

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

Meeting Minutes - November 9, 2016
At Town Hall

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

Not present: Stuart Schulman

Recorder: Stephen Legge

Visitor: none

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

Approval of Meeting Minutes:

The draft meeting minutes of October 26, 2016 were considered. **Mr. McCoy moved to accept the minutes of October 26th.** Mr. Robertson seconded. The minutes were approved 5-0 with Mr. Collins abstaining due to absence from the meeting.

Administrative Issues:

Mr. Manugian announced the Committee's decision in late October to accept new submissions from the public. To date two such have been forwarded to the Committee – from John Petropoulos and Lorraine Leonard. Mr. Robertson reported that he heard that Gary Greene would be sending in a submission, but it has not yet been received.

Submission #192, from John Petropoulos, was scheduled for discussion tonight, however, the Board of Assessors was unable to meet the Open Meeting Law deadline for posting its public meeting. Since this prevented more than one member of the Board of Assessors from participating so the discussion will be postponed to next week's meeting on November 16th. This submission pertains to the roles and responsibilities of the Town's Principal Assessor and the Board of Assessors.

Submission # 193, from Lorraine Leonard, pertains to the membership of the Finance Committee. This also will be scheduled for presentation and discussion at next week's meeting.

Action Item #1: Mr. Giger will ensure that the two newest members of the Finance Committee receive notice and invitations to the meeting next week for the Submission #193 discussion.

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

Mr. Manugian stated there would be two matters considered this evening:

- a completion of the review of the draft revised Charter Version 0.8-3 and
- a review of the Committee's meeting schedule up to Spring Town Meeting 2017 (and possibly afterward). The schedule was last updated on July 27, 2016.

**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 and incorporates all style changes agreed to by the Committee. All changes accepted by the Committee, documented in meeting minutes through the October 5, 2016 meeting, are included in the revision. The review picked up at Section 3.2 of the Charter.

Mr. Manugian reported he had received a substantial number of editorial changes contributed by Ms. Judy Anderson and will incorporate them in the next new draft. The Committee had authorized this at the last meeting.

Page 15-16, Sections 3.2.2.1 through 3.2.2.5:

Mr. McCoy moved to capitalize the beginning of all paragraphs in list form, to remove the word "and" at the end of the second last paragraph on the list, and to end each paragraph with a period. Mr. Giger seconded.

The motion was approved 5 – 1 with Mr. Collins voting no.

Page 16, Line 335, Section 3.2.2.5: add commas before and after "at its sole discretion".

Line 337: comma at the end of the sentence should be a period.

Line 350: delete phrase "of Section 4.2:".

Line 355: replace "the General Laws" by "law, by-law, or Town Meeting vote".

Page 17, Line 376: replace "five" with "three" which is the correct number of years for the term of a school committee member.

Line 381: make "School Committees" lower case.

Line 381: **General Note:** always keep "constitution" lower case.

Pages 18-19, Lines 439, 442 and 452: make every instance of "Groton Public Library" capitalized.

Line 461: delete the word "other".

Page 20, Line 490: delete the word "other".

Page 21, Section 4.2.10: General Note: where "Town Manager" may appear repeatedly, use "him or her" instead, throughout.

Page 25, Section 5.3, Lines 666, 669 and 672: after "appointed by the Town Manager" insert in each case "subject to confirmation by the Board of Selectmen".

Lines 682-699: capitalize the first word and remove ending punctuation for each paragraph except the last; remove "and" on Line 694.

Line 683: remove the phrase "street lights".

Page 26, Line 728: after “Roles and Responsibilities” insert “ – The roles and responsibilities of the Finance Committee shall be:”.

Page 27, Lines 734-35: remove the phrase “in accordance with the process described in Article 6 6-5”.

Line 738: remove the repeated phrase “with the town’s”.

Page 28, Line 773: insert a comma after “debt position”.

Page 29, Lines 822-828: capitalize the first word of each of the four paragraphs, delete ending punctuation and delete “and” in Line 826.

Line 838: replace “every” with “each”.

Line 848: capitalize “charter”.

Line 849: delete “state”.

Page 30, Line 885: replace “officer” with “official”.

Page 31, Line 889: replace “officer” with “official”.

Line 894: change “Multiple Member Body” to lower case.

There was discussion of including abatements of taxes in Charter Section 7.10 which discussed waivers of fees, fines and penalties. It was decided to make no changes to the previously revised language.

In Section 8.2 it was noted there were five instances of words needing modification to make the language gender neutral.

This completed the Committee’s editing of the draft revised Charter, Version 0.8-3.

Action Item #2: Mr. Manugian will apply all changes made by the Committee to revised Charter Version 0.8-3 and issue a new version to the Committee.

