

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

**Meeting Minutes - February 8, 2017**  
At Town Hall

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

**Not Present:** Robert Collins, Michael McCoy

**Recorder:** Stephen Legge

**Visitors (8):** Judy Anderson, Michelle Collette (Earth Removal/Storm Water Advisory Comm), Josh Degen (BOS – arr. 7:38 PM), Tom Delaney (DPW Director), Anna Eliot (BOS), Russell Harris, Barry Pease (BOS), 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 February 1st, 2017 were considered. Mr. Giger questioned the wording on Pages 2-3 reporting Mr. Haddad's statement about the Cable Advisory Committee not being included in the enterprise fund's accounting of operations.

**Action Item #1:** Mr. Giger will talk with Mr. Haddad to clear up the relationship between the Cable Advisory Committee and the enterprise fund for cable operations.

Mr. Manugian proposed and the Committee consented to postpone approval of these minutes to the next meeting so that Mr. Giger could clarify the role of the Cable Advisory Committee and whether it was considered a Town enterprise fund.

**Administrative Issues:**

The Chair announced for submissions to be presented next, a maximum of three minute presentations would be allowed and only sufficient time for discussion to the extent of fully understanding what was being submitted. Full discussion would take place after all three submissions had been presented and heard.

**Presentation of Submissions # 199, 202 and 205:**

**Submission #199,** by Russell Harris, proposes that revised Charter Section 5.3 be amended to remove reference to the Department of Finance and reconstitute the section to contain four stand-alone items: appointment of the Town Accountant, appointment of the Treasurer/Collector,

appointment of the “Senior Assistant Assessor” and the creation of a five-year financial plan for the Town. Mr. Harris felt the Department of Finance had no useful purpose as a government entity and only caused confusion as to roles and duties in the Town’s financial function. He also claimed he had found no other town having a charter form of government with such a function. Mr. Harris said he does not feel it necessary to define such an organizational unit in the Charter since the individuals constituting the Committee already exist and are managed by one individual, the Town Manager.

Mr. Harris left the meeting after his presentation.

**Submission # 202**, by Barry Pease, proposes to have the Town’s employees who report to the Town Manager ineligible to hold elected office on the Board of Selectmen. He did some research on the Mass General Laws and was amazed to discover they did not prohibit this. Mr. Pease’s primary reason for this proposal is to eliminate the possibility of one of the Town Manager’s own staff being in a position to supervise the Town Manager through the BOS. It is a “mind boggling situation” in Mr. Pease’s view.

Mr. Pease offered several different comments on the inconsistencies of expecting any one person to be a good “boss” and a good “subordinate” simultaneously. He concluded by offering his belief that these types of situations, where employees/BOS are in a possible conflict of interest, cannot be in the best interest of the Town.

Mr. Manugian asked Mr. Pease if he felt that the Regional School District employees should also be included in this proposal. Mr. Pease said he would not include it at this time on his own behalf. It could, however, be done if the Committee judged it appropriate. There are also other possibilities of Town employees being in a position to supervise their own management.

**Submission # 205**, by Michelle Collette, proposes to remove the new Section 7.10, Waiver of Administrative Fees from the draft revised Charter. She stated that a better alternative would be to restore each Board/Commission/Committee with jurisdiction over the matter to have the power to waive such fees. She cited at length the experience of the Earth Removal Storm water Advisory Committee and other Land Use Departments to make the point that current practice is adequate and appropriate and no changes are required. Requiring the BOS to approve waivers would burden the BOS with extra work and produce a procedural burden on applicants.

Mr. Manugian informed Ms. Collette that the Committee had approved new language to replace the former language for this section in an earlier meeting and as a result of discussion with the Town department heads. The new language removed the involvement of the Board of Selectmen in the general waiver process and required instead that each Town entity have a written waiver policy which was available to the public. Ms. Collette felt that the new language approved by the Charter Review Committee met the needs of her proposal and that no further changes were necessary.

### **Discussion of Submission # 205 by the Committee:**

**Mr. Giger moved to dismiss Submission # 205 with no further change to the Charter.** Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

### **Discussion of Submission # 199 by the Committee:**

Mr. Robertson disagreed with Mr. Harris that the Department of Finance was unnecessary in the Charter. He felt it was important to the Town because it ran the finances of the Town. Mr. Robertson acknowledged it may be possible to reword or even eliminate Section 5.3.2, but it was better to keep the central idea of Section 5.3, that the Town needed a Department of Finance.

