

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

**Meeting Minutes - September 14, 2016**  
At Town Hall

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

**Not present:** Robert Collins

**Recorder:** Stephen Legge

**Visitor:** Peter Cunningham (BOS)

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

**Approval of Meeting Minutes:**

The draft meeting minutes of September 7, 2016 were considered. Mr. McCoy offered several edits of section number references on Pages 3 and 5. **Mr. Schulman moved to accept the minutes of September 7th as amended.** Mr. Robertson seconded. The minutes were approved 5 – 0 with Ms. Allen abstaining due to absence from the meeting.

**Administrative Issues:**

There are two remaining submissions which have been presented but not yet completed and are still being discussed by the Committee; 214 have been completed; there are a total of 216 submissions.

Mr. Manugian sent Committee members a draft list of all 14 submissions which were referred to other town government boards and committees on September 12<sup>th</sup> (one page). The draft included the suggestion approved by the committee and the date(s) of the meeting at which the matter was voted. This fulfills an action item from the last meeting.

Mr. Manugian asked if there were any further (new) reconsiderations requested by the Committee. None were requested.

**Discussion of Submission # 184, Appointment and Removal of Department Heads and Volunteers:**

Submission # 184 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 in an earlier meeting. In last week’s meeting the Committee decided to modify

this language, handling paid members of town government in one manner and volunteer members of town government in a different manner. Mr. McCoy developed new language for the last three motions approved by the Committee concerning the Town Manager's role in the nomination, appointment and removal process of various town personnel classifications, in current Charter Section 4-2(c).

**Mr. McCoy moved to accept the proposed language as follows:**

**“4-2(c) To appoint and remove department heads, employees, contractors and other paid members of town government for whom no other method of appointment and removal is provided in the Charter or by-law. Appointments made by the Town Manager shall be confirmed by the Board of Selectmen within 15 days of the date the Town Manager files notice of the action with the Board of Selectmen. Failure by the Board of Selectmen to confirm an appointment within 15 days shall constitute rejection of the appointment.**

**4-2(d) To nominate for appointment or removal volunteer members of town government for whom no other method of appointment or removal is provided in this Charter or by-law. Nominations for appointment or removal made by the Town Manager shall be confirmed by the Board of Selectmen within 15 days of the date the Town Manager files notice of the action with the Board of Selectmen. Failure by the Board of Selectmen to confirm a nomination within 15 days shall constitute rejection of the nomination.”**

Ms. Allen seconded the motion. Mr. Robertson questioned in Paragraph (c) why contractors were specifically mentioned since he was concerned that this language might conflict with contractual language. Mr. Manugian answered “for whom no other method of appointment or removal is provided” takes care of this concern. If there is a contract governing the relationship with the town, that would take precedence. It was further agreed that any 1099 workers were basically the same as contractors.

A vote was taken and the motion was approved unanimously.

### **Discussion of Charter Article 8, Transitional Provisions:**

This is the last submission remaining to be decided by the Committee. At last week's meeting it had been determined that Town Counsel was of the opinion that the language in the current Charter was still appropriate for the revised Charter. Mr. Collins had also agreed with that position.

Mr. Manugian asked the Committee if anyone thought additional matters needed to be added, changed or deleted with respect to Article 8. There were none offered.

**Mr. McCoy moved to leave Charter Article 8 as it was in the current Charter.** Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

### **Discussion of Presentation of Charter Review Status at Fall Town Meeting:**

Mr. Manugian posed the question, should the Committee present a status of the Charter review at the Fall Town Meeting. Mr. Schulman thought it should be done, but kept brief. There was a general consensus in agreement with this position.

**Action Item #1:** Mr. Manugian will draft a presentation for Fall Town Meeting, to be discussed at the next meeting of the Committee. Fall Town Meeting is scheduled for Monday night, October 17<sup>th</sup>.

## **Discussion of the Draft Revised Charter Report for the 2017 Spring Town Meeting:**

Mr. Manugian asked members to focus on making the draft report outline complete. He then went through the table of contents for the report on Page i, explaining the reasons for including each item.

The first three appendices include a clean copy of the revised Charter, a copy of the revised Charter with changes flagged, and the current Charter.

Mr. Giger suggested adding an explanation of the Committee's decision process for determining the content of the revised Charter. All agreed this was a good addition.

Ms. Allen asked for line numbers on the clean copy of the revised Charter (Appendix A). Mr. Robertson agreed, saying it would expedite discussion at Town Meeting.

Mr. Schulman questioned how this document would be distributed since the number of pages (with three copies of the Charter included) would be quite large.

