

Charter Review Committee (CRC)

Town of Groton, 173 Main St., Groton, MA 01450 978-448-1111

Meeting Minutes - August 10, 2016

At Town Hall, 1st Floor Selectmen's Meeting Room, 173 Main St., Groton

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

Not present: Robert Collins

Recorder: Fran Stanley

Visitors: Judy Anderson, Anna Eliot, Peter Cunningham, Bob Coleman

Call to Order: Chair Michael Manugian called the meeting to order at 7:00 PM. Mr. Manugian stated that he is skipping the tally and asked members to review the August 3, 2016 draft minutes.

Approval of Meeting Minutes:

Ms. Allen moved to approve the draft minutes of August 3, 2016, as distributed. Mr. Robertson seconded. The minutes were approved 5:0 (Mr. Schulman abstained; Mr. Collins absent).

Presentations by Michael McCoy

Submission 1 – #184 was presented. This sentence authorizes the Selectmen to make the appointments that the Town Manager has nominated. Mr. Manugian said that this proposal seems to be another effort to standardize the Charter language between sections. Ms. Allen asked to have the discussion about use of the term officer and Mr. Manugian asked to defer this conversation until later in the meeting. On the substance of the change, Mr. Manugian asked if anyone has any issues or questions.

Mr. McCoy moved to add a sentence to the end of Section 3-2(d) along the lines of: “The Board of Selectmen shall also appoint department heads, officers, subordinates, employees, and other appointed members of town government that are nominated by the Town Manager, as provided in Section 4-2(c).” Motion seconded by Mr. Robertson.

Mr. Coleman questioned removal of Town Manager's role in the process. Mr. Manugian answered that this considered language names the process as it presently is done even though that process as described in the Charter is worded less clearly.

Mr. Cunningham asked what problem is this wording change intended to correct. Mr. Manugian answered that the wording of the Charter may have lacked clarity that this proposed language hopefully will address and satisfy. Mr. Giger commented that Town Counsel has stated that he or she who appoints also has the authority to remove that individual. A comment was made that if the Town Manager is not appointing, then it is clear that the Town Manager does not have the independent authority to remove an appointed person.

Ms. Eliot asked if the appointing authority of three in section C would be the Selectmen and is this change more confusing in 4-2(c). Mr. Schulman noted that he voted against this when this Committee voted on the change in the nominating and appointing language. However, Mr. Schulman stated that he views the changes to the process of removal of an employee as the more substantial change. Such a change could have negative consequences. Mr. Manugian directed the Committee's discussion away from continuation of the discussion regarding removal of employees and whether injection of politics into that decision may be harmful to the employee subject to removal. He asked those present to focus on the language being discussed, which applied to appointments.

The motion failed 2:4 (Mr. McCoy, Mr. Robertson voted in favor; Ms. Allen, Mr. Giger, Mr. Schulman, Mr. Manugian – voted against).

Mr. McCoy moved that the Committee adopt the substance of the Submission 1-184 proposed change. Motion seconded by Ms. Allen and motion carried 6:0 (Mr. Collins absent).

Action item for Mr. Schulman– draft the wording for #184.

Submission 2 - #185 was presented. Mr. McCoy is attempting to address the ambiguity of language.

Ms. Allen moved that the Committee dismiss Submission #185 with no changes taken. Mr. Schulman seconded. 5:1 (Mr. McCoy against; Mr. Collins absent).

Submission 3 - #186 was presented. If there are no appointments by the Town Manager says Mr. Manugian, then does it matter that a change is made here now.

Mr. McCoy responded that the Committee need not keep sexist language (namely, reference to “his”), and neither does the Charter need to retain reference to appointment by the Town Manager. Mr. Giger wondered if more consensus may need to be built before addressing this specific language. Mr. Manugian offered that the subject matter does appear settled. Mr. Giger then stated that he approves of the proposal to remove the reference to a Town Manager appointment.

McCoy moved to revise Section 4-2(f) to read “To conduct or review annual performance evaluations of all town employees subject to appointment by the Board of Selectmen”. Ms. Allen seconded and the motion carried 6:0 (Mr. Collins absent).

