

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

**Meeting Minutes - October 26, 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:** Judy Anderson, Peter Cunningham (BOS), John Petropoulos (BOS)

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

**Approval of Meeting Minutes:**

The draft meeting minutes of October 19, 2016 were considered. **Mr. Schulman moved to accept the minutes of October 19th.** Mr. Giger seconded. The minutes were approved 4-0 with Mr. Robertson abstaining and Mr. McCoy abstaining due to absence from the meeting.

**Administrative Issues:**

Mr. Manugian read an email from Russell Harris, dated October 9, 2016, requesting him to participate in an interview by the Groton Herald to discuss the status of the Charter Review proceedings.

Mr. Schulman said it sounded like a good idea. Would it make sense to have the interview closer to Spring Town meeting? Is a meeting earlier and another later possible?

The Committee agreed to allow Mr. Manugian to do this, and also request another interview closer to Spring Town meeting. This would provide an opportunity for the Committee to present a summary of its latest draft changes now and to present its final recommendations prior to Spring Town Meeting.

Mr. Manugian also said Jane Bouvier had provided an open invitation for the Committee to appear on "Around Town". Mr. Manugian asked who should go. It was agreed Mr. Manugian and Mr. McCoy would represent the Committee.

**Discussion of Mr. Petropoulos' Emailed Charter Question:**

Mr. Manugian next read an email to the Committee from John Petropoulos, dated October 22, 2016. Mr. Petropoulos felt that the Charter should provide guidance as to the relative

responsibilities and duties of the Principal Assessor and the Board of Assessors. He asked the Committee to add language to the Charter to cover this.

Mr. Manugian cautioned the Committee to consider the precedent that would be set by accepting Mr. Petropoulos's submission. Submissions from the public had been accepted on two earlier occasions in the last 15 months and the last submission period had ended. He said if we decide to consider the request, we would need to allow anyone to make new submissions and that we would need to publicize this. Mr. Manugian asked the Committee to specifically consider this issue in response to Mr. Petropoulos's email.

Mr. Giger asked if we would consider a question like this in an open public hearing. Ms. Allen suggested waiting to hear Mr. Petropoulos' question in the public hearing to be held in the near future. Mr. McCoy agreed with the ideas of postponing discussion to the public hearing.

There then ensued a discussion of what a public hearing is and what are the reasonable boundaries, if any, to be placed on discussions at the hearing.

Mr. McCoy commented that all of our meetings are open and public. So why not discuss the issue now?

Mr. Manugian reminded that our process must be consistent and fair to all. Furthermore, we have an obligation to the public to bring our revision of the Charter to a conclusion and not have an indefinite open discussion of all possible changes.

Mr. Schulman favored postponing the discussion of Mr. Petropoulos' email to a public hearing, or, at the earliest, posting it for discussion in the next scheduled meeting.

Mr. Giger stated it would be unwise to postpone this discussion to the next Charter review process ten years down the road.

**Mr. McCoy moved to discuss Mr. Petropoulos' proposal this evening.**

Mr. Robertson seconded.

Mr. McCoy suggested we classify Mr. Petropoulos' question a reconsideration.

Mr. Manugian commented this was a legalistic means to circumvent our concern. There remains the consideration of fairness to others. Mr. Manugian tried to make clear, he was not against the issue or opposed to considering it, but was concerned about fairness to all.

Mr. McCoy asked will people at Town Meeting make new proposals, and how will we deal with that?

Mr. Manugian countered the Committee's decisions are one thing and Town Meetings are something else. We have no control over the latter. The Committee's final public hearing has the purpose of presenting the Committee's final recommendations as preparation for Town Meeting.

Mr. Giger asked if we can/should limit the consideration of additional proposals to new material only.

It became clear from this discussion that the rules by which the public hearings are to be conducted may be very important.

Mr. Manugian stated his concern that Mr. McCoy's motion breaks our Committee's rule (timing of public submissions).

**Mr. Schulman moved to amend the motion to discuss Mr. Petropoulos' proposal to add language to the Town Charter, related to the Board of Assessors, to the meeting scheduled November 9<sup>th</sup>.**

Mr. McCoy seconded.

Mr. Robertson felt new submissions should be new material only.

Visitor Mr. Cunningham commented that since the Assessors are an elected board, they should have the opportunity to be notified in advance about this proposal and participate in a public discussion directly affecting what might become a Charter revision.

A vote was taken on the amendment and it was approved unanimously.  
The amended motion was voted and approved unanimously.

The Committee then agreed that it would accept additional submissions from the public between now at least the date on which the Committee would present its draft recommendations to the public. The Committee did not decide on a precise end date for submissions. The Committee also agreed that only submissions for concerns which had not already been discussed would be considered.

**Action Item #1:** Mr. Manugian said he would put the discussion of Mr. Petropoulos' email on the agenda for the November 9<sup>th</sup> meeting, thereby giving two weeks' notice. He also agreed to draft a press release, at Mr. Manugian's request, to inform the public of the Committee's decision to offer another deadline for submission of new change proposals to the Revised Charter.

Mr. Petropoulos thanked the Committee for considering his request and for its vigorous discussion of what is a fair and appropriate process for the public as well.

### **Continuation of Administrative Issues:**

Mr. Manugian reported on his discussion with Michael Bouchard, Town Clerk, regarding the mechanics of publishing the approved revised Charter for the Town. Mr. Bouchard stated that the Charter is combined with the Town By-laws and other governing documents and is published by as a single document entitled the Groton Code. The company which does this is called General Code. The Committee had been concerned that its new format, style guide and numbering system might not be supported by this publishing process. Mr. Bouchard's response felt that the new formatting would most likely be supported.

