

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

Meeting Minutes - February 22, 2017
At Town Hall

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

Not present: Robert Collins, Michael McCoy

Recorder: Stephen Legge

Visitors: Judy Anderson, John Petropoulos (BOS), Becky Pine

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

Approval of Meeting Minutes:

The draft meeting minutes of February 15th, 2017 were considered. A minor correction was made on Page 6 regarding the wording of Action Item #10.

Mr. Robertson moved to accept the minutes of February 15th, 2017 as amended. Mr. Schulman seconded. The motion was approved unanimously.

Discussion of Outstanding Issues on Previously Presented Submissions:

Mr. Manugian began by saying this was a very important meeting. There are a number of open issues before the Committee which must be completed tonight.

Item # 1 on the Agenda regarding Section 3.2.1: In earlier discussions the Committee decided to address the issues raised in Mr. Pease's Submission # 202 in which he proposed certain employees of the Town be prohibited from election to the BOS due primarily to the likelihood of conflicts of interest. Mr. Collins submitted additional new language for this section in his letter to the Committee dated February 21, 2017 (two pages). He proposed to add a sentence to the end of the section as follows:

"No Selectman shall hold another compensated position of the Town during their term of office."

Ms. Allen moved to accept this language in the draft revised Charter. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Item # 2 on the Agenda regarding Sections 5.3.5, 5.3.6 and 5.3.7: In earlier discussions of these sections it was decided to make certain changes in the Department of Finance language relating specifically to the positions of Town Accountant, Treasurer/Collector and Principal Assistant Assessor. The changed sections would read as follows:

“Section 5.3.5 Town Accountant - The Town Accountant shall be appointed by the Town Manager and that appointment shall be confirmed by the Board of Selectmen pursuant to Section 4.2.3 for a term not to exceed three years. The Town Accountant shall have all the powers and duties vested in this office by law, this Charter, by-laws or Town Meeting vote.”

“Section 5.3.6 Treasurer/Collector - The Treasurer/Collector shall be appointed by the Town Manager and that appointment shall be confirmed by the Board of Selectmen pursuant to Section 4.2.3 for a term not to exceed three years. The Treasurer/Collector shall have all the powers and duties vested in this office by law, this Charter, by-laws or Town Meeting vote.”

“Section 5.3.7 Principal Assistant Assessor - The Principal Assistant Assessor shall be appointed by the Town Manager and that appointment shall be confirmed by the Board of Selectmen pursuant to Section 4.2.3 for a term not to exceed three years. The Principal Assistant Assessor shall have all the powers and duties vested in this office by law, this Charter, by-laws or Town Meeting vote.”

Mr. Schulman moved to accept Mr. Collins language in the draft revised Charter, in Sections 5.3.5, 5.3.6 and 5.3.7. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Item # 3 on the Agenda regarding Mr. Collins’ research on whether the number of elected assessors is codified in the state laws: According to Mr. Collins, Section 24 of Chapter 41 of the General Laws stipulates that there shall be one, three or five assessors, elected or appointed, with a three-year term; the terms of each are to be staggered so that a third of the board is appointed or elected each year.

Mr. Manugian declared this was consistent with our Charter language and there was no further issue.

Item # 4 on the Agenda regarding an appropriate reference in the state law to the Town Clerk’s responsibilities for public access of records: It was determined that Chapter 66 of the General Laws is an appropriate reference.

Item # 5 on the Agenda regarding any further references or wording changes in the draft revised Charter: Attention was directed to the draft revised language of Section 7.10 regarding waiver of administrative fees.

Mr. Manugian sent an email to the Committee dated February 22nd, 2017 reviewing the various language options that have been considered for Section 7.10. Mr. Collins’s newest language was proposed in his email to the Committee dated February 21st. The Committee agreed the language was good, but proposed two changes: to replace the word “municipal” with “Town” and to add that written policies must be available to the public. The resulting amended language is as follows:

“Section 7.10: Waiver of administrative Fees: Administrative fees, fines, and penalties which may be charged by any Town department shall not be waived unless such waiver is authorized by a written policy, available to the public, adopted by that Town department, official, or board; such policy to authorize the waiver of a fee, fine, or penalty may be made on an individual basis or as part of a policy decision of uniform applicability.”

