

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

Meeting Minutes - December 7, 2016
At Town Hall

All Present (7): Jane Allen, Robert Collins, John Giger (Secretary), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair), Stuart Schulman

Recorder: Stephen Legge

Visitors (9): Judy Anderson, Don Black (BOA), Peter Cunningham (BOS), Josh Degen (BOS), Anna Eliot (BOS), Jennifer Evans (BOA), Russell Harris, Lorraine Leonard (Finance Committee), 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 November 16, 2016 were considered. Ms. Allen asked to include additional comments she made during the meeting in reference to Mr. Haddad's remarks that property owners with lower than expected assessments would be unlikely to file increase requests, discussed in Paragraph 6 on Page 4. **Mr. Robertson moved to accept the minutes of November 16th as amended.** Mr. Collins seconded. The minutes were approved 6 – 0 with Mr. Schulman abstaining due to absence from the meeting.

Administrative Issues:

Mr. Manugian said the Committee would be continuing discussions of Submissions # 192 and # 193, presented in the last meeting.

Visitor Mr. Degen pointed out a quorum of Selectmen and the Board of Assessors was present, but neither board had posted their meeting tonight. This meant that neither board would be able to participate in discussion at tonight's meeting, in accordance with the Open Meeting Law. Mr. Degen requested postponement of the discussion of the Assessors matter to the next scheduled meeting so that the two boards would be able to participate.

Mr. Manugian was puzzled as to why the meetings were not posted and expressed reluctance to postpone discussion because the Charter Review Committee was on a tight timeline to get ready for the Spring Town Meeting.

Mr. Degen left the meeting at 7:05 PM.

A discussion by Committee members ensued concerning the merits of continuing discussion on the two submissions this evening.

Mr. Manugian wanted to continue tonight.

Mr. Collins wanted to see the Town Manager's promised upcoming report to the Selectmen concerning issues in the Assessors' office (see Mr. Haddad's letter to Mr. Manugian dated December 7, 2016, one page) , and the participation of both boards in the discussion. Therefore he preferred to wait until next week.

Mr. Cunningham left the meeting at 7:09 PM, leaving only two Selectmen in attendance.

Mr. McCoy proposed to start the discussion tonight and finish it next week.

Mr. McCoy moved to continue the discussion of Submission # 192 tonight. Ms. Allen seconded.

Mr. Giger agreed with Mr. Robertson that the Charter Review Committee has a responsibility to fix the problem raised by Mr. Petropoulos on behalf of the Board of Assessors, possibly by a revision in the Charter.

A vote was taken on the decision to continue discussion and it was approved 6 – 1 with Mr. Collins voting no.

The two Assessors present decided to stay in the meeting, but not participate in discussion.

Continuation of Discussion of Submission # 192 (Board of Assessors):

Submission #192 pertains to the roles and responsibilities of the Town's Principal Assessor and the Board of Assessors. It was pointed out that our Assessors' function is divided between an elected board and appointed town employees, with the Board responsible to the townspeople and the Assessors reporting to the Town Manager. There is an issue of interdependence within the function, but no governing structure which ensures good communication and cooperation. It is proposed that our Charter address this issue directly and be revised accordingly.

Ms. Allen moved to discuss and decide the five changes to the Charter proposed by Mr. Petropoulos in Submission # 192 individually. Mr. Robertson seconded. This motion was approved unanimously.

The first proposal was to add to the Charter a description of the Principal Assessor's role.

Mr. Manugian moved to dismiss this change to the Charter. Mr. Collins seconded.

Mr. Collins felt the description was not necessary - the role of the Principal Assessor is already defined in the General Laws.

Mr. McCoy responded that other such descriptions of officers and boards' roles are already in the Charter and they too are described in the Law.

A vote was taken on the motion to dismiss and it was rejected 3 – 4 with Misters Collins, Manugian and Schulman voting yes.

Mr. Robertson agreed with Mr. McCoy that it was a good idea to put this description of role for the Principal Assessor in the Charter.

