

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

Meeting Minutes - August 31, 2016
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: Judy Anderson

Call to Order: Chairman Manugian called the meeting to order at 7:01 PM.

Approval of Meeting Minutes:

The draft meeting minutes of August 24, 2016 were considered. **Ms. Allen moved to accept the minutes of August 24th as written.** Mr. Schulman seconded. The motion was approved unanimously with Misters Collins and Schulman abstaining due to absence from the meeting.

Administrative Issues:

Mr. Manugian announced there were three submissions left to complete. The last of these is the rewrite of Article 8 in the Charter, Transitional Provisions. This task is being saved until all else is finished so that accurate and appropriate transition language can be developed.

Mr. Manugian referred to the 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 - 0;
- 3 submissions have been presented but not yet completed and are still being discussed by the Committee; 213 have been completed; there are a total of 216 submissions;

Of the 213 completed,

- 62 submissions have been accepted by the Committee;
- 137 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 asked if there were any further (new) reconsiderations requested by the Committee. None were requested.

Discussions of Submissions # 184, 187 and a Committee Proposal:

Submission # 184 by Mr. McCoy, proposes to develop language in Charter Section 3-2(d) for the appointment by the BOS of department heads, officers and other employees nominated by the Town Manager. New language was adopted in Section 4-2(c) for the Town Manager to nominate candidates for such positions. Mr. Schulman will develop language for this submission and bring it to the Committee next week.

Submission # 187 by Mr. McCoy, proposes to modify Charter Section 3-4(d) titled “Deputy Moderator” and merge a portion of it with Section 2-2 titled “Presiding Officer” (of the legislative branch) for purposes of clarity and consistency. Mr. McCoy brought new language, tonight for both affected sections.

Mr. Collins commented the new language was much clearer.

Mr. Schulman questioned the fact that the old and new language seem to limit the appointment of the Deputy Moderator to only the Spring Town Meeting.

Mr. Collins remembers earlier meetings when the Deputy was appointed and believes some of them may have been other than the Spring Town Meeting.

Mr. McCoy asked what does “as provided by law” say about appointing a backup moderator if the Moderator, Deputy Moderator and the Town Clerk are all not present.

The MGL were consulted and it appears that Chapter 39, Section 14 provides a procedure.

Mr. Robertson moved to approve the new language, as written, for both Sections 2-2 and 3-4. Ms. Allen seconded. Please refer to Mr. McCoy’s proposal to the Committee, attached to these minutes.

Mr. Collins asked if the Committee should adopt a modification to the language in Section 2-2(b), first line, providing for the possibility of appointment of the Deputy Moderator at other than a Spring Town meeting. The consensus of the Committee was that it was not necessary to address this in the Charter language.

A vote was taken on the motion regarding new Sections 2-2 and 3-4 and it was approved unanimously.

Committee Proposal: In an earlier meeting it was noted that language in Charter Section 3-1(e), providing that town officers were subject to the call of the BOS or the Town Manager at reasonable times, was silent as to appointed officers and multiple member bodies being subject to call. Mr. McCoy provided language at the meeting which would address this problem in the Charter.

Mr. Manugian stated the new section needed a title: “Coordination”, and needed “town officers” to be replaced by “elected officers”.

Mr. Schulman said it was necessary to go beyond appointments made by the BOS itself and to include those appointed by other boards as well.

Mr. Manugian asked if anyone objected to the idea that the BOS have access to all appointed personnel.

Mr. Giger said the possibility of one-person appointments (as opposed to multiple member boards) should also be included.

Mr. Manugian added the Town Manager should have the same access, to the same people.

Mr. McCoy suggested to add “or other appointees” at the end of Line 4 of his language.

Mr. Robertson moved to accept Mr. McCoy’s new language for Section 3-1(e) with changes noted from the previous discussion, as stated below. Mr. Collins seconded. The language is as follows:

Section 3-1: General

“(e) Coordination – Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the Board of Selectmen or the Town Manager, at all reasonable times, for consultation, conference, and discussion on any matter related to their respective offices. Similarly, multiple member bodies or other appointees shall be subject to the call of the Board of Selectmen or the Town Manager, at all reasonable times, for discussion on any matter related to their respective offices.”

A vote was called and the motion was approved unanimously.