Mr. Manugian felt that Mr. Collins's latest wording was superior to the earlier versions and covered all of the raised issues succinctly.

Mr. Giger observed that policies of the various boards were sometimes difficult to find and felt that this language addressed that issue.

Mr. Manugian moved to accept the amended version of Mr. Collins's language for Section 7.10 in the draft revised Charter. Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

Mr. Manugian said this completed the review and consideration of all language changes that had been proposed.

Mr. Manugian said he had been given 30 editorial corrections for the entire draft revised Charter by Ms. Judy Anderson. The corrections had been sent ahead to members of the Committee.

Mr. Robertson moved to accept all of the editorial corrections to the draft revised Charter Version 0.8-10 from Ms. Anderson. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Wording for the Warrant Article to be Submitted for Spring Town Meeting:

Mr. Collins submitted a letter to the Committee dated February 22, 2017 (two pages) containing suggested language for the submission of the warrant article to accept the draft revised Charter to the Selectmen and Town Meeting. Mr. Collins said he modeled this article after the original warrant article submission for the original Charter.

Mr. Schulman commented the language "To see if the Town ..." was not the correct language to use in the warrant article. The Committee agreed that this part of the wording could be, and would be, adjusted by those individuals responsible for producing the warrant.

Changes were discussed for the first paragraph of the summary to correct inaccuracies. The second sentence should read "In 2015 a committee was formed to review the Charter and determine if changes were warranted."

Mr. Giger was concerned about which version of the revised Charter is to be presented to the Town for approval – the flagged or clean version. There is always a chance, however small, that there are one or more differences between the two. It is important to have one which is solely and exclusively the one approved.

There was a consensus that the clean version should be the one presented for approval.

In the second and third paragraphs of the summary the word "municipal" should be replaced by "Town". Additional minor changes were made.

Ms. Allen moved to accept the amended wording of Mr. Collins’s warrant article language. Mr. Schulman seconded. A vote was taken and the motion was approved unanimously. The language approved is as follows:

“TO SEE IF THE TOWN WILL VOTE TO APPROVE AND ADOPT AS ITS CHARTER THE REVISED CHARTER THAT IS SET FORTH IN APPENDIX A TO THIS WARRANT, AND TO AUTHORIZE THE BOARD OF SELECTMEN TO PETITION THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS FOR APPROVAL OF THE REVISED CHARTER AND TO TAKE SUCH FURTHER ACTION AS MAY BE NECESSARY FOR THE ADOPTION OF THE REVISED CHARTER, OR TAKE ANY ACTION THEREON.

“SUMMARY:

“Our current Charter requires periodic review every ten years. In 2015 a committee was formed to review the Charter and determine if changes were warranted.

“The committee solicited input from the public and has reviewed suggestions and concerns during weekly public meetings held over the last two years. Input from the public focused primarily on Town finance and the powers of and the relationship between the Board of Selectmen and the Town Manager.

The revised charter seeks (1.) to address all concerns, (2.) have our charter more accurately reflect how our town government actually functions, (3.) better codify how Town finances are administered, and (4.) clarify the relationship between the Board of Selectmen and the Town Manager and their respective powers and authority.

“A vote in favor of this article will be the first step in adopting the revised charter. A vote against this article will allow the current charter to remain in force.”

The Committee agreed to request that this article be placed in the warrant immediately following the budget and any related budgetary articles.

Review of the Committee’s Schedule; Public Hearing Plans:

Mr. Manugian proposed to make a presentation on the draft revised Charter to the BOS on Monday, March 27th.

