

Charter Review Committee (CRC)

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

Public Hearing Minutes - March 8, 2017, 10:00 AM at Town Hall

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

Not present: Michael McCoy, Stuart Schulman

Recorder: Stephen Legge

Visitors (9): Judy Anderson, George Barringer (Planning Board), Ellen Baxendale, Michael Bouchard (Town Clerk), Tom Delaney (DPW Director), James Gmeiner (Sewer and Water Commissioner), Michael Hartnett (Treasurer/Collector), Becky Pine, Rena Swezey (Principal Assessor)

Call to Order: Chairman Manugian called the meeting to order at 10:03 AM.

Administrative:

Mr. Manugian announced he would make a brief slide presentation of changes made to the draft revised Charter since the public hearings of January 25th. He said the first priority at this morning's meeting would be to hear from the public their comments on these changes. The second priority would be to hear the public's comments on any other topic having to do with the draft revised Charter, to the extent time allowed. Discussion, by the committee, of comments heard from the public may take place at this session, but also may take place at a later session.

Mr. Manugian completed his presentation of 28 slides by 10:20 AM and invited comments from the public.

Comments from the Public on Charter Changes since January 25, 2017:

Visitor Mr. Bouchard said the Committee was making a good effort on presenting a revision of the Charter that was characterized by a good and fair public process.

Visitor Ms. Swezey said she had researched the issue of her title change, discussed in previous Charter Review Committee meetings, with the Town's Supervisors Union and the Union had said any job title change must be approved by the Union.

Mr. Collins cited Section 8.2 in the draft revised Charter, titled "Continuation of Administrative Personnel" that said Ms. Swezey would be able to continued using her present title of Senior Assessor.

Visitor Mr. Delaney commented that he did not believe it appropriate that employees of the Town need to quit their paid positions to become an elected member of the BOS, in accordance with the draft revised Charter Section 3.2.1.

Separately, Mr. Delaney asked if all proposed changes to the Charter were approved together, as a package, or separately by voters at Spring Town Meeting. Chairman Manugian responded, indicating that how the proposed new Charter will be presented at Town Meeting is still under discussion.

Visitor Ms. Pine asked, referring to Slide #11, if the BOS members were compensated. Apparently, this year they are not because there was no budget item approved containing funding for the position. In previous years, the Selectmen have received a stipend of a relatively small amount. Ms. Pine said she was confused by the word “another” referring to paid positions in the last sentence of Section 3.2.1. This seemed to suggest the BOS position was a paid one. She asked if there was a floor on the amount of compensation that could be earned in another Town job, such as in very limited scope positions (such as library shelver, election official, or senior work program). Chairman Manugian indicated that no amount, however small, was accepted under this provision.

Mr. Bouchard questioned whether the Senior Work Program was considered a compensated position. The Committee indicated it was.

Mr. Delaney said a five-person BOS ensured there would be less chance of a decision being guided by a conflict of interest (COI).

Mr. Collins offered that retirees do not fit the definition of a “compensated position”. There had been some questions about this in earlier meetings. He explained that the Committee had discussed the idea of having a low threshold on earnings, but had rejected this, thinking that even the appearance of a COI was unacceptable in the BOS position.

Ms. Allen offered that it was very difficult to draw a line on this.

Ms. Pine commented on Slide #18 referring to the Town Manager’s appointment of a substitute in his/her absence for more than seven days (but less than 30). She questioned the term “capable person” and asked if there was any further qualification requirement. When told “no,” she commented this seemed a little loose.

Ms. Swezey commented about her time as an elected Assessor while being compensated as Principal Assessor. She said the state Board of Ethics had cleared her for this position from the standpoint of potential COIs. The Committee responded, a decision had been made to tighten things up in this area (see new wording in Section 3.10.1).

Mr. Bouchard said he supported the idea of the Town Manager’s temporary replacement being termed a “capable person”.

Mr. Delaney pointed out a capable person may not be a paid Town employee, in which case the question arises as to payment for such services.

Ms. Pine referred to Slides #19 and 20, asking for clarification on the idea that the BOS can vote against a Town Manager's nomination for an appointment. The Committee made clear the new draft revised Charter provision enabled the BOS to have the power to confirm or reject the Town Manager's nominations for appointment and decisions to remove Town employees and volunteers.

Ms. Pine commented the capital planning function used to be carried out by a specific capital planning committee in earlier years of Town government (Slide #24). The Committee answered that since the Town Manager form of government was approved this function belonged under the Town Manager's responsibility, and included in the Town budget process.

Visitor Mr. Gmeiner commented, he used to be a member of the Capital Planning Committee from 1988 to 1994, before the Charter. In 1994, the by-law creating the Committee was revoked; now the Town Manager and the Finance Committee are responsible for capital planning.

Mr. Bouchard returned to the question of disallowing BOS members from holding paid Town positions (Slide #11). He said the state ethics laws require a person in Town government to recuse themselves from any decision-making process that would involve a conflict of interest. He questioned the need for this new revised Charter provision.