Submission 4 - #187 was presented. There is a repetitive aspect to the present Charter language regarding responsibilities of the moderator that Mr. McCoy attempts to address here. Ms. Allen recalled that the rationale for repetition was that one might look for responsibilities of the moderator in different places. Mr. McCoy proposes addressing the topic of moderator responsibilities one time and comprehensively in that single instance. Mr. Giger stated that he understands the rationale for two occurrences. Mr. Manugian asked whether there were other comments on merging the language. Mr. Robertson recommends merging the language by removing (d) and expanding the discussion in Section 2-2.

Mr. Schulman suggested other changes to clarify Section 3-4(d).

Mr. Giger moved to accept essence of 3-4(d) into Section 2-2 and eliminate 2.2 as it is presently arranged. Mr. McCoy seconded.

Ms. Eliot stated that the substance of the change proposed may have the unintended consequence of removing the position of deputy moderator as an elected position. Article 2 concerns the elected officials. Article 3 addresses a position of deputy moderator that has to be elected at the Spring Town Meeting. The distinction between electing by ballot versus electing by Town Meeting was discussed. Ms. Eliot questioned the wisdom of having the Committee discuss certain positions such as Town Moderator and deputy moderator without having the people serving in those roles in attendance at this meeting.

Ms. Allen moved to amend the motion on the floor by continuing to list the deputy moderator in Section 3-4(d), by retaining the first sentence in this section, even if much of the discussion and duties are addressed in Section 2-2. Mr. Schulman seconded.

Mr. McCoy advised that unless we need a separate section for deputy moderator, then fold the language into other appointed positions language. Mr. Manugian does not want to change this language. If changes are to be made, then keep the first sentence in as Ms. Allen proposed at the least.

The motion to amend carried with a vote of 5:1 (Mr. McCoy opposed; Mr. Collins absent).

The main amended motion carried with a vote of 3:2 (Mr. Schulman and Mr. Manugian opposed; Mr. Collins absent).

Action Item for Mr. McCoy: draft the wording related to the Submission 4-187 change.

Submission 5 - #188 was presented. Gender neutrality is the aim as is the desire to remove erroneous references to appointment by the Town Manager.

Mr. McCoy moved to revise Section 4-2(g) to replace the language “appointed by him” with the language “nominated by the Town Manager”. Ms. Allen seconded. Motion carried 6:0 (Mr. Collins absent).

Submission 6 - #189 was presented. Ms. Allen said that the difference between officer for a short absence and person for filling a longer absence was a deliberate choice of the original Charter committee drafters. Mr. Cunningham concurred.

Mr. McCoy moved to dismiss this submission without further action being taken. Mr. Robertson seconded and the motion carried 6:0 (Mr. Collins absent).

Submission 7 - #190 was presented. Extraneous and unnecessary language identified.

Mr. McCoy moved to strike phrase “utilize modern concepts of fiscal presentation so as to”. Mr. Robertson seconded and the motion carried 6:0 (Mr. Collins absent).

Submission 8 - #191 was presented. This reference to excessive absences was raised as unnecessary.

Mr. Manugian argued for the continued reference to excessive absences because excessive absences by employees or officers is a very important matter that merits such emphasis.

Mr. Schulman moved to dismiss Submission #191 without making proposed changes to the Charter. Ms. Allen seconded.

Mr. Cunningham approves of the language as it is presently written.

Motion carried 5:0 (Mr. McCoy abstained; Mr. Collins absent).

Other Business

Mr. Manugian referenced two emails he received – one from Mr. Robert Delaney (DPW Director) and another email sent by Mr. Schulman.

First, Mr. Manugian read Mr. Delaney's May 2, 2016 letter into the record. Mr. Robertson commented that this Committee has not initiated some of the proposed changes mentioned in the letter. With respect to the changing of the signatures needed to approve the payroll and expense warrants, Mr. Robertson said that this proposal was brought to them and it was endorsed by the Board of Selectmen. In Mr. Robertson's view, much of the Committee's work can be characterized as wordsmithing that has not resulted in restrictions of the responsibilities of the Town Manager.