Two additional public hearings for the Charter Review process have been scheduled on Wednesday, March 8th at 10:00 AM in the morning and at 7:00 PM in the evening. The primary purpose of these hearings is to offer the public an opportunity to comment on Charter wording changes made by the Committee since the last public hearings in January. Mr. Manugian had emailed to the Committee a Power Point presentation consisting of 54 slides on February 22nd. He plans to use the first 23 for a presentation the public hearings on March 8th. The remaining 31 slides are a draft intended to summarize all changes proposed to the current Charter version. This will be presented to the public at the scheduled final public hearings on April 5th in preparation for the Spring Town Meeting.

Regarding the Power Point presentation, Mr. Manugian suggested adding an additional category of changes, transparency of government. The Committee agreed by consensus.

Action Item #1: Mr. Manugian asked Committee members to send detailed comments to him concerning the slides by Friday. The highest priority is Slides #1 - 23 for the March 8th hearings.

Mr. Manugian said accurate minutes of the public hearings are important. Mr. Legge said he would be present for the two meetings.

Notification to the public regarding these meetings was discussed. The Town will pay to put an announcement in the Groton Herald this week. Articles will be submitted to the Nashoba Valley Voice and the Lowell Sun. Other channels to be used are the Groton Cable Channel, direct mail to the Committee's subscriber list and submission to the talkaboutgroton website. It was suggested to ask Jane Bouvier to announce the meetings on her cable channel show.

Mr. Manugian said he offered to make the presentations to the public at the public hearings in March and in April. He plans about a 30-minute presentation on March 8th and about one hour at the final presentation to the public on April 5th. Mr. Manugian plans to direct questions from the public to the appropriate Committee member.

Mr. Giger warned Committee members not to debate with one another. He also suggested that public requests for reconsideration of issues should ideally be submitted to the Committee in writing, as it is done in Town Meeting. Finally, Mr. Giger suggested that the public be requested to provide a rationale for any reconsiderations requested.

The Committee agreed that the intent of the hearing was to solicit and understand the comments and recommendations made by the public. Mr. Manugian indicated that he would limit discussion of issues raised to ensure that all suggestions from all members of the public were heard and understood.

Mr. Giger announced that all changes to the revised Charter must be completed and clean and flagged copies of the draft revised Charter must be posted in advance of the public hearings. He would need to have these copies of the Charter in hand by March 3rd at 11:00 AM in order to accomplish that.

Administrative Issues:

Action Item #2: Mr. Manugian will send an email to the BOS requesting to have the Charter Review article put on the warrant right after the budget articles.

Mr. Schulman suggested that the Committee should tell the Town Manager how many hours of meetings the Committee has had in its nearly two-year review of the Charter in order to give more weight to the Committee's recommendations.

Ms. Allen said she considers talking about the time spent on a project a very weak reason to support a warrant article.

Mr. Manugian agreed with Ms. Allen. He felt that the Charter should be judged by its content rather than the amount of time spent.

Mr. Manugian said the final report to the public needs a great amount of updating. The Committee will review it after the next draft covering all proposed changes is completed.

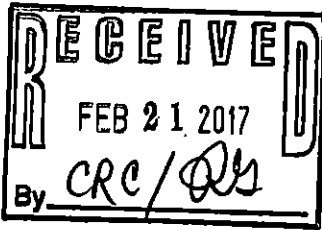
The meeting was adjourned with unanimous consent at 8:31 PM.

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

Exhibits

- A. Letter to Charter Review Committee from Attorney Robert Collins dated February 21, 2017, subject: Fee Waivers, Appointments: Treasurer, Accountant, P.A. Assessor, and Board of Selectmen
- B. Letter to Charter Review Committee from Attorney Robert Collins dated February 22, 2017, subject: Warrant Article Language
- C. Manugian Notes for Meeting of 20170222

**Exhibit A to Charter Review Committee
02-22-17 Meeting Minutes**



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

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

Groton Office:
204 Gay Road
Groton, Massachusetts 01450

21 February 2017

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

Dear Committee Members:

FEE WAIVERS

May I respectfully suggest the following revision to the language I suggested last week regarding fee waivers (Section 7.10) so that the section reads:

“Administrative fees, fines, and penalties which may be charged by any municipal department shall not be waived unless such waiver is authorized by a written policy adopted by that municipal department, official, or board; such policy to authorize the waiver of a fee, fine, or penalty may be made on an individual basis or as part of a policy decision of uniform applicability.”