Discussion of the Committee’s Master Schedule for Completing the Charter Review Process:

A draft schedule was discussed dated July 27, 2016. It was noted the Committee is about 1-1/2 months behind this schedule.

A significant question is when the Committee will end the process of deliberating on new change proposals from the public. While everyone wanted to keep the door open as long as possible, in order to end the process with an appropriate revised Charter for public and Town Meeting consideration there must be a final deadline for additional changes.

Each new change requires substantial time and effort on the part of the Committee, to schedule presentations, invite affected parties to public hearings, deliberate and decide on the question and finally develop appropriate language to implement the agreed upon change. Each cycle of these

activities requires substantial time, then a redraft of the Charter, checking for consistency throughout, having the Committee review and approve the new version and getting Town Counsel's approval of the language.

The most immediate consideration is obtaining a close to final draft of the revised Charter and getting Town Counsel review of the proposed changes. There was a consensus of the Committee to obtain legal review before having Town department heads and other municipal staff, and the public at large, review the Charter draft in public hearings.

Action Item #3: Mr. Manugian said he presently has an action item to determine how to end the process of change to the Charter revisions. He asked Mr. Collins to take this action item. Mr. Collins offered to talk to Town Counsel David Doneski about the process and milestones. The goal is to define a hard deadline for consideration of additional changes.

Action Item #4: Mr. Collins will ask the lawyers which version of the revised Charter they prefer to review, with or without flagged changes to the original document (2010).

The Committee agreed that the next draft of the Charter will contain all wording changes approved by the end of the Nov 16th meeting. The Committee wishes to have the next version of the Charter in the hands of Town Counsel the first few days of December so that they may finish their review by December 14th. The meeting on November 30th will be used for the Committee's final review of the latest Charter draft prior to legal review.

Action Item #5: Mr. Giger offered to ask the Town Manager if all appointments are considered municipal employees, and if there are different categories of municipal employees related to appointments.

Mr. Collins was of the opinion that all appointments are considered town employees, but he felt it was worthwhile to ask the question.

Continuing with the scheduling discussion, Mr. Manugian said the Committee will plan to review any uncompleted submissions and the final report to the public of proposed changes in the first and second meetings in January 2017. After this, public hearings will be scheduled in mid to late January, first for the Town department heads and staff, and then for the public at large. The focus will be on comments from town employees and other members of town government at the first two hearings, then to comments from the public at large for the third hearing.

Mr. Manugian summarized the tentative new schedule changes as follows:

11/16 - deadline for Charter wording changes to be included in the Charter version for Town Counsel review.

11/30 - new Charter version final review by the Committee

12/02 - present Charter version to Town Counsel for legal review

12/07 - Committee to review final report draft for the public

12/14 - Review comments from Town Counsel; continue review of the final report draft for the public

1/04/2017 - Committee to develop response to Town Counsel review; finalize report to the public

1/11 - Final report out to the public through various media

1/18 - Public hearings will be scheduled for town employees and members of town government; one in the afternoon, one in the evening

1/25 - public hearing will be scheduled for the public at large

Mr. Giger suggested that people, who attend public hearings with comments, submit those comments in writing at the beginning of the hearing and to give those who submit in writing priority to be heard.

Mr. Manugian is of the opinion at this time that the Committee must accept further changes from the public no later than week following the public hearing, February 1st. The earlier public hearings would give the public the opportunity to offer their final thoughts on changes needed or desirable in this revised Charter.

Mr. Giger suggested making contingency plans (dates for meetings) in the event of weather related problems in January.

Mr. Manugian will incorporate the proposed schedule changes into a review schedule for review at the next meeting.

Other Administrative Issues:

Action Item #6: Mr. Collins offered to research the role of the Board of Assessors and the Principal Assessor in the Mass General Law, ahead of our meeting next week on this subject (Submission # 192), to assist committee members.

Mr. Robertson said he may not be able to attend the November 30th meeting. Ms. Allen said she also may be unable to attend.

The meeting was adjourned with unanimous consent at 9:15 PM.

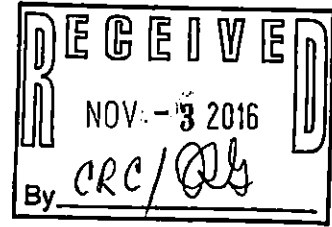
**** The next meeting is scheduled for Wednesday, November 16th, at 7:00 PM. ****

Exhibits:

- A. CRC Submission #192, dated November 3, 2016, from Jack Petropoulos
- B. CRC Submission #193, dated November 5, 2016, from Lorraine Leonard

CRC Submission #192

From: Jack Petropoulos [mailto:jack.petropoulos@gmail.com]
Sent: Thursday, November 03, 2016 1:59 PM
To: towncharterreviewcommittee@townofgroton.org
Subject: Proposed Charter Amendment_Assessors_Petropoulos



Good afternoon. Please accept the following as a proposed change to the way the Charter deals with the role and function of the Assessor's office.