Mr. McCoy amplified his remarks, saying he felt it would be useful to describe in the Charter the full composition and roles of the individual positions in the Assessors' function as a whole. Mr. McCoy wondered if the problem presented in the Assessor's function as a whole (less than excellent cooperation and communication) could have been solved by the Selectmen.

Mr. Collins: The Board of Assessors (BOA) must follow guidelines established by the Massachusetts Department of Revenue (DOR). He personally liked the idea of the Principal Assessor (PA) not being under the BOA's authority or subject to its veto power. It is a check on the BOA. As to a problem in the level of cooperation and communication, he feels the problem may not have been handled as well as it could have been by the BOA. Perhaps the BOA and Town Manager should have made it a higher priority to resolve.

Mr. Giger questioned the point in Mr. Collins' letter that the BOA is allowed by state law to appoint the PA. Mr. Collins answered the wording of the law does not mean the BOA actually appoints the PA, but rather they may do if a town so desires.

Mr. Robertson said our BOA has an important responsibility - it should at least have some say in what the PA is to do. In fact, this principle should apply to all town boards. Mr. Robertson also suggested that any policies being contemplated should be defined in Town by-laws rather than the Charter.

Ms. Allen noted the Charter already says evaluations of town employees should include input from the boards which the employee supports.

Action Item #1: Mr. Collins will research whether the number of members on boards of assessors is codified in the law.

Visitor Mr. Harris said he believes the legislature has changed the law such that the Board of Selectmen may enter into a contract with the Principal Assessor and have them report directly to the BOS.

Mr. Manugian stopped discussion on Submission # 192 at 7:43 PM, to be continued next week. He reminded the participating boards in attendance to have their meetings posted for next week.

Mr. Petropoulos, Mr. Black and Ms. Evans left the meeting at 7:45 PM.

Continuation of Discussion of Submission # 193 (Alternate Members for the Finance Committee):

Submission # 193, proposes to consider the use of active alternates to the Finance Committee. The Town of Harvard's model for this has been in effect for at least five years. Their committee has seven members and two alternates, the latter appointed to one-year terms. If the Finance Committee has a quorum, the alternates do not vote, but they do participate in the discussion of all business. If a quorum is not present at a meeting, the chair can appoint the senior alternate to the committee temporarily, with full voting privileges for that meeting, or until a regular member arrives.

Mr. McCoy was confused about how quorum requirements will be affected by the proposed new rules. It was explained by Ms. Leonard that lack of a quorum would enable the Chair to temporarily appoint one or more alternates and count them toward the quorum requirements for the current meeting without actually increasing the quorum requirement beyond its regular member count.

Mr. Collins submitted a letter dated December 7, 2016 (one page) to the Committee with proposed Charter wording stating how alternates to the Finance Committee might be appointed and then participate. Mr. Manugian stated that Mr. Collins's wording was not as specific as the wording in the Charter submission regarding the unseating of an alternate should a regular member arrive mid-meeting.

Mr. Manugian asked if any member disagreed with the principle of using alternates as proposed. No one disagreed.

Mr. Manugian asked if anyone felt it was important to specify more clearly the procedure of unseating an alternate during the meeting when a regular member arrived, and how the chair would choose between two alternates present which one to seat.

Mr. Robertson thought it more appropriate to leave out the details and allow the Finance Committee to handle these issues procedurally.

The Committee agreed by consensus that it was important that the procedure for seating an alternate be spelled out in the Charter. This would avoid a situation where someone might suspect that an alternate was selected by the Chair based on their point of view during previous discussions.

Action Item #2: Mr. Collins will revise his draft letter to the Committee and attempt to bring the language into compliance with the Committee's wishes by adding in more of the details specified in the submission.

Mr. Collins moved to accept his wording for Submission # 193 including the additional details discussed. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously. This will be voted on again after the final wording is discussed.

Reconsideration of the Committee's Rule Concerning Tie Votes and the Requirement to Reconsider at a Meeting of the Full Membership:

Mr. Collins moved to rescind the Committee's tie vote rule. Mr. Robertson seconded.