Mr. Giger asked which changes would be flagged, and which not flagged.

Mr. Manugian said all word changes should be flagged. He strongly suggested renumbering changes not be flagged so as to make the document easier to read. He also suggested that changes in capitalization not be flagged. He suggested that any replacement of a single digit number with the word for that number be flagged.

Mr. McCoy felt that all three copies of the Charter should have line numbers. He proposed that different numbering ranges be assigned to each appendix so that there would be no repetition of numbers and therefore less confusion.

Mr. Manugian proposed that all discussion at Town Meeting be focused on Appendix B, the flagged revised copy. This would reduce confusion caused by hopping from one version of the Charter to another in the course of discussion. Mr. Schulman agreed Appendix B would be the best copy for discussion purposes.

Mr. McCoy suggested not presenting Appendix A, the clean revised copy, in the handout to avoid the temptation of using it in discussion.

Mr. Manugian said we need to comprehensively explain all we did, but sticking to the main issues. It would be too much to try to explain every change.

Ms. Allen also felt the revised flagged version of the Charter should be used at Town Meeting, and suggested the other two versions not be handed out at the meeting; instead they should be made available at a later time for people to look over at their leisure.

Mr. Giger asked if he should present or remove tags which provide references to minutes and decisions justifying the revisions made.

Mr. Manugian felt it best to remove the tags and keep it simpler for presentation and discussion purposes at Town meeting.

Mr. Robertson thought it would be helpful to retain the tags for CRC discussion purposes, however. All members agreed with Mr. Robertson's point on this but that the tags should be removed from the published version of the revised Charter.

It was agreed by all that there should be no flagging of capitalization changes.

There was some discussion of how to deal with the old and new section numbering systems in the flagged draft revised Charter. Agreement was reached to use the new numbering system, and not the old system in the draft presented at Town meeting to avoid numbering confusion caused by the addition or deletion of numbered sections of the old Charter.

Mr. McCoy suggested generally to work and fine tune the presentation convention for the draft revised Charter to be used at Town Meeting. He specifically suggested section titles at the top of each page to help people find a place in the document.

Summarizing, it was agreed the flagged draft revised Charter would have no tags (references to sources); the new numbering system would be used, except that deleted portions will show the old (current) section numbering system; all word changes would be flagged; any changes from a numeric to a spelled out version of a number or vice versa would be flagged and capitalization changes would not be flagged.

**Mr. Robertson moved that all three documents (Appendices A, B and C) be presented at Town meeting.** Mr. Schulman seconded.

Ms. Allen said it would be too much paper and would serve to confuse people trying to follow a discussion. Mr. McCoy suggested making Appendix A the flagged draft revised Charter, Appendix B the current Charter and Appendix C the new clean (unflagged) revised Charter.

A vote was taken and the motion was approved 5 – 1 with Ms. Allen voting no.

**Mr. Giger moved to order the first three appendices as follows: Appendix A, a clean copy of the draft revised Charter; Appendix B, the flagged draft revised Charter; and Appendix C, the current Charter.** Mr. Robertson seconded.

Ms. Allen advised strongly against this - she felt it made more sense to put the flagged version first as Appendix A because it is the one that will be used in Town Meeting.

Mr. Manugian said the outline agreed to tonight is for the definitive document to be used for reviewing the Committee's proposed changes. It is not necessarily what will be given out at Town Meeting.

A vote was taken and the motion was approved 4 – 2 with Ms. Allen and Mr. McCoy voting no.

Discussion returned to the remainder of the outline. Mr. McCoy proposed to delete Appendix F, a list of Committee members, and incorporate it into the introduction.

Mr. McCoy asked what is to be done with the section under “Town Government” on the Groton Dunstable Regional School Committee. Mr. Manugian explained he would assume responsibility for drafting this section. He stated that among other things, the explanations in this section would attempt to clear up the many misconceptions voters, including the Committee, had about the actual operation of Town government.

Mr. Manugian asked who is going to help fill in the sections under the outline. He emphasized this report is the primary document for government and public review of the Committee’s final results and recommendations. It needs to be drafted in the next two weeks, by Wednesday, September 28<sup>th</sup>. This document is on the critical path.

Sections drafted will be due to Mike for his review by Monday, September 26<sup>th</sup>. They will be distributed to members on Tuesday, September 27<sup>th</sup> ahead of the Wednesday meeting.

**Action Item #2:** Mr. Manugian invited members to offer to help draft sections of the final report for government review and the public. Those who do will need to complete their draft by Monday, September 26<sup>th</sup>.

