

# Charter Review Committee (CRC)

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

## Meeting Minutes – Wednesday, January 11, 2017

At Town Hall

**Present (6):** Jane Allen, Robert Collins, Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair), John Giger (Clerk)

**Absent:** Stuart Schulman

**Recorder:** Fran Stanley

**Visitors (8):** Judy Anderson, Donald Black, Bob Hanninen, Anna Eliot, Russell Harris, Peter Cunningham, Joshua Degen, Barry Pease

**Call to Order:** Chairman Manugian called the meeting to order at 7:02 PM.

### Approval of Meeting Minutes:

Mr. Manugian asked for review of the January 5, 2017 draft minutes.

*Mr. Collins moved to approve the January 5, 2017 draft minutes as submitted. Ms. Allen seconded and the motion carried 5:0 (Mr. Giger abstained; Mr. Schulman absent).*

### Administrative Issues:

Mr. Manugian announced the times and locations of upcoming public hearings. Both of the January 18 public hearings – the first at 10 AM and the second at 7 pm -- will be held in the Town Hall second floor meeting room. For the two January 25 public hearings, the 10 am public hearing will be held in the Town Hall second floor meeting room and the 7 pm public hearing will be held in the Town Hall first floor meeting room.

Mr. Manugian stated that he received a new submission proposing to remove the Department of Finance from the Charter and this new submission will be presented at a future meeting of the Committee.

### Submission 195

Mr. Robertson read the formatting and syntax recommendations proposed by Jason Weber.

### Submission 196 and 198

Mr. Harris read his recommendations for changing the Principal Assessor title to an alternative title for clarity with regards to that staff person's role and to bring the title in to conformance with the terminology used by many other Massachusetts communities.

Mr. Harris also read his recommendation for clarifying the role of Principal Assessor by listing tasks and having that position serve as an assistant to the elected Board of Assessors and not also serving on the Town Manager's Finance Team. Mr. Harris further recommends having the Board of Assessors appointing rather than the Town Manager so that the primacy of the Principal Assessor's role as assisting the Board of Assessors is assured. Mr. Robertson cited Section 5.3.7 as the new location for the assessor language being discussed. Mr. Harris said that he would like the Principal Assessor language in the Charter broken out and removed from the Department of Finance and made its own section.

Mr. McCoy asked whether Mr. Harris would approve of moving the language in Section 5.3.7 to Section 3.10. Mr. Harris was not opposed to that change but had focused more on the Charter language than the Charter's section location.

Mr. Degen called the posted meeting of the Board of Selectmen to order at 7:25 pm when a quorum of their board (Ms. Eliot, Mr. Cunningham and Mr. Degen) was present in the meeting.

Mr. Collins asked for clarification, asking if the individual should not be part of the Finance Team beyond just moving the language. Mr. Harris said yes although that submission will be discussed later in this meeting. Ms. Allen said that there are two assessors in the office and is it Mr. Harris's intention to have the Board of Assessors appoint all the assessors in that office. Mr. Harris answered yes.

### **Submission 197**

Ms. Anderson requested additional information about the Groton Electric Light Department's (GELD) role and library responsibilities. There is a listing of the GELD board in the Charter but not the same listing for other Town municipal utilities such as the Groton Water Commission and the Groton Sewer Commission. Accordingly, Ms. Anderson suggested adding descriptions in the Charter for the Groton Water Commission and the Groton Sewer Commission. Mr. Cunningham said that state laws delineate the role of public utilities like GELD. Ms. Anderson said that her other thoughts expressed in her January 5, 2017 email are not items where she is recommending Charter changes.

### **Submission 195 Discussion**

Mr. Collins said that lengthy sentences are there for a reason.

*Mr. Collins moved to dismiss that portion of Mr. Weber's submission. Mr. McCoy seconded.*

Mr. McCoy said that sentences in the Charter are as long as such sentences need to be so he supports dismissing this portion of Mr. Weber's submission.

*Mr. Manugian called for a vote and the motion carried 6:0 (Mr. Schulman absent).*

The second portion of Mr. Weber's submission called for replacing the phrase "perform temporarily" with "temporarily perform".