Charter Change Audit of Revised Charter Version 0.4, issued August 1, 2016 (continued from the last meeting):

Mr. Manugian had explained previously the Committee is now looking at all the changes approved over the last year, placed in a new revised Charter draft. The Committee will review and discuss all changes from a content point of view and the way changes fit into the overall Charter document. This work was begun at the last meeting and will continue beginning at Page 17.

Page 17 - Line 694, Section 4-4(b): replace “a capable officer of the town” with “an elected officer or department head”.

Page 18 - Lines 711-715, Section 4-5: delete numbers in parentheses after spelled numerals throughout.

Line 715: replace “1” at the end of the line with “one”.

An issue was raised by members that the intent of the paragraph was to limit Board of Selectmen and Finance Committee membership on the final Screening Committee to one for each body, however, the present new language actually would permit the possibility of many more such members. The main concern of this issue is to avoid a disproportionate weighting of the Screening Committee with Selectmen or Finance Committee members, and give it, instead, a broader representation.

Mr. Collins moved to add a clause at the end of Line 717 as follows: “and the resulting committee shall not have more than one member of the Board of Selectmen or one member of the Finance Committee.” Mr. Schulman seconded.

Mr. McCoy is a little concerned that this provision may give one board an opportunity to block another board's own designee of the best person for the job.

Mr. Collins pointed out the present language allows the possibility of five members of the Screening Committee to be all five Selectmen.

Ms. Allen and Mr. Robertson said the bigger concern is to make more it likely that the better inside people on the boards get the opportunity to be on the Screening Committee and ask the hard questions.

Mr. Schulman disagreed saying the Screening Committee chooses the candidates and the Board of Selectmen asks the hard questions of candidates. History has shown that the Screening Committee has chosen some very good candidates. The last time the Screening Committee for the Town Manager's position looked at 50 candidates. They interviewed 12 and recommended five. Mr. Schulman said of those five candidates, three were judged good enough by the BOS to be accepted.

Another point was brought up that some felt the Board of Selectmen and Finance Committee members on the Screening Committee should represent their own board's opinions, not just their individual opinion. There was not agreement on this point.

Visitor Ms. Anderson asked if it was possible for there to be no Board of Selectmen or Finance committee members represented on the Screening Committee. The answer was, yes, it was possible, although very unlikely.

A vote was held on Mr. Collins' motion and it was approved unanimously.

There was next a specific discussion on the language just approved for Line 717. The concern was it did not provide for the fact that the Screening Committee's personnel could possibly change over the course of its work due to the departure of personnel, and again there could be the possibility that replacement personnel could violate the intent of the new wording by adding another BOS or Finance Committee member.

Mr. Collins moved to replace the earlier voted addition at the end of Line 717 with the following language: "At no time shall the Screening Committee contain more than one member of the Board of Selectmen or one member of the Finance Committee." Mr. McCoy seconded.

A vote was taken and the motion to replace was approved unanimously.

Page 18 Line 730, Section 4-5: replace "60 days" with "90 days (60 days are not sufficient).
 Lines 731-2: delete the numerals "(3)" and "(5)".
 Line 733: replace "45 days" with "60 days".

Page 19 - Line 754, Section 5-2: delete "town officers and".
 Line 779: ok as written.

Page 20 - Lines 786-90, Section 5-3(d): ok as written.

Page 21 - Lines 832-40, Section 5-4 (h): ok as written and deleted.
Lines 848-49, Section 5-5: ok as written.

Line 850: add new Section 5-6, Personnel Board (former Section 3-10 at Line 534; see minutes of August 24, 2016).

Line 865, Section 6-1.25: replace “is” with “as”.
Lines 858-74: ok as written.

Page 22 - Lines 876-98, Section 6-2: ok as written.

Page 23 - Line 914, Section 6-3: add “Committee” after “Finance”.
Lines 910-14: otherwise ok as written.
Line 915: delete “utilize modern concepts of fiscal presentation so as to”.

Page 24 - Lines 957-60, Section 6-6: ok as written and deleted.
Lines 983-92, Section 6-7: delete all language (repeated from Section 6-9).

Page 25 - Line 994: delete whole line.
Lines 996-1013, Section 6-8: move this section language to Line 868, between Sections 6-1.25 and 6-1.5.

Line 998: replace “are” with “as”.
Line 1006: replace “Article 6” with “Section 6-5”.
Line 1010: delete “with the town’s” (repeated).

Line 1025, Section 6-9: replace “member” with “members”.
Lines 1027-30, Section 6-10: delete the whole section (the Committee reconsidered this and decided not to revise the Charter).