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

### **Consideration of the Committee's Tie Vote Procedure:**

At the last meeting there was a 3 – 3 tie vote. The Committee's agreed procedure was to re-vote such an issue at the next meeting of the full committee (seven members present).

Mr. Manugian said Robert's Rules of Order do not have such a provision; a tie vote fails and that is the end of it.

**Mr. Manugian asked for a reconsideration of the Committee's rule.** He favors reverting to Robert's Rules. Mr. Giger seconded the motion to reconsider.

Ms. Allen: We are near the end of our process to present the revised Charter. It is late to make such a change in our rules.

Mr. Schulman: The full committee should be present to consider a rule change.

Ms. Allen moved the question (to reconsider). A vote was taken and it was approved unanimously to end debate.

A vote was taken on the motion to reconsider the rule change and it failed 2 – 4 with Misters Giger and Manugian voting yes.

This will be brought up again when all members are present.

### **Continuation of the Discussion of Draft Revised Charter, Version 0.8-3, (MSWord version used):**

This updated version of the Charter has a new numbering system for articles, sections, subsections and paragraphs. There also is a clean version of the revised Charter, i.e., it has no flagging of changes.

The Committee reviewed and edited the beginning of the document last week. At that time the term "Town Officer" was replaced by new definitions for "Elected Officer" or "Officer"; "Appointed Official" and "Department Head". Ms. Allen had agreed, after the votes, to search for the usage of "Town Official" in the current Charter in order to test the appropriateness of the new approved definitions.

As a result of this research, Ms. Allen recommended for Section 1.8, Ethical Standards and Conduct, to insert the words "Appointed Officials" after the phrase "Elected Officers" on the first line. The Committee agreed by consensus.

Additional editing was done on Section 1-8 on Lines 32 and 35-36:

**Mr. Schulman moved the repeated phrase "Elected officers, employees and volunteers of the Town" be replaced with "Such individuals"**. Ms. Allen seconded. The vote was unanimous to approve this change.

Lines 45 & 46: punctuation errors.

Line 64: capitalize “article”.

Line 71: Insert “Annual” before “Town Meeting”.

Line 82: replace the colon with a comma.

Line 83: delete editorial “(changes not marked in this section)”

Line 84, Section 2.2.1: delete colon after “3.4”; replace “session” with sessions”.

Line 85: remove the first two commas in the line.

Line 92: insert “of interest” after “conflict”.

Line 93: replace “conflict” with “a conflict of interest”.

Line 114: replace (c) with “2.6.3”.

Line 173: replace hyphen with a space.

Line 186: delete editorial “(changes not marked)”; keep bulleted list; remove indefinite articles on the list.

Line 212: the phrase “Town officers” has no definition.

Lines 225-26: delete the phrase “in accordance with Section 7.9:”.

Lines 237-38, Section 3.1.7.1: Mr. McCoy prefers gender neutral language for this section.

**Mr. Schulman moved to replace Section 3.1.7.1 with the following language: “Any elected officer may be recalled if the election occurs more than six months from the end of the officer’s elective term.”** Mr. McCoy seconded. A vote was taken and the motion was approved unanimously.

Line 254: replace “Registrar” with “Registrars”.

Line 256: replace “Registrar” with “Registrars”.

[Editorial Note: the following changes were taken from the pdf version; line numbers may be different]

Line 483, Section 4.2.1: replace “his with “ his or her”

Lines 511-12, Section 4.2.6: delete the phrase “pursuant to Section 3-2(h)(4)”.

Line 514, Section 4.2.7: replace “his” with “the Town Manager”.

Lines 931, 932, 934 and 938, Section 8.2: replace all “his” with “his or her”.

Line 938: replace “he” with “he or she”.

Regarding capitalization in Sections 3.8.1, 3.8.2 and 3.8.3: capitalize “public library”.

**Action Item #2:** Mr. Manugian will finish editing Revised Charter Version 0.8-3 for needed capitalization corrections not yet made.

There were additional general comments made on the draft revised Charter under consideration.

Visitor Ms. Anderson said Section 1.5 needed to have several colons (punctuation) removed. Mr. Manugian agreed to do this.

Mr. Giger mentioned the presence of a number of double spaces throughout the document. Mr. Manugian agreed to search for and remove extra spaces.

Mr. Manugian asked for, and the Committee gave discretion to Mr. Manugian, to make all editorial changes contributed by Ms. Anderson.

Mr. Giger pointed out that in Section 2.11, Report to the Voters, references to “Spring Town Meeting” should have the word “Spring” removed since Fall Town Meetings should be included in the definition of annual town meetings.

Mr. Giger made a motion to this effect, but there was no second offered, so the motion was not considered.

Discussion of the revised draft Charter was halted for this meeting, and the process will be restarted at the next meeting at Charter Section 3.2.

### **Other Administrative Issues:**

**Action Item #3:** Mr. Manugian asked all members to send any additional editorial comments on revised Charter Version 0.8-3 to him directly; he asked that the flagged version be used in the editing.

Mr. Manugian commented that he will not distribute a new revised version of the draft Charter (Version 0.8-4) until all editing by the Committee is completed on Version 0.8-3.

**Action Item #4:** Mr. Manugian will provide the Committee another draft of the final report to the public on the Charter revision.

Mr. Schulman said he will not be present for the November 16<sup>th</sup> meeting. All present said they would be available for the November 2<sup>nd</sup> and November 9<sup>th</sup> meetings.

Mr. Cunningham asked if the flagged version of the Charter might be made available on the website.

**Action Item #5:** Mr. Giger will put the pdf version, flagged changes with line numbers, of the draft revised Charter, Version 0.8-3 on the website.

**The meeting was adjourned with unanimous consent at 9:11 PM.**

**\*\* The next meeting is scheduled for Wednesday, November 2nd, at 7:00 PM. \*\***