

Charter Review Committee (CRC)

Town of Groton, Groton, MA 01450 978-448-1111

Meeting Minutes – Thursday, January 5, 2017

At Town Hall

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

Absent: John Giger, Stuart Schulman

Recorder: Fran Stanley

Visitors (3): Judy Anderson, Anna Eliot, John Petropoulos

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

Approval of Meeting Minutes:

Mr. Manugian asked for review of the December 28, 2016 draft minutes. Mr. Robertson called attention to the paragraph under the Other Administrative Issues heading on page five. Two proposed changes to the wording were accepted by the group.

Ms. Allen moved to approve the December 28, 2016 draft minutes as amended. Mr. Robertson seconded and the motion carried 2:0 (Mr. McCoy and Ms. Allen abstained; Mr. Giger and Mr. Schulman absent).

Administrative Issues:

Mr. Manugian explained that Mr. Donald Black asked for the scheduled Submission 192 discussion about the assessor language in the Charter to be postponed until the Board of Assessors can attend and participate as a posted meeting of its board. In the interests of time, Mr. Manugian stated his preference to proceed with the discussion and then accept Board of Assessor input later in one of this Committee's upcoming public hearings. There are two pairs of public hearings coming up with the first pair of public hearings inviting Town employees and members of Town Government to comment on proposed changes and the second pair of public hearings inviting members of the public to offer their opinions.

Mr. Manugian moved to continue with the discussion on the assessor changes as previously planned in Section 192. Mr. Collins seconded and the motion carried 5:0 (Mr. Schulman and Mr. Giger absent).

Submission 193

Robert Collins described suggested language for Submission 193 regarding two alternates to be appointed to the Finance Committee. Ms. Allen and Mr. Manugian noted that this language does not have the 'in order of seniority' requirement.

Mr. Manugian moved to amend Mr. Collins' drafted Submission 193 language by adding "in order of seniority" to be added after "alternate member or alternate members" and removing the "in order" phrase in the same sentence. Mr. Collins seconded.

In the discussion, Michael McCoy said that this language creates a disincentive for the second alternate to participate and be invested in the process. Mr. Manugian said that this process has been followed by the Town of Harvard and that process seems to operate well there. Having the choice specified in the

language removes the possibility of suspicion that the chair might select the alternate based on the positions expressed by the alternate.

Mr. Manugian called for the vote and the motion carried 5:0 (Mr. Schulman and Mr. Giger absent).

Mr. Collins moved to add the words “and participate in” in the third sentence and add the word “shall” further on in that sentence. Mr. McCoy seconded.

In the discussion, Mr. Collins amended his motion that is still on the floor to include further changes that were thought to improve clarity of the section. The word “comprised” will be changed to “consisting”. The third sentence was shortened. The group clarified that when the Chairman is absent that the vice chair steps in and assumes the duties of the chair. Given that understanding, there is no need to insert vice chair language in every instance that the duties of the chair are addressed.

Mr. Manugian called for the vote and the motion carried 5:0 (Mr. Schulman and Mr. Giger absent).

Mr. Collins moved to accept the Submission 193 wording as amended. Mr. Manugian seconded and the motion carried 5:0 (Mr. Schulman and Mr. Giger absent).

Here is the text of the final wording to be added to section 6.2.1 as approved.

The three person appointing committee consisting of the Chairs of the Board of Selectmen and Finance Committee, and Moderator shall appoint two alternate members to the Finance Committee. The term of alternate members shall be one year. Alternate members shall attend and participate in the Committee meetings. In situations of the lack of a quorum, the Chairman of the Finance Committee shall appoint an alternate member or alternate members in order of seniority to fulfill the quorum requirement for that meeting. 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.

Submission 192

Mr. Manugian began with Ms. Judy Anderson's written comments that were submitted to the Committee by email on January 5, 2017. Principal Assessor versus Assistant Assessor language was the focus of the comments. Judy Anderson stated that the paid position should be principal assistant assessor or assistant assessor as that staffer is assisting the Board of Assessors. Mr. McCoy commented that use of the title assistant assessor is consistent with Commonwealth laws regarding municipal assessors.