APPOINTMENTS: TREASURER, ACCOUNTANT, P.A. ASSESSOR

Revise Sections 5.3.5, 5.3.6, and 5.3.7 so that the words “and that appointment shall be confirmed by the Board of Selectmen pursuant to Section 4.2.3” are inserted after the words “Town Manager” in the first sentence of each respective section.

ASSESSORS

Section 24 of Chapter 41 of the General Laws stipulates that there shall be one, three or five Assessors, elected or appointed, with a three year term; the

terms of each are to be staggered so that a third of the board is appointed or elected each year.

BOARD OF SELECTMEN

Add a sentence to the end of Section 3.2.1 reading:

"No Selectman shall hold another compensated position of the town during their term of office."

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert L. Collins", written in a cursive style.

Robert L. Collins

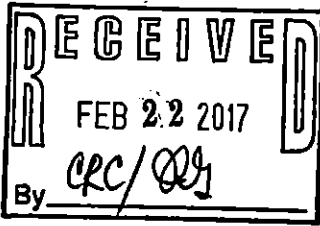


Exhibit B to Charter Review Committee
02-22-17 Meeting Minutes

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

Groton Office:
204 Gay Road
Groton, Massachusetts 01450

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

22 February 2017

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

Dear Committee Members:

WARRANT ARTICLE LANGUAGE

May I respectfully suggest the following language for the warrant article:

TO SEE IF THE TOWN WILL VOTE TO APPROVE AND ADOPT AS ITS CHARTER THE REVISED CHARTER THAT IS SET FORTH IN APPENDIX A TO THIS WARRANT, AND TO AUTHORIZE THE BOARD OF SELECTMEN TO PETITION THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS FOR APPROVAL OF THE REVISED CHARTER AND TO TAKE SUCH FURTHER ACTION AS MAY BE NECESSARY FOR THE ADOPTION OF THE REVISED CHARTER, OR TAKE ANY ACTION THEREON.

SUGGESTED SUMMARY

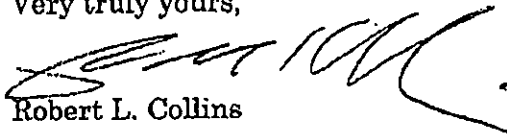
Our current charter requires periodic review every ten years. In 2015 the Board of Selectmen appointed a committee to review the charter and determine if changes are warranted.

The committee solicited input from the public and has reviewed suggestions and concerns during weekly public meetings held over the last two years. Input from the public focused on municipal finance and the powers of and the relationship between the Board of Selectmen and the Town Manager.

The revised charter seeks (1.) to address those concerns, (2.) have our charter more accurately reflect how our town government actually functions, (3.) better codify how municipal finances are administered, and (4.) clarify the relationship between the Board of Selectmen and the Town Manager and their respective powers and authority.;

A vote in favor of this article will be the first step in adopting the revised charter. A vote against this article will allow the current charter to remain in force.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert L. Collins', written over a horizontal line.

Robert L. Collins

Section 7.10 Waiver of Administrative Fees

Previous wording

Administrative fees, fines, and penalties that may be charged by any Town department shall not be waived unless such waiver is authorized by a vote of the Board of Selectmen at a posted public meeting; such vote to authorize the waiver of a fee, fine, or penalty may be made on an individual basis or as part of a policy decision of uniform applicability.

Wording Approved Jan 25, 2017

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.~~

Wording proposed by Bob Collins dated Feb 21, 2017

Administrative fees, fines, and penalties which may be charged by any municipal [Town] department shall not be waived unless such waiver is authorized by a written policy adopted by that municipal [Town] department, official, or board; such policy to authorize the waiver of a fee, fine or penalty may be made on an individual basis or as part of a policy decision of uniform applicability.