Mr. Schulman also was not in agreement with Mr. Harris' submission. He felt the structure as defined in the Charter was good and it worked well in present practice. Mr. Schulman commented that one of Mr. Harris' arguments was that meetings of the Finance Department staff were not subject to the Open Meeting Law. Mr. Schulman observed that no staff meetings in any department are subject to the OML.

Ms. Allen thought the Town Manager had the right to form his own team(s). She therefore was not in favor of requiring a certain specified structure in the Charter – i.e., the envisioned Department of Finance presently mandated. She was, therefore, in favor of Mr. Harris' proposal. Ms. Allen posed the question, what is the benefit of having a certain structure for financial management fixed in the Town Charter?

There was further discussion between Mr. Robertson and Ms. Allen.

Mr. Manugian attempted to summarize for Mr. Harris (in his absence) his two chief concerns. Specifically, why define the Department of Finance at the Charter level and why not allow the Town Manager determine whatever structure makes sense to manage the Town's finances.

Mr. Giger saw the need for a Department of Finance structure but is not sure the current wording is the best possible expression of what it should be. It is an entity in Town government - it should be codified due to its importance.

Visitor Ms. Collette said she would prefer the Department of Finance remain in the Charter. This would accomplish two things: it would explain how the financial function works in the Town and also how communications take place amongst the various organizational elements of the town government.

**Mr. Robertson moved to dismiss Submission # 199 with no further change to the Charter.** Mr. Schulman seconded. A vote was taken and the motion was approved 4 – 1 with Ms. Allen voting no.

### **Discussion of Submission # 202 by the Committee:**

Visitor Mr. Delaney opposed the proposal by Mr. Pease that employees of the Town Manager should be ineligible to be elected to the BOS. He said with a five-member board for the BOS, it should be a lesser issue that an employee could be on the Board. Any Selectman could recuse him/herself whenever a possible conflict of interest (COI) arises.

Mr. Schulman asked for clarification on which Town employees would be ineligible for election to the BOS. Mr. Pease answered anyone who is reviewed by the Town Manager, because the Town Manager is reviewed (and possibly removed) by the BOS.

Ms. Allen said she is conflicted on this proposal. There can be problems for sure. But she is also thinking the Town voters will be smart enough to vote the right thing when a Town employee runs for the BOS.

Mr. Robertson is also unsure. There definitely can be COIs.

Mr. Manugian said some voters never see conflicts of interest, some see them when others do not, and some see them everywhere. In his judgment, a department head on the BOS is a direct conflict. How should the line be drawn with all the employees in Town government? He suggested that the by-laws might be a better place to do this.

Mr. Schulman agreed Mr. Manugian had a point. By referring this consideration to the BOS and suggesting a by-law solution, more time and thought might result in a better solution.

Mr. Petropoulos said he cannot imagine there would not be major conflicts if an employee were also a Selectman. He added the public's perception of government with integrity is tied to the perception of to what degree conflicts affect the judgment of public officials.

Visitor Ms. Eliot said this proposal infringes on the rights of individuals to run for office, and on the voters' rights to have their choice of whom to elect. There are existing remedies for conflicts which can be applied. No problem really exists here.

Visitor Mr. Degen agreed with Misters Manugian and Petropoulos, there would be direct conflicts. It would be tough for Town employees to avoid them. He pointed out people getting pensions from the Town could possibly be in conflict situations when members of the BOS.

Mr. Petropoulos felt there was an easy solution for all of this – give up the employment relationship with the Town if elected to the Board of Selectmen.

Mr. Delaney asked if the state legislature would approve a Charter limiting who can run for the BOS.

Ms. Eliot brought up a new point, that these later submissions discussed in late January and February are taking place after the public hearings to consider the revised Charter draft. Is it fair or appropriate to make such significant changes now without subsequent public review?

Mr. Giger responded anyone can come to any meeting and give feedback. That has always been the case since the very beginning. No one is closed out of the discussion.