Mr. Collins noted that there have been numbers of assessors over the years working in that office not just the current two staff person configuration with the inference that some of the job titles evolved to reflect staffing levels.

After more discussion, the group agreed that they could accept the “principal assistant assessor” language as stated. Mr. Collins floated the possibility of adding a prohibition against other employees serving on the Board of Assessors. This concept gathered some interest from Committee members, but a motion was not offered to make such a change.

Ms. Allen moved to have a provision added to the Charter that requires the Town Manager to support his employees in implementing the decisions of the board that employee serves with exact wording to be worked out at a later time. Mr. Manugian seconded.

Mr. Robertson commented that he thought that the concept embodied in the motion was important and should be a Town Manager goal but that it was not appropriate for the Charter. Mr. McCoy and Mr. Collins agreed with Mr. Robertson's view. Mr. McCoy and Mr. Collins advised that the wording not abridge any rights of the employee outside his/her employment should the employee happen to be a Town resident.

Mr. McCoy said that raising an article at Town Meeting that may be in opposition to a particular board's position is a rare case and a more typical alleged case is a board that wants to act in one manner and the Town employee disagrees. Mr. McCoy wants to remove the conflict so that policy decisions by boards are effectuated.

Mr. Manugian asked Mr. Petropoulos whether he feels it is implicit in the Town Manager's role to manage their employees to support the elected boards. Mr. Petropoulos said yes but he sees value in the proposed language while declining to go so far as to say the language change is necessary. Mr. Manugian then asked Mr. Petropoulos a second question. If there were a conflict between an employee and an elected board served by that employee and that conflict were brought to the attention of the Board of Selectmen, is there a role for the Board of Selectmen. Mr. Petropoulos answered that it would be the role of the Board of Selectmen to help resolve the conflict. Ms. Eliot commented that she has witnessed enough differences of opinions and she agrees with Mr. Robertson that it is a goal of the Town Manager to support employees in implementing the decisions of the boards. Ms. Eliot continued saying that the Town Manager does do that and did do that in the recent example involving the Board of Assessors.

Mr. Collins says that there are other instances in other towns where the employee has refused to implement board decisions when the board decisions are improper. If you remove all discretion and bind those employees, then you lose that check on a board running amuck. Ms. Eliot said that any such changes should be made across the Town's boards, not just directed at a single board. Mr. Manugian stated his concern that items be inserted in the Charter as the Charter language cannot anticipate every incident and permutation of events. In particular, there was no language that could be inserted which would prevent any board or employee from actions which were counterproductive. Mr. McCoy said that on the other hand, Section 3.2.6 restrains actions of the chair except in the case of an emergency to become involved in the day-to-day administration of any Town board, department or agency.

Mr. Manugian called for the vote and the motion failed 2:3 (Mr. McCoy and Ms. Allen aye; Mr. Manugian, Mr. Robertson and Mr. Collins against; Mr. Schulman and Mr. Giger absent).

Mr. Manugian asked the Committee members whether we shall suggest to the Board of Selectmen that this requirement be added to the Town Manager's job description.

Mr. Robertson asked to return to Mr. Petropoulos' suggestion regarding assessor board policies that would benefit several other boards in Town and not just the Board of Assessors.

Mr. Robertson moved to have this Committee recommend to the Board of Selectmen that the Selectmen create a policy on the relationship between the created boards, employees and Town Manager. Ms. Allen seconded.

Mr. Manugian called for the vote and the motion carried 5:0 (Mr. Schulman and Mr. Giger absent).

Action item: Mr. Robertson volunteered to draft the recommendation to be reviewed at the next meeting.

Mr. McCoy pointed out the language for 3.10.2 and felt that there was a conflict. In 3.10.2 the conferring of all powers given to Boards of Assessors by statute would indicate that the Board of Assessors should appoint Assistant Assessors whereas the Groton Charter specifies that the Town Manager appoints Assistant Assessors. Mr. McCoy asked that we modify the wording to remove this conflict. Mr. Collins said that one could add the phrase "except as otherwise provided in this Charter" to remove the conflict.