Page 26 - Line 1066, Section 7-6: ok as written.
Line 1073: replace “and” with “or”.
Lines 1076-77: ok as written.

Page 27 - Lines 1109-14, Section 7-10: ok as written.

Mr. McCoy: Article 8, Transitional Provisions, starting at Line 1117, will address the redefining of who makes appointments under the new revised Charter. A rewrite of this article will be necessary to delete the old provisions attached to the original Charter, no longer needed, and add new provisions to ensure previously, but more recent appointments made under the Charter being revised will still be in force.

Mr. Schulman expressed concern that the employee contracts recently made refer to the Town Manager as “the employer”. Is this a problem?

Action Item #1: Mr. Schulman will review language in employee and union contracts and will assess the impact of change in new language from “appoint” to “nominate” in Section 4-2, as it relates to the perception of the Town Manager as “employer”. Mr. Schulman will also examine

the effects of change in termination language (same section), since this was changed substantively in the new revised Charter.

Action Item #2: Mr. Collins offered to rewrite language for Article 8 for the Committee to consider at a future meeting, when the above-mentioned issues have been resolved.

This completed the Committee's first review of the new revised draft Charter.

Other Administrative Issues:

Mr. Giger said he would present a list of unresolved action items from previous meetings at the next meeting.

Mr. Collins said he will bring in some undecided language proposals he has been working on.

Ms. Allen said she would be unable to attend next week's meeting. `

The meeting was adjourned with unanimous consent at 9:00 PM.

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

Exhibits:

- A. Proposal to modify Section 3-1(e), submitted by Michael McCoy
- B. Proposal to modify Sections 2-2 and 2-4, Submitted by Michael McCoy

Exhibit A to CRC Minutes of 08-31-16

Charter Review Committee
Proposal to modify Section 3-1(e)

Section 3-1: General

(e) Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the Board of Selectmen or the Town Manager, at all reasonable times, for consultation, conference, and discussion on any matter related to their respective offices. Similarly, multiple member bodies appointed by the Board of Selectmen shall be subject to the call of the Board of Selectmen or the Town manager, at all reasonable times, for discussion on any matter related to their respective offices.

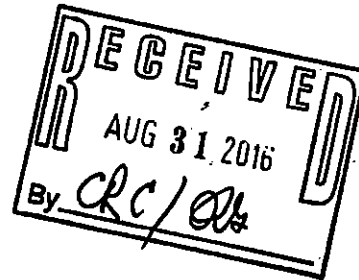
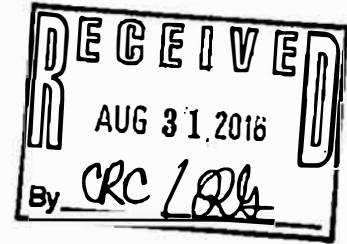


Exhibit B to CRC Minutes for 08-31-06

Charter Review Committee
Proposal to modify Sections 2-2 and 3-4



Section 2-2: Presiding Officer (proposed)

(a) The Moderator, elected as provided in section 3-4, shall preside at all sessions of Annual and Special Town Meetings. The Moderator, at all town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by law, this charter, by-law or other vote of the town meeting.

(b) The Moderator shall, at the first session of the spring town meeting, appoint a Deputy Moderator, subject to ratification by the Town Meeting, to serve at any session of an annual or special town meeting in the event of the Moderator's absence or disability. The Deputy Moderator may also temporarily serve when the Moderator has a conflict or the appearance of conflict arises, as determined by the Moderator, with regard to a particular article or matter under consideration.

(c) In the absence of the Moderator and the duly ratified Deputy Moderator at any session of a Town Meeting, the Town Clerk shall open the meeting and preside over the election of an acting moderator. In the absence of the Moderator, the Deputy Moderator, and the Town Clerk, the presiding officer of the first session of a town meeting shall be determined as provided for by law.

Section 3-4: Moderator (proposed)

(a) Term of Office - There shall be a Moderator elected for a term of three years.

(b) Powers and Duties - The Moderator shall be the presiding officer of the town meeting, as provided in section 2-2, and shall regulate its proceedings and perform other duties as may be provided by law, this charter, by-law or other town meeting vote.

(c) Appointments - The Moderator shall make appointments provided for by law, this Charter, or by-law.

(d) Deputy Moderator - At the first session of the Spring Town Meeting, the Moderator shall, in accordance with section 2-2, appoint a voter to serve as Deputy Moderator.