Mr. Pease asked if it made sense to do something limited for now, such as the proposal he is making, and consider further action to expand these limits at a later time.

Mr. Degen likes that Mr. Pease brought this idea forward. He recommends that another public hearing be scheduled to discuss the latest proposed changes to the Charter.

Ms. Eliot agreed with Mr. Degen.

Mr. Robertson said in private industry the chief executive officer and sometimes the chief operating officer can be on boards, but even they don't always have the right to vote on matters before the board. There are usually rules on when they can and cannot vote.

Mr. Manugian said there appeared to be three strong advocates on the Committee of Mr. Pease's proposal to disallow Town employees to hold elected office on the BOS and each one differed in the scope of individuals who should be prevented from holding the office of Selectman. Mr. Pease proposed limiting the restriction to those employees who are reviewed by the Town Manager.

Mr. Degen commented any candidate who works for the Town in any capacity and runs for the BOS must file paperwork with the state Ethics Commission before running for office.

Mr. Manugian commented on the earlier point Ms. Eliot had made that there are remedies for conflicts and they work. He said these remedies only apply if an individual voluntarily points out a potential conflict or if someone files a complaint after the fact. Neither of these remedies prevent conflicts from occurring.

Mr. Degen proposed to bring these questions before Town Counsel before the Committee votes on Submission # 202.

**Mr. Schulman moved to bring the Submission # 202 questions to Town Counsel before any voting, and bring the opinion back to the Committee.** Mr. Robertson seconded.

Mr. Schulman said the Committee was conflicted about this issue because of the need to balance the right to hold an office against the potential damaging effects of conflicts.

Ms. Allen suggested taking questions to Attorney Lauren Goldberg, not the state Ethics Commission.

Mr. Manugian said Mr. Pease's submission was conceptually appealing but in practice he thought it would be difficult or impossible to craft language to effect the proper balance between preventing conflicts and the right to hold office.

Ms. Eliot agreed with the motion to have Town Counsel review the matter. She also believed last week's issue with employees on enterprise funds should go before Town Counsel as well.

Mr. Delaney pointed out that Karen Tuomi manages the Groton Trust Funds and is also paid by the Trust Funds.

**A vote was taken** on the motion to have Town Counsel review the issues on Submission # 202 and the motion passed 4 – 1 with Mr. Manugian voting no.

Ms. Collette and Misters Degen and Delaney left the meeting at 8:18 PM.

Discussion took place on the specific questions to be asked of Counsel on Submission #202.

Mr. Giger said there must be a strict deadline on this so that the Committee can make a decision before it is too late.

Mr. Manugian said he would put this on the agenda for the next meeting.

**Action Item #2:** Mr. Schulman will ask Town Counsel if it is permissible for the revised Charter to disallow Town employees from running for the BOS or to the governing boards of enterprise funds, regarding Submissions # 200 and 202. More specifically he will ask where the Committee can draw the line with respect to limiting employees, spouses, retirees, school district employees and contractors.

### **Continued Discussion of Submission # 200 by Mr. Petropoulos:**

Submission # 200 proposed to prohibit Town employees and Regional School District employees from serving on elected governing boards of enterprise funds. Misters Giger and Robertson presented and passed out a one-page document with two proposed options for language for revised Charter Section 5.7, Enterprise Funds.

Mr. Schulman commented enterprise funds are tightly defined in state statutes. We need to be careful not to add Charter language that would conflict.

Ms. Allen asked why we were not including Groton Electric Light, also an enterprise fund activity.

Mr. Robertson explained the GELD is indeed another enterprise fund, but is covered by a separate and different statute in a different area of the Mass Law. He proposed to include GELD in the write-up being presented to the Committee.

Mr. Manugian said the write-up is too broad with regard to which employees are not allowed to serve on the Board of an Enterprise Fund.

Mr. Robertson liked Option 2 better than Option 1 because it was more concise.

Mr. Schulman saw no reason why this should be put in the Charter.

**Mr. Robertson moved to accept the language of Option 2 for a new Section 5.7 in the draft revised Charter.** Ms. Allen seconded.

Mr. Schulman felt that Section 5.7.1 should also refer to state statute requirements in regards to Enterprise Fund creation and dissolution.

