

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

**Public Hearing Minutes - January 25, 2017,  
7:00 PM at Town Hall**

**Present (5):** Jane Allen, John Giger (Secretary), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair)

**Not Present:** Robert Collins, Stuart Schulman

**Recorder:** Stephen Legge

**Visitors:** Judy Anderson, Anna Eliot (BOS), Barry Pease (BOS)

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

**Administrative Issues:**

Mr. Manugian made several announcements. The Committee was conducting four public hearings, including the present meeting, over an eight day period. Their purpose is to provide opportunity to the public, and Town officers, department heads and other employees to comment on the draft revised Charter which is the product of the Committee's work to date. The other hearings were held last Wednesday (2) and this morning at 10:00 AM.

A projector is available for anyone's use, if desired. Mr. Manugian said it would be helpful if those making comments would reference relevant sections of the Charter, or line numbers in the draft revised Charter, or both. The draft revised Charter is available for all to see on the Town's website, both as a clean copy and one marked with all significant changes to the existing version, approved in 2010.

The Committee will continue to receive written proposals from the public until January 30, 2017. At that time preparation must be made for a final version of the revised Charter to be submitted to Spring Town Meeting for approval by voters. There will be one more final public hearing held before the Spring Town Meeting.

This is the second year of work for the Charter Review Committee (it has met weekly for most weeks), and work is drawing to a close. Over 200 comments and proposed revisions have been submitted and considered. The final draft will be submitted for approval at the Spring Town Meeting this year. If it is approved, a ballot vote will take place shortly afterward, and then the draft approved by the Town will be submitted to the state legislature for approval. Once the state approves the draft, it will become Groton's new revised Charter.

**Presentation of Comments from the Public:**

The public present were invited to submit comments.

Visitor Mr. Pease passed out a memo (two pages) with two proposals for consideration.

**Section 1.5, Interpretation of Powers:** Mr. Pease proposed to make a minor word change in replacing the word “its” with “the Town’s”.

**Mr. Robertson moved to replace the word “its” in Charter Section 1.5 with the words “the Town’s”.** Mr. McCoy seconded. A vote was taken and the motion was approved 4 – 1 with Mr. Manugian voting no.

**Section 5.5, Information Technology:** Mr. Pease proposed wording changes in the section. This section was discussed in this morning’s meeting in connection with comments from the department heads, and it was agreed by the Committee to make changes at that time.

Mr. Robertson said Mr. Pease’s additional comments do not merit further Charter change. He suggested the BOS and Town Manager could consider refinement of the scope and responsibilities of the department.

Ms. Allen agreed with Mr. Robertson.

**Mr. Robertson moved to dismiss the present proposed changes for Section 5.5 with no further change to the Charter, as amended at the 10 AM meeting on January 25, 2017.** Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

No other visitors to the meeting had comments at this time.

### **Approval of Meeting Minutes:**

The minutes of January 11, 2017 were considered. Mr. Robertson requested two changes on Page 1 correcting inaccuracies: on the top line remove the “word “All” describing Committee members present, and change the number of visitors from “3” to “8”.

**Mr. McCoy moved to approve the minutes of January 11, 2017 as corrected.** Mr. Robertson seconded. The minutes were approved unanimously.

The minutes of January 18, 2017 at 10:00 AM were considered.

**Mr. Robertson moved to approve the minutes of January 18, 2017 at 10:00 AM as written.** Ms. Allen seconded. A vote was taken and the motion was approved 4 – 0 with Mr. McCoy abstaining due to absence from the meeting.

The minutes of January 18, 2017 at 7:00 PM were considered.

**Mr. McCoy moved to approve the minutes of January 18, 2017 at 7:00 PM as written.** Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

### **Continuation of Discussion of Administrative Comments Presented by the Department Heads on January 18th, 2017:**

Last week at the morning meeting, Mr. Bouchard, Town Clerk, summarized comments from the Groton Town department heads on the revised draft Charter (flagged version dated December 30, 2016) in a five-page written summary. Please note line numbers will refer to the pdf flagged version of the revised Charter, version 0.8-10. The Committee began its discussion of the points raised in this summary this morning at the 10:00 meeting.

**Section 7.8, Loss of Office, Excessive Absence:** the department heads felt it important to add that an oath of office must be taken in a timely way at the beginning of one's term. Failure to do so should lead to a loss of the opportunity to take office.

**Mr. Manugian moved to remove the words "Excessive Absence" from the section title and add new language to make clear failure to take an oath of office will lead to a loss of the opportunity to take office.** Ms. Allen seconded.

Mr. McCoy said if you do not take the oath of office you never become the officer in the first place, therefore there is no need to take away the office. A discussion on semantics followed.

Visitor Ms. Eliot said the Town Clerk maintains records as to who has taken the oath of office and who has not.

Mr. McCoy: the section would read more logically if the statement about the oath was first and excessive absences followed that.

**Mr. McCoy moved to amend the earlier motion by reversing the order of the two clauses in the body of the section.** Ms. Allen seconded. A vote was taken on the amendment and it passed 4 – 1 with Mr. Manugian voting no.

A vote was taken on the main motion by Mr. Manugian, amended, and it passed unanimously. The revised section reads as follows:

"Section 7.8: Loss of Office

A person appointed to serve as a member of a multiple member body may be removed from office by the appointing authority if the person does not take his/her oath of office at the beginning of the current appointment, or if the person exhibits excessive absences from the properly scheduled meetings of the multiple member body."