Mr. McCoy asked if the Style Guide (Appendix G) is worthwhile to present. All agreed it was.

### **Other Administrative Issues:**

Mr. Schulman questioned Item #1 on tonight’s agenda for Open Items for Future Meetings. He asked if it is a good idea to present reasons we proposed changes to the charter. Those present concluded it was a good idea.

At next week’s meeting Mr. Giger will offer a new draft revised Charter, reflecting all changes resulting from decisions of the Committee to date. Chairman Manugian said the meeting will be dedicated to a comprehensive review of this document.

**Action Item #3:** Mr. Manugian will find out if the Charter Review Committee will be permitted to give a presentation of status at the Fall Town Meeting on Monday, October 17<sup>th</sup>.

**The meeting was adjourned with unanimous consent at 8:44 PM.**

**\*\* The next meeting is scheduled for Wednesday, September 21st, at 7:00 PM. \*\***

**Exhibits:**

- A. Email message from Michael McCoy, dated September 14, 2016, subject: Proposed Modification for Section 4-2(c).
- B. Draft List of Proposed Referrals from Michael Manugian, dated September 12, 2016.

**John Giger**

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**From:** michael@riyality.com  
**Sent:** Wednesday, September 14, 2016 16:27  
**To:** Michael Manugian; Bud Robertson; Jane Allen; Stuart Schulman; Robert Collins; John Giger; Steve Legge; Michael McCoy  
**Subject:** Proposed modification for Section 4-2(c)

Charter reviewers:

Here is the proposal for modifying the current Section 4-2(c) of the Groton Charter to distinguish the Town Manager's responsibilities with respect to town employees and volunteers.

I'll bring copies of this language to tonight's meeting.

*(c) To appoint and remove department heads, employees, contractors, and other paid members of town government for whom no other method of appointment or removal is provided in this Charter or by-law. Appointments made by the Town Manager shall be confirmed by the Board of Selectmen within 15 days of the date the Town Manager files notice of the action with the board of selectmen. Failure by the Board of Selectmen to confirm an appointment within 15 days shall constitute rejection of the appointment.*

*(d) To nominate for appointment or removal volunteer members of town government for whom no other method of appointment or removal is provided in this Charter or by-law. Nominations for appointment or removal made by the Town Manager shall be confirmed by the Board of Selectmen within 15 days of the date the Town Manager files notice of the action with the Board of Selectmen. Failure by the Board of Selectmen to confirm a nomination within 15 days shall constitute rejection of the nomination.*

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**Exhibit B to Charter Review Committee**  
**09-14-16 Meeting Minutes**

**Town of Groton Charter Review Committee**

**DRAFT List of Proposed Referrals**

Each of the following suggestions was approved by a majority of the members of the Town of Groton Charter Review Committee.

<i>Refer to</i>	<i>Suggestion</i>	<i>Date Voted</i>
Cable Advisory Committee	One citizen feels that prices are too high and movie offerings too old and limited.	Apr 27, 16
Charter Review Committee	Specify who is allowed to vote in town affairs. In order to vote in Town meeting or ballots a citizen's name must appear in the list of registered voters of the Town of Groton.	Jun 8, 16
Selectmen	Consider adding a formal professional development process for the Town Manager.	Oct 7, 15
Selectmen	Consider adding a formal professional development process for Town employees.	Oct 7, 15
Selectmen	Consider adding the position of public relations specialist.	Oct 7, 15
Selectmen	Consider adding a customer satisfaction component to the Town Manager's review wherein citizens may comment on their experience with the Town Manager and Town Hall.	Mar 30, 16
Selectmen	Suggest allowing citizen participation in the Town Manager's review process.	Mar 30, 16
Selectmen (Public Records)	Publish all audit reports on the Town web site.	Nov 18, 15
Selectmen (Public Records)	Consider posting the list of requirements and responsibilities for all Town committees.	Mar 9, 16
Selectmen (Public Records)	Clarify how people may obtain access to the Town Manager's review.	Mar 30, 16
Selectmen (Public Records)	Indicate the appointing authority for every Town Committee.	Mar 30, 16
Selectmen (Public Records)	Publish all town rules and regulations on the Town web site.	Apr 13, 16
Selectmen and Finance Committee	Suggest that the Finance Committee deliver an annual benchmark report on the state of Town finances.	Oct 21, 15
Town Moderator	At the start of Town Meeting announce who the acting department and committee heads are so voters know who is representing each department or committee.	May 4, 16