**Mr. Schulman moved to amend the motion to create a new Section 5.7 by inserting in Section 5.7.1 on the third line the phrase “in accordance with all state statutes and” before the phrase “approved by Town Meeting”.** Ms. Allen seconded.

Mr. Petropoulos pointed out that the amended Option 2 written by Misters Giger and Robertson is much narrower in scope than was originally presented in his proposal. His proposal (and the Committee’s decision to accept in concept last week) included all Town employees and Regional School District employees, not just those compensated by the enterprise fund.

Mr. Manugian stated he was getting uncomfortable with how the Committee was drawing its lines and defining boundaries. There did not seem to be enough time left to have adequate discussions about important matters like these which had been brought up very recently.

Ms. Allen felt strongly that Town employees should not be on boards of enterprise funds.

There was a brief discussion between Ms. Eliot and Mr. Manugian about the appropriateness and timing of the earlier scheduled public hearings, and whether there was sufficient opportunity for the public to comment on the recently proposed changes.

**The Committee approved the language of Mr. Schulman's amendment** to the motion under consideration by consensus.

**A vote was taken** on the amended motion to incorporate a new Section 5.7 in the draft revised Charter and it failed 2- 2 with Mr. Giger abstaining, and Misters Manugian and Schulman voting no.

The rejected amended motion read as follows:

“Section 5.7: Enterprise Funds

5.7.1 The Town may use separate accounts classified as ‘Enterprise Funds’ for their business-type services (e.g., sewer, water, cable, etc.). The creation and termination of each enterprise fund must be in accordance with all state statutes and approved by Town Meeting along with an accompanying by-law which, at a minimum, addresses the purpose of the enterprise fund, the fund’s rules of governance, and the fund’s schedule of financial reporting to the public.

5.7.2 Composition, Term of Office – The governing body of each individual enterprise fund shall consist of a minimum of three individuals who are either elected or appointed. No employee of the Town of Groton or the Groton Dunstable Regional School District, whose compensation is derived directly or indirectly and fully or partially from work for an Enterprise Fund, may serve on the governing body of the enterprise fund.

5.7.3 Powers, Duties – The governing body of each enterprise fund shall work in close coordination with the necessary Town boards and departments to enable the effective and efficient performance of its duties pursuant to the General Laws, this Charter, by-law or vote of Town Meeting.”

\* \* \*

Mr. Manugian noted that it was worth the time and struggle to try to come to grips with difficult issues of this sort, even when it isn’t possible to resolve them.

Ms. Eliot said Charters are supposed to be broader in context. Details are better handled in by-laws.

## **Other Administrative Issues:**

Mr. Manugian reported that Mr. Collins' recent absences were due to a family issue. He said Mr. Collins would try to complete his action items by the next meeting. They are mostly the development of new Charter language. Mr. Giger said Mr. Collins may not be fully aware of the number of open issues that were assigned to him. Mr. Manugian explained that he had sent the list to Mr. Collins.

Mr. Manugian went over a one-page document he passed out on four action items assigned to him from last week (there were a total of 12 action items last week). He summarized his progress to date on these items (see the following and attached email dated February 8, 2017).

AI #1: The Town Manager has agreed to submit the final Charter Draft to attorney Lauren Goldberg for review.

AI #8: Mr. Manugian met with the Town Manager who explained the union negotiating process. The Town Manager was satisfied with the removal of the Finance Department from the contract negotiation process which had been approved by the Charter Review Committee last week.

AI #11: Mr. Manugian explained that the Committee had already removed the Board of Selectmen from the fee waiver process referred to in submission #205.

AI #12: Mr. Manugian had asked Mr. Collins if it were possible for him to distribute his action items prior to the meeting for review by the Committee.

Mr. Manugian also mentioned that Mr. Giger and Mr. Robertson had completed Action Item #4 (developing Charter language for Enterprise Funds) and Mister Robertson had completed #5 (researching elimination of the Finance Department).