Mr. Schulman argued the rule should stand because he does not feel good about tie votes. It would be better to have more buy-in on whatever position is taken. He thought this could eventually affect something important to the Town.

Mr. Collins responded any vote can be later reconsidered under the Committee's rules. This alone would provide the opportunity to change one's own vote and the Committee's vote at a

future time without the burdensome and delaying requirement that all be present to vote on a motion after a tie.

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

Reconsideration of the Committee's Vote Concerning Limiting Financial Articles at Fall Town Meeting:

This topic was discussed on October 19, 2016 and Mr. Manugian had moved to reconsider putting a limitation on spending articles brought forward for Fall Town Meetings. A subsequent vote resulted in a tie.

Mr. Collins moved to reconsider the tie vote. Ms. Allen seconded.

Mr. Schulman said it is important to allow occasional important financial issues to be brought forward at Fall Town Meetings, even though most such issues are rightfully expected to be presented in Spring Town Meetings.

Mr. Collins suggested putting a statement in the Charter to the effect that budget and financial matters should be decided in the Spring Town Meeting unless there is a compelling reason to do so in the Fall Town Meeting.

A vote was taken and the motion to reconsider failed 3 – 4 with Misters Manugian and Collins and Ms. Allen voting in favor.

Review of the Revised Draft Charter by Town Counsel:

Mr. Collins said Town Counsel has not yet committed to a date when its review of the draft revised charter will be completed, but he expects that soon.

Discussion of the Master Charter Review Schedule:

Mr. Manugian proposed to give Town Counsel the draft revised Charter (Version 0-8.7) tomorrow, December 8th, for their review, to be completed by December 23rd.

Mr. Robertson proposed an executive summary (about three pages) be written with a summary of changes made in the draft revised Charter. He felt this should be targeted to the public and accompany the revised draft Charter and the Final Report for Spring Town Meeting.

Mr. Collins questioned the need for two scheduled public meetings in January. He suggested combining the two meetings intended for first, the town staff, then the public at large. Mr. Collins also asked Ms. Allen how many public meetings were held for the original Charter draft just prior to Town Meeting, and how many were in attendance at these meetings. Ms. Allen could not recall the answer to either question.

Mr. Collins left the meeting at 8:22 PM.

Mr. Giger asked if the public were required to attend the public meeting(s) in January to offer comment about the Charter draft, or whether they could submit letters. The Committee agreed that the public could either comment in person or submit comments in writing.

Mr. Schulman asked if the Charter will be presented as a complete package of changes, to be accepted or rejected in whole, or if individual changes would be considered for modification or rejection. Ms. Allen responded the original Charter draft was modified before being accepted in Town Meeting.

Mr. Manugian pointed out that any voter could propose a change to the Charter from the floor of Town Meeting. Mr. Manugian made it clear he thought it important that the Charter Review Committee have the latitude to review any changes made in Town Meeting, after the fact, and make any necessary changes to the Charter to ensure consistency.

Action Item #3: Mr. Manugian will obtain deadlines from the Town Manager for the upcoming Spring Town Meeting warrants in order to modify dates in the Master Schedule.

Ms. Allen moved to accept the Master Schedule as amended in tonight's meeting. Mr. Robertson seconded. The motion was approved unanimously.

Discussion of the Draft Revised Charter, Version 0.8-6 (Release Date 11/23/2016, Word version):

Mr. Manugian accepted editorial changes from visitor Ms. Anderson for consideration.

Mr. Schulman moved to change “by-law” to “by law” in Section 2.1, Line 84. Mr. McCoy seconded. A vote was taken and the motion approved 5 – 1 with Ms. Allen voting no.

It was suggested to change the capitalization of the word “ARTICLE” to “Article” throughout the Charter. The Committee agreed by consensus.

Action Item #4: Mr. Manugian will clean up the draft version on the table and re-issue a cleaned up pdf version to Town Counsel tomorrow. The clean version and flagged version will be distributed to members of the Committee.