Mr. Collins moved to add the phrase “except as otherwise provided in this Charter” to the end of the last sentence of Section 3.10.2 and to capitalize “Board of Assessors” in the same section. Ms. Allen seconded and the motion carried 5:0 (Mr. Schulman and Mr. Giger absent).

Other Discussions

Mr. Manugian said that he has been distributing to the Committee by email versions of the Charter draft with the latest version being 8.8. Mr. Robertson identified a few missed items representing changes that were agreed upon at a recent Committee meeting:

- Section 1.9.1 should read “of that office” instead of “of that position”. Section 1.9.5 should change “position” to “office” in two places.
- Section 2.11 (line 194) has the phrase “meeting is to be held provided however that” and the Charter draft language for this phrase should remove the word “provided” and remove the word “that”.

In Section 3.1.1, Mr. McCoy recommends capitalizing “The” in the bulleted list and for the last bullet, remove “and”, capitalize “Other” and remove the period from the end. Mr. Manugian recorded all of these corrections.

Ms. Anderson asked about Section 8.3 regarding the Transfer of Records and Property and whether there had been any recent proposed changes. Committee members confirmed that there have been no recent proposed changes to that wording. In that event, Ms. Anderson said that she found the wording difficult and awkward to read and proposed alternate wording which she handed in to Mr. Manugian and the group heard the proposed language read out loud.

Mr. Manugian said that this statement is more historical rather than being applicable to current operation of the Town. Committee members including Mr. Collins agreed that Ms. Anderson’s language is clearer. He recommended adding missing a couple of words to complete the phrase “in whole and in part” and a few commas.

Mr. Collins moved to adopt Ms. Anderson’s language changes for Section 8.3 with minor changes. Ms. Allen seconded and the motion carried 3:2 (Ms. Allen, Mr. Collins, Mr. Robertson aye; Mr. McCoy and Mr. Manugian against; Mr. Schulman and Mr. Giger absent).

Here is the final wording of the proposed replacement for section 8.3 as approved.

If the powers and duties of any office, department, or agency or part thereof are assigned in whole or in part to another office or agency, then all records, property, and equipment of said office, department, or agency shall be transferred forthwith to the new office, department, or agency to which such powers and duties have been assigned.

Mr. Manugian commented that he is loath to introduce changes unless such changes are necessary as unnecessary changes will make review of the document more involved for the public and every change increases the possibility of introducing a mistake to the document.

Mr. Manugian invited the public to attend one or more of the upcoming Public Hearings to provide comments. All comments are welcome. New versions of the Charter with changes flagged will be added to the Committee’s webpage on the Town of Groton website.

Action item: Mr. Giger will reserve meeting space and post everything needed for the upcoming four public hearings: two hearings morning and evening on the 18th and two hearings on the 25th.

Action item: For each Committee member, Mr. Manugian requests that each individual send one or two suggested items to include in the CRC's one-page annual report to be included in the Town Report.

Action item: Mr. Giger and Mr. Manugian to add to January 11, 2017 agenda an item that will allow review of the rest of the items referenced in Judy Anderson's January 5, 2017 email.

Action item: Mr. Manugian will add Ms. Anderson to the email list for receipt of future charter draft revisions.

The meeting was adjourned with unanimous consent at 8:45 PM.

** The next meeting is scheduled for Wednesday, January 11th at 7:00 PM. **

Exhibits:

- A1. Email message to Charter Review Committee from Peter Cunningham, dated 12-29-16, subject: Investigation Policy
- A2. Attachment to email message reference in Exhibit A1.
- B. Letter to Charter Review Committee from Attorney Robert Collins, dated January 5, 2017, subject: Submission 193
- C. Email message to Charter Review Committee from Don Black, dated January 4, 2017, subject: RE: [CRC] Charter Review Committee Agenda for Thursday, 01-05-17 Meeting
- D. Suggestion to Charter Review Committee from Judy Anderson, dated January 5, 2017, subject: proposed wording change to Section 8.3
- E. Email message to Michael Manugian from Judy Anderson, dated 01-05-17, subject: CRC