**The meeting was adjourned with unanimous consent at 9:10 PM.**

**\*\* The next meeting is scheduled for Wednesday, February 15th, at 7:00 PM. \*\***

### **Exhibits:**

- A. Proposed wording for new Section 5.7, Enterprise Funds, drafted by Bud Robertson and John Giger, dated February 8, 2017
- B. Email message from David Doneski, Town Counsel, to Michael Manugian, Charter Review Committee Chair, dated January 17, 2017, subject: Version of Charter for Review by Town Counsel
- C. Letter to Charter Review Committee from Attorney Robert L. Collins, dated February 8, 2017, subject: Warrant, Wording, Etc.



## **Section 5.7: Enterprise Funds**

5.7.1 **[Option 1]** The Town may use separate accounts classified as “Enterprise Funds” for their business-type services (e.g., sewer, water, cable, etc.). The enterprise fund establishes a separate account and financial mechanism for a municipal service for which a fee is charged in exchange for goods or services (MGL C. 44, §53F½). Under enterprise accounting, the service’s revenue and expenditures are segregated into a separate fund with its own financial statements, rather than being commingled with the revenues and expenses of all other governmental activities. Enterprise accounting allows the Town of Groton to demonstrate to the public true, total cost of providing a service by consolidating all the program’s direct and indirect costs (e.g., interdepartmental support, insurance costs, etc.), debt service, and capital expenditures into a segregated fund.

The creation and termination of each individual enterprise fund must be approved by Town Meeting along with an accompanying by-law which, at a minimum, addresses the purpose of the enterprise fund, the fund’s rules of governance, and the fund’s schedule of financial reporting to the public.

5.7.1 **[Option 2]** The Town may use separate accounts classified as “Enterprise Funds” for their business-type services (e.g., sewer, water, cable, etc.). The creation and termination of each individual enterprise fund must be approved by Town Meeting along with an accompanying by-law which, at a minimum, addresses the purpose of the enterprise fund, the fund’s rules of governance, and the fund’s schedule of financial reporting to the public.

5.7.2 Composition, Term of Office - The governing body of each individual enterprise fund shall consist of a minimum of three individuals who are either elected or appointed. No employee of the Town of Groton or the Groton-Dunstable Regional School District, whose compensation is derived directly or indirectly and fully or partially from work for an Enterprise Fund, may serve on the governing body of the enterprise fund.

5.7.3 Powers Duties - The governing body of each enterprise fund shall work in close coordination with the necessary Town boards and departments to enable the effective and efficient performance of its duties pursuant to the General Laws, this Charter, by-law or vote of Town Meeting.

Giger/Robertson, 2017-02-08

**From:** Michael Manugian  
**To:** [Bud Robertson](#); [Jane Allen-Home](#); [john.crc@cybergiger.com](mailto:john.crc@cybergiger.com); [Michael McCoy](#); [Robert Collins](#); [Stuart Schulman](#)  
**Cc:** [Steve Legge](#)  
**Subject:** FW: Version of Charter for Review by Town Counsel  
**Date:** Sunday, February 5, 2017 15:28:23

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Hi All,

I wanted to make sure I distributed Town Counsel's response to our question regarding decreasing the authority of the BOS relative to the setting of policy.

Also, here is the MGL clause referenced in his reply:

Fifth B, "Chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

Thanks,

Mike

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**From:** David Doneski [<mailto:DDoneski@k-plaw.com>]  
**Sent:** Tuesday, January 17, 2017 9:45 PM  
**To:** Michael Manugian  
**Cc:** John Giger ([john.giger@verizon.net](mailto:john.giger@verizon.net)); Mark Haddad ([mhaddad@townofgroton.org](mailto:mhaddad@townofgroton.org))  
**Subject:** RE: Version of Charter for Review by Town Counsel

Mike,

Following up on your question: I was thinking of areas which may not be within the direct, or first line, statutory authority of the Board, but for which the Board might still be expected to, or wish to, take a policy position by virtue of its status as chief executive of the Town. That status is stated in subsection 3.2.2 and in the General Laws (G.L. c. 4, §7, clause Fifth B). For example, it generally would not be expected for the Board of Selectmen to make policies *for* the Planning Board, but it could be expected that the Board might make a policy statement on a matter that touches on planning concerns, either directly or indirectly, such as use of streets or land development patterns or goals.

David J. Doneski, Esq.