Other Administrative Issues:

Mr. Robertson announced the Finance Committee has decided not to go ahead with a Charter submission to define a capital appropriation committee at this time.

Mr. Manugian stated the Committee will accept comments on the Charter until January 31, 2017. This will be the final deadline for accepting public input so that the Charter can be finalized and made available to the public.

Action Item #5: Mr. Manugian will put discussion of types of town employees on the agenda for the next scheduled meeting of the Committee.

Mr. Manugian announced there will be no meeting on Wednesday, December 21st.

All Committee members will be in attendance at the December 14th meeting.

The meeting was adjourned with unanimous consent at 8:56 PM.

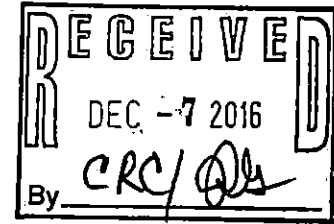
**** The next meeting is scheduled for Wednesday, December 14th, at 7:00 PM. ****

Exhibits:

- A. Letter to Charter Review Committee from Attorney Robert Collins, re: Submission 193, dated December 7, 2016
- B. Note from Jane Allen, re: corrections to draft 2017 Charter document, dated December 7, 2016
- C. Email message to Charter Review Committee from Ginger Vollmar, re: Submission 193, dated November 28, 2016.

Exhibit A to Charter Review Committee
12-07-16 Meeting Minutes

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7 December 2016

The Groton Charter Review Committee
Michael Manugian, Chairman
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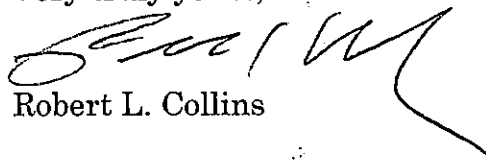
Dear Committee Members:

May I respectfully suggest the following language for Submission 193, which suggests that two alternates be appointed to the Finance Committee:

Add to the end of Section 6-2(a):

The Chair of the Board of Selectmen and the Chair of the Finance Committee (or the three person appointing committee comprised of the Chairs of the Board of Selectmen and Finance Committee, and the Moderator) shall each appoint an alternate member to the Finance Committee. Alternates shall attend the Committee meetings and be available to act as sitting members should a member or members of the Committee be unavailable for a meeting, or resign. Alternates shall not add to the quorum requirement for the Committee but shall be available to satisfy the quorum requirement should sitting member(s) be unavailable, and shall not be voting members until they take the place of a sitting member of the Committee.

Very truly yours,


Robert L. Collins

SOURCE: JANE ALLAN
RECEIVED 2016-12-07

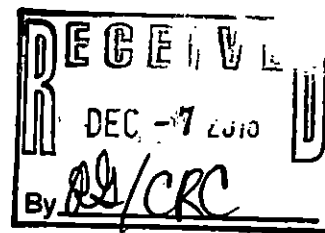


Exhibit B to Charter Review Committee
12-07-16 Meeting Minutes

Sorry this is so late. I assume that most of these have been covered by others.

I down loaded the clean 1 edition to my drive. When I pull it up on my tablet it is what I would expect. When I put it on my laptop there is red with lines for cross outs. I am not sure which is the version that you were sending.

In the tablet version there are two sentences near the end in the ethics paragraph that begin with such officials that needs a capitol and spacing. This does no occur in the other version.

2.1 6 lines down the Spring Town Meeting is "the" annual town meeting It should

3.3.2.BOS no longer appoints the finance Committee , Chair is one of three.

3.2.3

2.11 Therefor should e Therefore in the second to last line and second line on the next page (page 12).

there for & therefore

3.3.2 What SC duties are listed in the constitution?

3.6.2 What Planning Board duties are listed in the Constitution?

4.5.1 Redundant. It already states that only one member c an be appointed.

7.4 Makes no sense

7.6 Redundant It already states that only one member can be appointed.