*Mr. Collins moved to dismiss that portion because the meaning is the same. Mr. McCoy seconded.*

Ms. Anderson said that changing the wording as proposed would lead to a split infinitive.

*Mr. Manugian called for a vote and the motion passed 6:0 (Mr. Schulman absent).*

### **Submission 196**

*Mr. McCoy moved to have the Committee dismiss Submission 196 because a title change to Principal Assistant Assessor has already been implemented in Section 3 and that change should be extended throughout the document. Ms. Allen seconded.*

Mr. Collins said that senior assistant assessor may be better language. Mr. McCoy said that he is in favor of the smallest change necessary to accomplish Committee aims and the Principal Assistant Assessor title does that in Section 3.

Mr. Black said that so far as conformity of titles is concerned he shared that the title Chief Assessor is used in several towns. And Principal Assessor is used in several other towns and in his view, that is what

Groton has. Ms. Eliot asked if the towns being compared to Groton also have charters. Mr. Manugian replied that no one has shared area comparables with the Committee that include this information and so the answer to this question is not known at this time. Mr. Cunningham said that the actual duties for this position are defined by State law and the Charter.

*Mr. Manugian called for a vote on Mr. McCoy's motion to use the term Principal Assistant Assessor consistently throughout the Charter document and the motion carried 6:0 (Mr. Schulman absent).*

## **Submission 198**

Mr. Collins said that in the history of Groton before any of the present staff of the Assessors' Office were there, there were instances where taxpayers were not treated well. Mr. Collins said that he likes the idea of the Town Manager hiring the Principal Assistant Assessor in consultation with the Board of Assessors who know the technical qualifications to try to avoid selecting people who would treat taxpayers improperly.

Mr. Giger recommended involving both the two of the Assessors and the Town Manager to form a small hiring committee to share the hiring authority.

Mr. McCoy said that it seems like we are revisiting Mr. Petropoulos' submission. Perhaps we should give the Board of Assessors veto power, but we may come to the same conclusion as we did before if we debate the subject again.

Mr. Harris reiterated that in his view the Principal Assistant Assessor should not be included on the Finance Team. Mr. Robertson said that using the corporate model and reminded of the fact that the revenue portion is key to budgeting, that is how he imagines that the Principal Assistant Assessor reports to and sits as a member of the Finance Team. Mr. Cunningham and Ms. Eliot agreed that the Principal Assistant Assessor does comment on assessed values and revenue projections. Mr. Degen said that the Principal Assistant Assessor offers general consultations on the budget whereas Mr. Degen thinks that the position's opinions and advice should be limited to the areas of revenue and the accurate estimate of expected new growth.

Mr. Collins asked what Mr. Harris was concerned about if the Principal Assistant Assessor serves on the Finance Team. Mr. Harris said that it is a consideration for him that the Principal Assistant Assessor may be tempted to conform numbers or projections to match the proposed Town budget.

Regarding the appointing authority, Mr. Cunningham referenced past experience of elected boards that have participated in final interviews for certain positions (Conservation Agent and Land Use Director) and shared their opinions with the Town Manager about prospective hires.

Mr. Manugian said that the initial appointment process was not the only concern and that elected boards should be formally involved in the re-evaluation and the re-appointment process. Mr. Manugian recalled that the Town Manager stated that he re-appoints all appointed staff positions every year. Mr. Cunningham said that he was not aware that each person was automatically re-appointed each year. He does recall that the Planning Board has had some involvement in the evaluation of the Land Use Director.

Mr. Cunningham asked if the Charter Committee had already recommended that the Principal Assistant Assessor should not also serve as on the Board of Assessors and Mr. Manugian answered yes. Mr. Harris said that there is the possibility of jail time and potential effect on the Town under certain circumstances and the Committee should treat this position carefully and not just adhere to the idea of ensuring consistency across Town departments.

Ms. Allen said that the Principal Assistant Assessor makes a real contribution to the Department of Finance and should be a member. She continued with the point that this position is important as are other key positions within the Department of Finance. Mr. Giger said that evaluation process is informal and could be improved upon but the concept is there. Mr. Giger requested that the Department of

Finance suggestion be deferred to a later time. Mr. Manugian indicated his desire to proceed but added that he is willing to revisit the subject later. Ms. Eliot wondered if a recommendation could be made to the Selectmen to have a policy for elected board input on department head evaluations.