Thank you for your willingness to consider this.

Jack Petropoulos

Background

- The Assessor function of our town is filled by 2 full time employees (Principal Assessor and Assistant Assessor) and 3 elected Assessors (Board of Assessors)
- The most comprehensive description of Assessors' role (and the definition that we reference on our town website) is defined here at the Mass Assn of Assessing Officers:
 - o <http://www.maa.org/content/The%20Role%20of%20the%20Assessor.pdf>
 - o This description provides some high level responsibilities but does not define how they are implemented.
- I spoke with Bob Ellia of Mass Association of Assessing Officers.
 - o He said that the content on their site were the general guidelines and that towns tended to implement their own configuration.
- 2/3 of Assessors in MA are elected and the balance are appointed. In our case we have both appointed and elected
- Assessor's Oath of Office:
 - o "I, <name>, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the Town of Groton for the Fiscal year 2009 and ensuing, do swear that I will truly and impartially according to the my best skill and judgment, assess and apportion all such taxes as I may during that time assess; that I will neither overvalue nor undervalue any property subject to taxation, and that I will faithfully perform all the duties of said office."
- It has come to the attention of some members of the Board of Selectmen that the current structure of the relationship between the Principal Assessors and the Elected Board is such that there is no governing structure that would assure that the critical interdependence is optimized by either policy or charter.

Problem

- The challenge with our implementation is that we have both an elected and an appointed body, each responsible to different and independent authority and oversight
 - o The appointed Principle Assessor is responsible to the Town Manager
 - o The elected Board of Assessors are responsible to town voters
- The elected Board relies on the Principal Assessor for the vast majority of the data that is required to do their work, but has no authority over the Principal Assessor, nor over the Principal Assessor's management
- Nor do we have guidelines on how these entities must work together.
- The consequence of ineffective relationship can have a profound impact on:
 - o The confidence of our property owners in our assessments
 - o The smooth financial operation of our town as we incur abnormally high and unnecessary abatement request and refunds

- Abnormally high refunds could strain our operating budget, leaving us with less operating revenue than anticipated forcing changes to our operating budget after taxes have been set and collected.

Solution

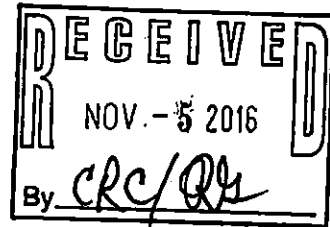
- Provide language in the charter that defines these roles and the relationship between them either specifically or by reference

Suggested Language

- The Principle Assessor's role is to to manage the day to day operations of the Assessor's Office and to support the work of the Board of Assessors.
- The elected Board of Assessors will be responsible for the fairness and accuracy of the work of the Principal Assessor, the setting of the tax rate, and the adjudication of all requests for abatement that have been filed by, or on the behalf of, the taxpayer.
- The Principle Assessor will be supervised by the Town Manager and will operate under a set of operational policies and procedures created by the elected Board of Assessors with input and advice from the Town Manager, the Principal Assessor, and such other entities as the Board of Assessors see fit.
- The Town Manager will consider input from the Board of Assessors in execution of his or her supervision of the Principal Assessor
- No individual may serve on both the Groton Board of Assessors and as the Principal or Assistant Assessor for the town of Groton.

CRC Submission #193

From: Lorraine Leonard <lleonard12@hotmail.com>
Sent: Friday, November 4, 2016 10:58 PM
To: towncharterreviewcommitte@townofgroton.org
Subject: FinCom appointment suggestion



I recently retired as Finance Director for the Town of Harvard and I would like to share part of their Finance Committee model: The committee has seven members and two alternates. The alternates are appointed to one-year terms. If the FinCom has a quorum, the alternates cannot vote, but they do participate in the discussion of all business. At the time a meeting is supposed to open, if a quorum is not present, the chair can appoint the senior alternate to the committee (with full voting privileges) for either that meeting, or until another regular member arrives. When a member leaves the committee, whether mid-term or at the conclusion of their term, there would be two people with FinCom experience ready to be appointed, so then the new appointments are for alternates. This has almost completely eliminated issues about lack of quorum and there is not an issue of having a vacancy mid-budget cycle that is awkward due to timing.

I hope you will take this into consideration as you determine how best to appoint Finance Committee members.

Thank you,

Lorraine Leonard

90 Martins Pond Road

(currently on Groton FinCom)