From: Michael Manugian
To: [Bud Robertson](#); [Jane Allen-Home](#); john.crc@cybergiger.com; [Michael McCoy](#); [Robert Collins](#); [Stuart Schulman](#)
Cc: [Steve Legge](#); [Peter Cunningham-home \(brecca@charter.net\)](mailto:brecca@charter.net); [Fran Stanley \(fstanley@townofgroton.org\)](mailto:fstanley@townofgroton.org)
Subject: FW: Investigation policy
Date: Sunday, January 1, 2017 15:33:51
Attachments: [invest.pol 1 001.bmp](#)
[invest.pol 2 001.bmp](#)

Hi All,

I am forwarding this email from Peter Cunningham which contains the policy to which Peter and Anna Elliott referred during our discussion of the possibility of adding a mediation role to the responsibilities of the Board of Selectemen.

Thanks,

Mike

From: Peter Cunningham [mailto:brecca@charter.net]
Sent: Thursday, December 29, 2016 8:59 PM
To: Michael Manugian
Subject: Investigation policy

FYI, Mike. I am attaching a copy of the investigation policy the BoS adopted at our 12/19/16 meeting. The genesis of this was a complaint that had been filed by a citizen who was unsatisfied with actions of the building department and then did not feel his concerns were adequately addressed by the TM. At the end of the day these sorts of issues wind up with the BoS, but we realized we did not have a policy for dealing with them, hence this policy. I believe it's intended application would be where there is an issue on the administrative side of town government that is not resolved through the normal chain of command. I do not feel it would apply to conflicts between boards when and if they may arise. Please share this with the other CRCmte. members as you see fit. Take care

Peter



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TOWN OF GROTON BOARD OF SELECTMEN

INVESTIGATION POLICY AND PROCEDURE

ADOPTED: (DATE)

Pursuant to G.L. c. 41, sec. 23B and Section 3-2(e) of the Town Charter, the Board of Selectmen may make an investigation into the affairs of the Town and into the conduct and operation of any Town department. Upon completion of such investigation a report shall be placed on file in the office of the Selectmen, in the Town library, and in the office of the Town Clerk; and such report shall be summarized in the Annual Town Report following completion of the investigation.

Investigations conducted by the Board pursuant to the General Laws and the Town Charter shall be conducted pursuant to this policy and procedure.

1. If a member or members of the Board are presented with a request that the Board initiate an investigation, the request shall be reduced to writing and forwarded to the Chair. If the Chair receives a request for an investigation, he/she shall timely inform the other members of the request. Members of the Board are not to engage in deliberation or discussion relative to the request outside of a properly posted meeting of the Board under the Open Meeting Law.

2. Upon the Chair's receipt of an investigation request, the Chair shall meet with the Town Manager to review the request. If the request pertains to a matter placed in the Town Manager's charge pursuant to Section 4-2 of the Charter, including allegations of misconduct by an employee for which the Town Manager serves as the appointing authority, the request shall be referred to the Town Manager for further review and disposition, and the Chair shall so inform the other members. In the event the Chair and Town Manager disagree at this step as to referring the request, the request shall be presented to the full Board for review and a determination as to whether the request shall be referred to the Town Manager.

3. If the request falls within the purview of the Board pursuant to the General Laws and the Town Charter, the Chair shall place on a future Board meeting agenda an item relative to receipt of the request and whether the Board will initiate an investigation. Whether the Board may meet in Executive Session to discuss the request, and what exemption to the Open Meeting Law may apply, shall be determined on a case-by-case basis.

4. A majority vote of those members present and voting is required for the Board to initiate an investigation. At its discretion, the Board may retain an outside investigator to conduct the investigation, direct that the Town Manager conduct the investigation, or a member of the Board may be designated to conduct the investigation. The Board may also take other action(s) with regard to the request as the Board deems appropriate, including referring the request to non-binding alternative dispute resolution, in an attempt to resolve the matter.

5. An investigator designated by the Board to conduct the investigation shall have the right to review Town records that are relevant to the investigation and may conduct interviews of Town employees, and others, which the investigator deems necessary during the course of the investigation. Upon completion of the investigation, the investigator shall deliver his/her written findings to the Chair.