*Mr. McCoy moved to dismiss Submission 198 without taking action. Mr. Collins seconded.*

*Mr. Manugian called for a vote and the motion carried 5:1 (Mr. Giger opposed; Schulman absent).*

*Mr. Robertson moved to allow boards to provide input on the annual evaluations for Town employees serving those boards. Mr. Collins seconded.*

*Mr. McCoy amended the motion to change the word allow to require. Mr. Collins seconded this amendment.*

Mr. Degen said that the proposed language is too broad and could be honed down to department head level thereby letting department heads perform the evaluation for employees under their departments.

Mr. Collins left the meeting at this point (8:25 pm).

*Mr. Manugian called for the vote on require versus allow and the motion carried 5:0 (Mr. Collins and Mr. Schulman absent).*

*Ms. Allen moved to require that board recommendations be done in writing. Mr. Giger seconded.*

Ms. Eliot clarified that this is to be a recommendation to the Selectmen. Mr. Cunningham said as Ms. Eliot said earlier the Board of Selectmen is in the midst of revising the employee evaluation forms now.

*Mr. Manugian called for the vote on putting board recommendations in writing and the motion carried 5:0 (Mr. Collins and Mr. Schulman absent).*

***Mr. Manugian called for the vote on the main twice amended motion and the motion passed unanimously 5:0 (Mr. Collins and Mr. Schulman absent).***

### **Submission 197**

Action item: Mr. Giger will research the water and sewer department Charter history in an effort to learn why they are not listed in the Charter and whether they should be added.

Any reconsiderations asked Mr. Manugian. Mr. Manugian stated that while he was making the Committee approved changes to Section 8.3 he observed an unintentional ambiguity. Specifically, two offices are mentioned so which one is 'said office'. The ambiguity was inadvertent in Mr. Manugian's view. Mr. Manugian asked if the Committee would consider rescinding the change.

*Mr. Manugian moved to rescind the change to Section 8.3 and to go back to the prior wording. Mr. Giger seconded.*

Mr. McCoy asked how this proposed motion is different from a reconsideration as it is reversing a previous decision. Mr. Manugian replied that it was part of reviewing and confirming edits to the proposed Charter.

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

Section 3.10.1 on page 13 was cited by Mr. Robertson as needing a capital B for Board of Assessors. 3.10.2 "except as otherwise provided for in this Charter" to be added at the end. On page 20, the Principal Assistant Assessor title needs to be corrected throughout in Section 5 and elsewhere.

Action item: Mr. Manugian will search and replace throughout the document to get Principal Assistant Assessor title used as the agreed upon title.

Ms. Anderson commented that in 5.3.5 through 5.3.7 a search for by-law versus by-laws should be used to ensure that the references are. Note that when the non-hyphenated “by law” phrase is used, no changes are needed.

*Mr. McCoy moved to amend Sections 6.6.1 and 6.6.2 to format these as bulleted lists. This motion died for lack of a second.*

Action item: Mr. Manugian will use proper font and type size in 6.2.1.

Action item: Mr. Manugian will draft an annual report, distribute to committee members who will be asked to respond back individually to Mr. Manugian. Mr. Manugian will accept feedback and submit final version of the annual report.

By consensus, Committee members agreed to have Mr. Manugian complete the final version of the annual report.

Mr. Manugian suggested removing flags and appendix to provide a clean version of the proposed Charter along with the summary for public view. Mr. Giger commented that the version that is completed tomorrow should remain the Committee’s working version until all four public hearings have concluded.

Action item: Mr. Giger will line up scribes for the scheduled public hearings. No projector will be needed for the scheduled public hearings on the 18<sup>th</sup> and the 25<sup>th</sup>.

*Ms. Allen moved to adjourn the meeting at 9 pm. Mr. McCoy seconded and the motion carried unanimously with a 5:0 vote (Mr. Collins and Mr. Schulman absent).*

**\*\* The next meeting is the public hearing scheduled for Wednesday, January 18th at 10 AM. \*\***