**Section 7.10, Waiver of Administrative fees:** the department heads felt this new section of the Charter needed additional attention. They felt that boards other than the BOS should have the right to approve fee waivers, particularly those who are responsible for administering the fees. They also use their own discretion in waiving fees and gave a number of examples. They further point out that state statutes in some cases authorize the waiver of fees.

Mr. McCoy said having heard the testimony he is inclined to believe the Committee is micro-managing by adding the fee waiver provision in the Charter. He asked if this was Charter level issue.

Mr. Manugian said the provision in the Charter would build public confidence that the process is fair and transparent and without favoritism.

Ms. Allen commented the approved policies may have the effect of leaving people feeling entitled to waivers. She is therefore somewhat disinclined to make this a Charter issue.

Mr. Giger asked if the BOS has a current policy on the waiving of fees by the Town Manager. Selectman Ms. Eliot answered she was not sure.

Ms. Eliot expressed the opinion the BOS should be taken out of the loop on this as much as is practical. It is not appropriate for them to manage this on behalf of other boards and departments.

Mr. Giger said he also is inclined to believe this may not be a Charter issue, but is reluctant to let it go entirely.

Visitor Ms. Anderson suggested this not be a Charter issue, but the Committee (Charter Review) consider recommending to the BOS that they ask or insure that the various boards and departments write their own policies and approve them publicly.

**Mr. McCoy moved to change the wording in Section 7.10 from that first developed by the Committee to read as follows:**

**“Section 7.10: Waiver of Administrative Fees**

**Administrative fees, fines and penalties that may be charged by any Town department shall not be waived unless the waiver complies with a written policy.”**

Ms. Allen seconded. A vote was taken on the motion and it passed unanimously.

This change eliminated the problems of the BOS having to approve policies for waivers of fees belonging to other boards or departments and having to do so also for other entities not directly responsible to them, such as the Town Clerk. It left each entity free to define its own policies.

Note: the Water Commissioners had requested exemption from Section 7.10, as previously written.

## **Discussion of Syntactical Comments Presented by the Department Heads on January 18th, 2017:**

**Section 2.1, Town Meeting:** It was asked to de-capitalize the words “Annual Town Meeting”.

Because the deadline for submission of the Charter to Town Meeting was fast approaching, Mr. Manugian cautioned the Committee about making minor changes which might lead to unintended consequences or editing errors.

By consensus, the Committee decided to leave this language as it was in Section 2.1.

**2.6.1, Initiation of Warrant Articles:** it was again requested to de-capitalize several phrases referring to types of Town Meetings.

By consensus, the Committee decided to leave this language in Section 2.6.1 as it was.

**Section 3.1.1, Elective Town Offices:**

By consensus, the Committee decided to leave language referring to the Groton Public Library Trustees as it was.

**Section 3.8, Library Board of Trustees:**

By consensus, the Committee decided to leave language referring to the Library Board of Trustees as it was. The Committee noted that this was the name given to the Board of the Groton Public Library in the Town Report.

**Section 4.1.1, Appointment of the Town Manager, Line 468:**

By consensus, the Committee decided to change the phrase “search committee” to “Screening Committee”, which is the formal name of that committee as used in Section 4.5.

**4.3.1.2, Removal and Suspension (of the Town Manager):**

By consensus the Committee decided to put the word “public”, previously removed, back in and removed the last sentence of the section. The sentence removed reads as follows:

“The hearing envisioned by this section shall be held in an Executive Session if requested by the Town Manager and if the circumstances meet the statutory requirements for an Executive Session, and such a hearing shall be deemed to meet the hearing requirements of this section.”

**Section 6.4, Submission of Budget and Budget message, Line 764:** the department heads asked to make the language concerning target dates in this section consistent and inclusive of the end dates.

By consensus the Committee changed the phrase “prior to October 31<sup>st</sup>” in Line 764 to “not later than October 31<sup>st</sup>”. Also in **Section 6.8, Line 825**, a similar change was made for consistency, replacing the phrase “prior to December 31<sup>st</sup>” with not later than December 31<sup>st</sup>”.

**Report on Research on Enterprise Funds:**

Mr. Giger had researched enterprise funds on request of the Committee. He passed out and presented a set of ten slides, attached to these minutes, dated January 25, 2017, summarizing the results of his findings. He explained what enterprise funds are – funds in the Town accounts, maintained by the Town Accountant, but with revenues and expenses separate from all other activities, typically because they are public utilities with rate payers, as distinct from tax payers. In Groton, enterprise funds exist for the Groton Water district, the Town Center Sewer Department and the Groton Cable Committee. There is another enterprise fund under consideration for the Four Corners Sewer district. Mr. Giger made several recommendations as to how the enterprise funds might be referenced in the Charter.

**Administrative Issues:**

Mr. Manugian said the information presented tonight by Mr. Giger on enterprise funds will be discussed for potential Charter changes at the next meeting.

Mr. Manugian passed out a memo from the Town Manager (one page), dated January 10, 2017, providing the schedule for the Spring Town Meeting and the warrant activity preceding it. This information will be used to update the Committee schedule.

It is expected that Misters Collins and Schulman will return for the meeting next week.

**The meeting was adjourned with unanimous consent at 9:03 PM.**

**\*\* The next meeting is scheduled for Wednesday February 1st, at 7:00 PM. \*\***