should continue to receive mention because both are very important to the Town even though neither is subject to Charter provisions.

Mr. Collins reiterated his willingness to write some new language for Article 3 for the Committee's consideration.

Mr. Giger proposed more discussion in the write-up on those elected offices only listed at present, in Section 3-1. The subject offices include the Board of Assessors, the Board of Health, the Park Committee, Water Commission, Sewer Commission and the Commissioners of the Trust Funds.

Ms. Allen commented it is important to document the number of members on each board.

Mr. Schulman said if the Charter is an educational document, it is important to put in more information. If not, then the number on a board does not need to be in the Charter – it can be in a Town by-law.

Mr. Giger informed the Committee the Annual Town Report mentions 13 elected offices, all but the Town Moderator.

Mr. Collins thinks some people have been a little insulted that some elected offices are not deserving of more mention in the Charter.

Action Item #2: Mr. Collins offered to draft language for the Committee reflecting Ms. Allen's suggestion of an approximately one-page listing of elected offices with some basic information on each one included.

Submission # 82, 96 and 100, by John Giger, proposed clarifying the definition of “officers” and “Town Officer”, the latter definition in Charter Section 1-9(l). Ms. Allen researched this subject for the Committee and presented a spreadsheet highlighting references to these terms section by section, throughout the Charter. Ms. Allen suggested that the term “Town officer” refer only to elected positions. Other uses of the term(s) should be removed or changed to “department head”, where this applies. In Charter Section 2-7 chairpersons of multiple body committees are considered to have status similar to “Town officers”, at least in the Town Meeting setting.

Mr. Schulman expressed the opinion a Town officer should only be someone elected.

Mr. McCoy considered all elected officers to be “Town officers”. He suggested a re-write of Charter Section 2-7(a) to make all of this clear.

Mr. Collins requested the Committee to address the central issue: What is a town officer?

Mr. McCoy said start with elected officers and add in others by looking at who has standing in Town Meetings. The present definition in Section 1-9 uses the words, “...exercises some portion of the sovereign power of the Town.”

Mr. Collins questioned why all departments, employees, etc., should have to attend Town meeting. For some it may not be necessary.

Mr. Giger cited the use of “town officer” in Charter Section 2-6 with respect to the power to initiate petitions for warrant articles for Town Meetings.

Mr. Schulman suggested changing the current definition in Section 1-9 to “employees of the Town.”

Mr. McCoy: The Oxford Dictionary defines officers as elected people and employees.

Ms. Allen: Town officers could include elected officials, department heads, committee chairs and employees.

Action Item #3: Ms. Allen offered to review the Charter's use of the term “Town officer” for its references to elected officials, employees and possibly appointed officials.

Discussion of Previously Presented Submissions (# 178 and 180):

Submission # 178, by the Charter Review Committee, proposes to allow changes to the Charter be presented to either Spring Town meeting or Fall Town Meeting. This submission mistakenly repeats Submission # 176, which was already discussed and decided in an earlier meeting.

Mr. Collins moved to dismiss Submission # 178 with no further change to the Charter. Mr. Schulman seconded. The motion was approved unanimously.

Submission # 180, by the Charter Review Committee, cites the provision in Charter Section 2-7(b) disallowing scheduling of Town body meetings during Town Meetings. Mr. Collins was asked last week to develop language 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 be in session at the Town Meeting. (Please refer to the minutes of July 13, 2016, Page 7.)

Mr. Collins is a little confused by this issue. He is concerned that meetings of committees convened inside of Town Meetings may violate the Open Meeting Law because they are not posted in advance.

Action Item #4: Mr. Collins offered to write something to replace the existing language in Section 2-7(b) to address the provision that meetings outside of Town Meeting are not permitted during Town Meeting. He would also pass this by Town Counsel to look at the OML issue for those committee meetings convened inside Town meeting.

Mr. Giger suggested Mr. Collins also consult with the Attorney General's office concerning the OML concern. They have a specific section which deals with OML questions.

Other Administrative Issues:

Mr. McCoy brought up an issue discussed in the last two weeks (Style Guide, Submission # 170) that in Charter Section 2-11 the word "comprised" had been misused. **Mr. McCoy therefore moved that the second sentence in the first paragraph, Line 7, begin as follows, "The written report for each Spring Town Meeting shall include the following ..."** Mr. Collins seconded. The motion was approved unanimously.

Mr. Giger said he sent out to all members in the last week a copy of the revised Charter reflecting decisions of the Committee through March 31, 2016.

Mr. Robertson said all members are planning to attend next week's meeting.

The meeting was adjourned with unanimous consent at 8:23 PM.

**** The next meeting is scheduled for Wednesday, July 27th, at 7:00 PM. ****

Exhibit: Spreadsheet regarding the term Town Officer prepared by Jane Allen, dated July 20, 2016.

Exhibit to Charter Review Committee
07-20-16 Meeting Minutes

Page	Paragraph	Reference	
C-2	1-8	Ethical Standards	elected officials, appointed officials, employees
C-3	1-9-6	Definations	Town Officer means elected
	2-1	Town meeting to Elect Town Officers	Leave
		Town meeting to include Election of Officers	Leave
C-4	2-6	Present warrant articles	Department heads and comitees
C-5	2-7	Town Officials same meaning as town Officers	omit "Officials"
		Mandate attendance at Town Meeting	omit town officer
		Choose a deputy for attendance	omit town officer
C-6	3.1	Refers to other elected Officers (no specifically named)	Leave
C-7	3.1.b	Sets Election date (annual ballot of Town Officers)	Leave
	3.1.d	Sets Compensation at Spring Town Meeting.	Leave
	3.1.e	Mandates consultation with BOS on request	town officers and department heads
C-8	3.1.g	Recall information	Leave
	3.1.g2/3/4/6/7	Recall wording	Leave
C-10	3.2.b.3	BOS to bring Agencies and Town Officers into harmoney	town departments
	3.2.b.4	BOS deligate authority for contracts and services	Employee?? Department head??
C-11	3.4.b	Town Manager is presiding officer	Leave
	3.4.d	Town Manager is presiding officer	Leave
C-12	3.9	Elected Officers have power and duties of their office	Leave
c-13	4.2.a	Town Manager manage and superise appointed Officers	Omit "appointed officers" replace with 'employees
c-14	4.2.c	Town Manager appoints and removes officers	same as above In two places
	4.2.g	Town Manage fixes compensation	omit "town officers"
	4.2.j	T Mgr enforcement of laws/by-laws TM regulations by him or officers or employees	omit "town officers"
C-16	4.4.b	During absence of T Mgr appointment of capable officer	change " town officer"to "employee"
C-17	5.2	Appointments and promotions of TOfficers by merit	change " town officer"to "employee"
	COMMENTS		
		In the current charter the words "town officers" include elected people as well as employees	
		I am suggesting that we change Town officer to include only elected members and reword the charter to say " Department Heads" where it applies.	



SOURCE: JANE ALLEN