6. Upon receipt of the investigator's written findings the Chair shall forward the findings to each member of the Board and promptly place an item on a Board meeting agenda for the Board to discuss the findings and determine what, if any, remedial steps shall be taken as a result of the investigator's findings. Whether the Board may meet in Executive Session to discuss the findings, and what exemption to the Open Meeting Law may apply, shall be determined on a case-by-case basis.

7. If the investigation request pertains to an act or omission committed by a member of the Board or the Town Manager, or an immediate family member of either, the member or Town Manager, as the case may be, shall not participate in the processing of that investigation request.

8. This policy and procedure may be amended only by majority vote of the Board taken during a properly posted public meeting. Any such amendment shall be reduced to writing and incorporated herein.

SO ADOPTED, THIS _____ DAY OF _____, 20__

BOARD OF SELECTMEN

John G. Petropoulos, Chair

Joshua A. Degen, Vice Chair

Barry A. Pease, Clerk

Peter S. Cunningham, Member

Anna Eliot, Member

Robert L. Collins
Attorney At Law
P. O. Box 2081
Westford, Massachusetts 01886

Telephone (978) 448-3511
Facsimile (978) 448-8511

Changes made & voted on
Groton Office:
204 Gay Road
Groton, Massachusetts 01450

5 January 2017

The Groton Charter Review Committee
Michael Manugian, Chairman
Town Hall
173 Main Street
Groton, MA 01450

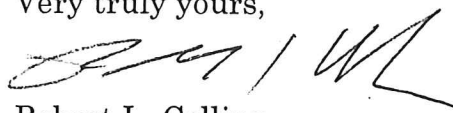
Dear Committee Members:

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 three person appointing committee ~~comprised~~ *consisting* of the Chairs of the Board of Selectmen and Finance Committee, and the Moderator shall appoint two alternate members to the Finance Committee. The term of alternate members shall be one year. Alternate members 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.~~ *in order of seniority* In situations of the lack of a quorum, the Chairman of the Finance Committee shall appoint an alternate member or alternate members ~~in order to fulfill the quorum requirement for that meeting.~~ 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

From: Don Black
To: ["John Giger"](#)
Cc: [Rena Swezey](#); [Jonathan Greeno](#); [Garrett Boles](#); [Jack Petropoulos](#); [milo](#); [Mark Haddad](#); [Michael Bouchard](#)
Subject: RE: [CRC] Charter Review Committee Agenda for Thursday, 01-05-17 Meeting
Date: Wednesday, January 4, 2017 07:24:07

Hi John,

Unfortunately there is not enough time to post a meeting for the Board of Assessors to attend the CRC meeting tomorrow evening. I would respectfully ask that you postpone discussion on submission # 192 to a later date.

Thank you,

Don Black
Board of Assessors

From: John Giger [mailto:john.giger@verizon.net]
Sent: Tuesday, January 03, 2017 4:33 PM
To: "Anna Eliot"; 'Art Prest'; 'Barry Pease'; 'Berta Erickson'; 'Connie Sartini'; 'Dolores Alberghini'; 'John Petropoulos'; 'Judy Anderson'; 'Marlena Gilbert'; 'Michelle Collette'; 'Peter Cunningham (E-mail)'; 'Pierre Comtois'; 'Russ Harris'; 4rgdrsdkids@gmail.com; grotonpines@gmail.com; sheff170@hotmail.com; newseditor@grotonherald.com; edstrachan@alum.mit.edu; eln7nt@gmail.com; pdufresne@townofgroton.org; ginger.vollmar@oracle.com; torcutt@townofgroton.org; jimg_bothendsnow@hotmail.com; jwallens_era@hotmail.com; yrnpedlar@verizon.net; athiejennings@gmail.com; mbouchard@townofgroton.org; mhartnett@townofgroton.org; ggreen@freetobegreen.com; repboh1@verizon.net; dmanugian@gmail.com; 'judy schuster'; "Barry Pease"; "Mark Haddad"; 'Jon Sjoberg'; 'Lorraine Leonard'; 'Don Black'; 'Garrett Boles'; 'Jenifer Evans'; 'Rena Swezey'; 'Jonathan Greeno'
Cc: Fran Stanley; Bud Robertson; Jane Allen (Home); Michael Manugian; Michael McCoy; R. Eibye (for B. Collins); Steve Legge; Stuart Schulman (Home)
Subject: [CRC] Charter Review Committee Agenda for Thursday, 01-05-17 Meeting

Please Note: Charter Review Committee will meet on Thursday, 01-05-17, this week.