Misters Collins and Manugian answered this point. The Committee considered the existing state ethics laws protections. The conclusion was that there are very many possible opportunities for COIs, some very subtle in nature, and in fact too many. Also, the perception of a conflict of interest or the absence thereof, is an important factor in the public's assessment of the integrity of Town government. So, The Committee made the decision to draw a clear line on this.

Mr. Bouchard suggested it might be a good idea for the Committee to make their thinking on this clear to the voters.

The Chair determined at 10:50 AM no further questions were forthcoming on Charter changes since the January 25th hearings. So, he opened the floor to any questions relating to the current draft revised Charter.

Comments from the Public on All Charter Changes:

Mr. Bouchard commented in Section 2.1 on Line 88 the language should be "by-law"; the Groton Code does fix these dates for Town Meetings.

Ms. Pine noted Sections 2.6.2 and 2.6.3 are not consistent in this regard with respect to their references to by-laws.

Mr. Giger noticed another inconsistency with respect to laws and by-laws in Section 3.1.2.

Action Item #1: Mr. Manugian said we would search the draft revised Charter for references to the phrases "laws" and "by-laws", and make them correct and consistent.

Mr. Bouchard commented that in Section 3.2.6, Line 367, the phrase “at reasonable times” should be added in front of the phrase “during regular business hours”. This comment is regarding the BOS right to confer with Town employees in the pursuit of their development of Town policies and assessing and understanding the functioning of Town government.

Mr. Delaney expressed concern with the above wording regarding its possible interpretation to allow the interruption of work flow of employees. He asked that instead, the BOS be required to talk with department heads first.

Mr. Manugian addressed that comment by saying there is much detail not put into the Charter, deliberately. The Charter is a high-level document, and such details as Mr. Delaney is proposing belong in policy documents or by-laws, or other lower level means to regulate relationships.

Mr. Delaney responded this type of thing will possibly take up his employees’ time, at bad times when work flow is paramount. He is not opposed to the Committee’s intent in modifying the Charter’s language, but wishes the words were better.

Mr. Bouchard said in Section 3.5.1, having to do with the Groton Housing Authority, state laws are changing. He proposes new wording, more reflective of the new wording in the General Laws.

Action Item #2: Mr. Bouchard offered to give to the Committee a proposal for new wording in Section 3.5.1, Groton Housing Authority, which reflects more current statutory requirements.

Ms. Allen asked if Mr. Bouchard would be opposed to removing the Housing Authority wording from the Charter altogether. She mentioned there is precedent in the original Charter for excluding specific mention of an elected body such as this.

Mr. Bouchard said in the revised Charter Section 3.9, describing the responsibilities of the Town Clerk, that a phrase be inserted which mentions that the term of office is three years. He stated he has documentation that this is an officially determined term of office.

Mr. Bouchard said in revised Charter Section 4.2.4, Line 507, referring to appointment and removal of department heads and other paid employees of town government by the Town Manager, he has questions. He is wondering why the changes.

Mr. Manugian explained the major change is that the original Charter was silent on the point of the BOS confirming any removals from office. In other words, The Town Manager had sole discretion to make removals. The Committee changed this by requiring BOS confirmation for removals. An additional change is that the Committee saw fit to change the wording in Sections 4.2.3 and 4.2.4 of appointments by the Town Manager to nominations by the Town Manager, with the BOS confirming such nominations. This was done for the sake of clarity making it clear that the BOS actually had the power to appoint or to withhold approval of appointments. The BOS already had this power in the original Charter.

Mr. Bouchard commented that possibly, this change could make a removal of an employee or volunteer a more public and embarrassing process because the process required BOS approval in a public meeting.

Mr. Bouchard moved on to say he was opposed to the change in voting requirement in revised Charter Section 4.3.1 for the suspension or removal of the Town Manager. He believes the better position is to leave the super-majority requirement of 4 – 1 for such actions instead of changing the requirement to a simple majority vote of 3 - 2.

Mr. Manugian responded that even with the change to a simple majority it will still be difficult to suspend or remove. The current Town Manager has said it has twice occurred in his time as Town Manager (over six years) that a motion was made to initiate suspension or removal. In neither case, however, was there even a second to the motion, which meant that the motion died on the table. Mr. Manugian said he has looked at other Towns' charters in the region and found that all he has seen have simple majority removal language for the Town Manager.

Ms. Pine asked if the version of the revised Charter on the Town website has all of the proposed changes in it. The answer was, yes.

Ms. Pine went on to say that there may be some inconsistencies in language in Sections 3.1.1, 3.1.2 and 3.1.7.1 having to do with "Elective Town Offices", "elected Town officers" and "elected officer", respectively. The Committee responded saying they felt all the usages cited were correct ones.

Ms. Pine referred to revised Charter Section 1.9.3 and questioned the means by which business days were calculated. The method articulated was justified by the Committee as standard legal practice in both government and private enterprise.