**KP | LAW**

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**From:** Michael Manugian [<mailto:Mike@ManugianInc.com>]

**Sent:** Thursday, December 29, 2016 2:16 PM

**To:** David Doneski; John Giger

**Cc:** "Mark Haddad"; Bud Robertson; Jane Allen-Home; [john.crc@cybergiger.com](mailto:john.crc@cybergiger.com); Michael McCoy; Robert Collins; Stuart Schulman

**Subject:** RE: Version of Charter for Review by Town Counsel

Hi David,

We reviewed your comments at last night's meeting and accepted all but a couple of them. Thanks for your help.

We did have a question on one of your comments.

Here is section 3.2.2.1 with your comment. This appears under section 3.2.2 describing the powers and responsibilities of the Board of Selectmen.

Serve as the principal goal-setting and policy making agency of the Town for matters[\[djd1\]](#) within its statutory authority and for those matters for which the Town Meeting has directed the Board to act[\[djd2\]](#) .

Here is your Comment in case it isn't visible above:

"The revision, by its terms, appears to decrease the policy making authority of the Board. Is this intended?"

Our intent was to specify that the Board of Selectmen (as apposed to the Town Manager, for example) was the principal goal and policy setting authority. We wanted to ensure that this covered all areas for which the Board was responsible both by statute, law, by-law and by any power granted to the Board by a Town Meeting warrant article.

We did not intend that the Board of Selectmen have authority to set policy for areas outside of its statutory authority or power granted by a Town meeting warrant article. For example, we did not want the BOS to have authority to create policies for the Planning Board.

Would you please explain what policy making authority of the BOS we would be decreasing by inserting this language.

Thanks,

Mike

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**From:** David Doneski [<mailto:DDoneski@k-plaw.com>]  
**Sent:** Friday, December 23, 2016 4:27 PM  
**To:** Michael Manugian; John Giger  
**Cc:** "Mark Haddad"  
**Subject:** RE: Version of Charter for Review by Town Counsel

Mike and all,

I have reviewed the revised charter draft prepared by the Charter Review Committee and made recommended modifications to the 'clean' document included with Mike's e-mail below. I have also included some marginal notes with questions or comments. Most of the changes are for clarification or internal consistency (including consistency with other revisions included in the Committee's draft). On that point, I have changed "municipal" to "Town" in various places because the definitions, including the new definition for "department head," are keyed to "Town" operations or functions.

I note that the 'flagged' version of the document does not include all changes from the present form of the Charter, such as capitalization of terms and number/letter protocols for the various sections of the document. Technically, all such changes are revisions which must be approved (the same as when such changes are made to a by-law). It is my understanding that the Committee intends to present a full, revised document for consideration by Town Meeting, rather than just the portions of the Charter being revised. In doing so, it will be necessary to include information regarding the 'form' changes. Some of these changes can be captured by stating a 'rule' that was applied by the Committee (e.g., capitalizing Town and use of words instead of digits to express certain numbers). For this task, we can do an outline of the types of blanket changes that have been incorporated into the document.

Please contact me with any questions.

***Kopelman and Paige is now KP | LAW***

David J. Doneski, Esq.

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This email was sent on 12/14/16 at 07:05 EST [UTC-5] by John Giger.

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

From: Mark Haddad [<mailto:mhaddad@townofgroton.org>]  
Sent: Tuesday, December 13, 2016 15:24  
To: David Doneski <[DDoneski@k-plaw.com](mailto:DDoneski@k-plaw.com)>  
Cc: John Giger <[john@cybergiger.com](mailto:john@cybergiger.com)>  
Subject: RE: Version of Charter for Review by Town Counsel

Hi David:

I am copying John Giger and would request that he provide you with the documents you request.  
Thanks John.

Mark

From: David Doneski [<mailto:DDoneski@k-plaw.com>]  
Sent: Tuesday, December 13, 2016 1:16 PM  
To: Mark Haddad  
Subject: RE: Version of Charter for Review by Town Counsel

Hi Mark,

Do you have this available in a Word document? Also, is there a version that shows the differences between this document and the present form of the Charter?