Mr. Schulman addressed the perceptions of changes to power and authority in the Charter. Mr. McCoy asked if Mr. Delaney should be invited to address the Committee regarding issues such as the payroll and expense warrant issue. Ms. Allen suggested that the Committee's response to this letter should not preference one invitation over another person's input. Mr. Manugian said that there is already a mechanism in place to collect employee comments regarding the Charter. Also, there is an informational meeting planned. The Committee's draft redlined version of the Charter is made available to the public periodically.

Several Committee members stated that they did not understand the points Mr. Delaney raised in his document. The Committee agreed that Mr. Manugian will respond in writing to Mr. Delaney and offer him the opportunity to provide more specifics.

In the second matter, Mr. Schulman read the last meeting's minutes and saw that several motions failed by 3:3 ties. Mr. Schulman said that he recalled that the Committee agreed in advance as a Committee rule that it would bring forward tied motions for reconsideration at the next meeting to have full Committee attendance. Mr. Manugian asked how Mr. Schulman would like to address this matter. Mr. Schulman asked to defer such motions until the next full attendance meeting,

which is seven members. Mr. Manugian stated his intention to pull those two referenced tied motions and allow the mover to remake the motions at the next fully attended meeting.

Ms. Allen addressed “officers” language. Elected Officers language should be defined as elected officers and those appointed to fill an elected position. “Town Officers” refers to an employee responsible for a department. The third category was the chairman of a multiple member body but the Committee distinguished this last category as not strictly using the officer nomenclature.

Mr. McCoy stated that these definitions seem orthogonal, or separate and not congruent. Mr. Manugian said that if we talk about officers, then we are talking about elected officials and department heads.

Mr. McCoy suggested defining Town Officer as elected officials plus department heads. That definition would leave out appointed officers.

Mr. Manugian asked the Committee to accept an action item to start with the following definitions and see if they could replace the usage of the more general term Officer in the Charter:

Elected Official – individual elected by public ballot or at town meeting to an elected town position or the appointed temporary replacement for an elected position.

Department Head – individual responsible for management of a Town department.

Officer – an Elected Official or Department Head.

The “multiple member body” term was also cited but not included in the definition of Officer. Further, Ms. Allen and Mr. McCoy may meet to collectively review the Charter wording with respect to these terms.

Next meeting: August 17, 2016 at 7 pm.

Mr. Giger moved to adjourn at 9:01 pm. Mr. Schulman seconded and the motion carried 6:0 (Mr. Collins absent).

Exhibit: Letter from Tom Delaney to Charter Review Committee dated May 2, 2016, subject: Proposed Committee Charter Changes.



TOWN OF GROTON

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Exhibit Charter Review Committee 08-10-16 Meeting Minutes

Department of Public Works

Robert T. Delaney Jr.

DPW Director

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Jean Hommel

DPW Administrative Assistant

jhommel@townofgroton.org

May 2, 2016

Charter Review committee

RE: Newest proposed changes

Dear Members,

I have been reviewing and watching the proposed changes the committee has been considering and have grave concerns.

It is obvious that you are trying to take away, from the Town Manager, his authority to conduct the day to day operations of the Town. This function is the reason the charter was created in the first place. By design or incidentally, you are returning us to the way we were before the charter was enacted. As an employee for 30 years and a department manager for 23 of them, I do not want to back to where we were. We used to have to wait weeks for decisions or approvals to be able to do our jobs or manage our departments. An operation of this size needs one person to answer to and reading some of the changes you are considering, this is going to change.

You often make comments of some of the suggestions, if it is not broke why fix it, well that can be said of the majority of the proposals you have received. One example of this is the signing of warrants. I cannot count how many times I have had to go and search for signatures for a time sensitive item that needed to be processed, and I know I am not the only one. This is a functional item that is worthy of a change.

Please take another look at your changes, and your charge and do not make, or suggest changes, due to personality, but rather to how to make the town operate more smoothly. I can tell you from experience that operations on all levels are more professional and efficient than it has ever been.

I thank you for your hard work and if we see changes, I hope they will benefit the residents and managers to make operations run more smoothly.

Sincerely

Robert "Tom" Delaney
Director of Public Works