Greetings, you are receiving this email message because you submitted one or more recommendations to the Charter Review Committee, expressed interest in the Charter Review process or asked that you be added to the distribution list. The work of the committee continues. Please note that our meetings begin at 7 PM and are held in the first-floor meeting room in the Town Hall. A copy of the meeting agenda is attached for your information.

Whether you have submitted a submission on a topic or not, you are welcome to attend the meeting.

If you wish to reply to this message, please send your message to:
towncharterreviewcommittee@townofgroton.org.

If you know someone who would like to be added to this distribution list, please have them send an e-mail to the committee's clerk (john.crc@cybergiger.com) and include in the body of the message the exact e-mail address you would like added.

If you would like to be removed from this distribution list, please send an e-mail to the

committee's clerk (john.crc@cybergiger.com) and include in the body of the message the exact e-mail address you would like removed.

>> John

<<<<<<<<<>>>>>>>>>
John R. Giger, Member & Clerk
Charter Review Committee
152 Whiley Road
Groton, MA 0145 USA
Phone: +1 978-448-9628
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<<<<<<<<<>>>>>>>>>

Public Record Notice: Please note that the Commonwealth of Massachusetts has determined that most e-mail messages, including their attachments, to and from public officials are public records (see <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>). Based on my role as an appointed member of the Groton Charter Review Committee, I am categorized as a public official by the Commonwealth of Massachusetts. Accordingly, confidentiality of this e-mail message must neither be expected nor assumed.

This email was sent on 01/03/17 at 16:33 EST [UTC-5] by John Giger.

SECTION 8.3

Judy Anderson

If the powers and duties of any office, department, or agency or part thereof are assigned in whole or part to another office or agency, then all records, property and equipment of said office, department or agency shall be transferred forthwith to the new office, department, or agency to which such powers and duties have been assigned.

Fran Stanley

From: Michael Manugian <Mike@ManugianInc.com>
Sent: Thursday, January 05, 2017 6:41 PM
To: Bud Robertson; Jane Allen-Horne; John Giger (CRC); Michael McCoy; Robert Collins; Stuart Schulman home
Cc: Steve Legge; Fran Stanley
Subject: FW: CRC

Exhibit E to Charter Review Committee
01-05-17 Meeting Minutes

fyi

Mike

-----Original Message-----

From: Judy Anderson [<mailto:judyandersongroton@me.com>]
Sent: Thursday, January 05, 2017 1:00 PM
To: Michael Manugian
Subject: CRC

I'll be upstairs at Planning Board at 6 to listen to the first part of that Indian Hill hearing, but I'll come back down by 7:15 for CRC.

I just finished going through the 0.8-7 version, and I have a question - you cover GELD, but not Water and Sewer, which are also enterprise funds - I would think that especially with the increased importance of Sewer with the additional 4 Corners/Ayer system, you would want to have some sort of description/responsibilities/reporting structure should be part of this Charter.

Also, given the things that have been said by the Assessors, I think you should look at the fact that you're using Principal Assessor, and maybe that should be revised to Assistant Assessor or Principal Assistant Assessor. Otherwise, it sounds as though the paid position, which is a supporting position to the Board of Assessors, is the more important one.

Under 3.2.2.4, does the Library get its supplies through Town Hall or does it order and pay for its own? And under 5.4, is DPW responsible for the cemetery maintenance at the main cemetery off Hollis Street or just the old cemetery beside the Legion Hall? Does DPW clean the Library?

I also have some more of my usual nit-picking changes, I just wanted to bring up these things so you have a chance to think about them before tonight.

Thanks,

Judy