Thanks

Kopelman and Paige is now KP | LAW

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From: Mark Haddad [<mailto:mhaddad@townofgroton.org>]  
Sent: Friday, December 09, 2016 12:24 PM  
To: David Doneski  
Cc: Michael Manugian; Dawn Dunbar  
Subject: FW: Version of Charter for Review by Town Counsel

David:

Please see below email and attachment from the Charter Committee. Please make sure you comply with their request to have the comments back by December 23rd to allow them to adhere to their schedule. Thank you.

Regards,

Mark

From: Michael Manugian [<mailto:Mike@ManugianInc.com>]  
Sent: Friday, December 09, 2016 11:04 AM  
To: Dawn Dunbar; Mark Haddad  
Cc: Bud Robertson; Jane Allen-Home; John Giger (CRC); Michael McCoy; Robert Collins; Stuart Schulman home; Steve Legge  
Subject: Version of Charter for Review by Town Counsel

Hi Dawn and Mark,

I have attached a clean, pdf of the latest version of the Charter with all wording changes approved by the Committee through its meeting of Dec 7th, 2016.

We would appreciate it if you would forward this to Town Counsel for their legal review. We would like to receive the results of the review back by December 23rd so that we can make any necessary changes and prepare for our public hearings. We felt it would be best to have a legal review before we present all of our proposed changes to Town Government and the public.

I could also provide a version with additions and deletions flagged if you feel that would be of any use.

Thank you for your help.

Mike Manugian, Chair  
on behalf of the Town of Groton Charter Review Committee

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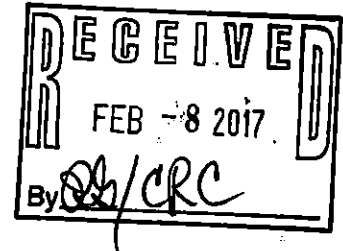
The revision, by its terms, appears to decrease the policy making authority of the Board. Is this intended?

Tag: 20160413-G. See CRC minutes of 03/02/16.



**Exhibit C to Charter Review Committee  
02-08-17 Meeting Minutes**

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



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

*Groton Office:  
204 Gay Road  
Groton, Massachusetts 01450*

8 February 2017

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

Dear Committee Members:

May I respectfully offer the following:

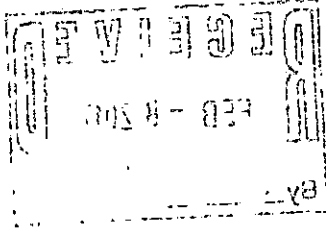
**Warrant, Wording, Etc.**

The warrant closes on the 24<sup>th</sup>; it is finalized on the following Monday, and goes to the printer on March 3<sup>rd</sup>. We thus need the wording for the warrant article by that time; I should have proposed wording ready for next week; the warrant article will reference a draft charter document "on file with the Town Clerk."

The warrant gets posted fourteen days prior to the commencement of town meeting. We thus need our final document ready to be filed with the Town Clerk on Monday, April 10<sup>th</sup>.

Should it be determined that this needs to also be approved by ballot (which I am not altogether certain will be the case; I have posed this question to Attorney Doneski), the ballot wording needs to be done by that time also (or the week before) and having this as a ballot question needs to be voted on by the Board of Selectmen prior to the 11<sup>th</sup>. Since Town Meeting will not have occurred by that time, the vote by Board will be conditional on the vote by Town Meeting.

Amendments to the wording subsequent to the posting (whether those changes are from the Committee or from the floor at Town Meeting) need to "be



within the four corners" of the document. Thus, an amendment or change in wording can properly only deal with concepts we have dealt with in the draft. So, for instance, if someone proposed that an appointed board should instead be elected, that change would be out of order, and not be possible.

**Action Items:**

1. Section 1.9.1

Insert "vote of the Town Meeting" after the words "this Charter.

2. Section 1.9.13

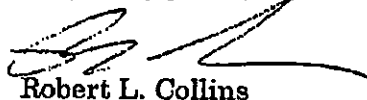
Change "office notices" to "official notices" and add the words "by the Town Clerk" after the word "designated."

3. Section 3.9

Change this section to read " The Town Clerk shall have all of the duties established by the General Laws and shall be the Records Access Officer pursuant to the provisions of Chapter 66 of the General Laws."

I promise to have the remaining three action items attended to by next week !

Very truly yours,



Robert L. Collins