A letter from the Town Manager, Mr. Haddad, to the Committee dated March 7, 2017 (one page) was read by Mr. Manugian to the Committee and the public. Mr. Haddad wrote of his objection to the proposed changes in the revised Charter Section 4-2(c) (now known as Sections 4.2.3 and 4.2.4), which required a confirmation from the BOS for any removals by the Town Manager and also changed the language for appointments from "appoint" to "nominate". He claimed this was "a solution in search of a problem that does not exist" and cited some evidence for that position. Mr. Haddad also said requiring the BOS to confirm removals would publicize and politicize the process of removal, often to the embarrassment of those who would serve the Town.

Ms. Pine said she supported the changes objected to by the Town Manager.

A letter from Gary Green, Chairman of the Finance Committee, dated March 7, 2017 (one page) was read by Mr. Manugian to the Committee and public. Mr. Green wrote of his personal objection to the decision taken by the Committee to change the voting requirement in revised Charter Section 4.3.1 for the suspension or removal of the Town Manager to a simple majority from a super-majority requirement of 4 – 1. Mr. Green believed the lower bar would promote political division in the Town and create legal/financial risk for the Town.

Mr. Green also personally objected to the decision to institute alternate members to the processes of the Finance Committee for purposes of solving quorum problems in the future. He pointed out there are not now, and have not been any problems with obtaining quorums at meetings. There was one isolated instance two years ago, when a series of large snowstorms in the area caused a loss of quorum at one meeting. He pled that this should not count. At the very least he proposes any such system of alternates should be at the judgment of the Committee and not commanded by the Charter.

Mr. Robertson said he now agrees, more or less, with Mr. Green's position on the Finance Committee alternates idea, that it may not be necessary. According to Mr. Robertson, the Finance Committee did not take a formal position on the idea and may not necessarily agree with Mr. Green's personal position on this.

Mr. Collins expressed the opinion that the idea of the Finance Committee alternates process laid out is not a bad one and it may merit support.

A letter from Barry Pease, a member of the BOS, dated March 7, 2017 (one page) was read by Mr. Manugian to the Committee and public. Mr. Pease proposed that two sections in the revised Charter, Sections 3.1.3 and 3.2.1, having to do with the position that BOS members be disallowed to hold paid positions in Town employment, be modified to be more consistent with the purpose of the idea and the purposes of the two sections in which it is referred to. Mr. Pease does not oppose the idea itself.

Other Administrative Business:

Mr. Manugian announced that the Charter Review Committee will discuss today's comments presented by the public and Town employees at the March 15th meeting next week, or possibly at tonight's meeting, if time allows. The meeting on March 15th will be the last opportunity to make changes to the draft revised Charter because it needs to be made ready to present to Spring Town Meeting in April.

At its meeting on March 22nd the Committee will present the draft revised Charter to the Selectmen and the Finance Committee. At this point no further changes will be discussed.

On April 5th, the Committee will conduct two public presentation hearings on the draft revised Charter. The purpose of these two meetings will be to educate the public on the proposed changes ahead of Town Meeting, answer questions and to correct any possible misunderstandings of the content of the original Charter and the proposed Charter.

Mr. Bouchard asked when the final revised Charter version will be available for the public. Mr. Manugian said it will be available on March 22nd, 2017.

The meeting was adjourned with unanimous consent at 11:47 AM.

**** The next Public Hearing is scheduled for Wednesday, March 8th, at 7:00 PM. ****

Exhibits:

- A. Email message from Mark Haddad to Michael Manugian, et.al., dated March 7, 2017, subject: Proposed Amendments to the Town Charter
- B. Email message from Barry Pease to Town Charter Review Committee, dated March 7, 2017, subject: Comments for Public Hearing – 3-08-17
- C. Email from Gary Green to Town charter Review Committee, dated March 7, 2017, subject: Comments on Current Draft of Town Charter Updates

- D. Email from Arthur L. Prest to Town Charter Review Committee, et. al., dated March 8, 2017, subject: RE: Comments on Current Draft of Town Charter Updates
- E. Commonwealth of Massachusetts, Department of Housing & Community Development, Public Housing Notice 2017-04, dated: January 31, 2017
- F. Document from Michael Bouchard, Title: Department Head Comments, received March 8, 2017
- G. Article 37, extract of Town of Groton annual town meeting minutes, dated March 21, 1966

Exhibit A to Charter Review Committee
03-08-17 Meeting Minutes

From: Mark Haddad
To: Michael Manugian; Bud Robertson; John Giger (CRC); Michael McCoy; Jane Allen-Home; Stuart Schulman home; Robert Collins
Cc: Dawn Dunbar; Michael Bouchard
Subject: Propose Amendments to the Town Charter
Date: Tuesday, March 7, 2017 16:27:52

Good afternoon Members of the Charter Commission:

I am writing to you today because I will be unable to attend your public hearings scheduled for tomorrow and wanted to convey my thoughts on one of the proposed amendments to the Groton Charter. While I realize that the purpose of the public hearings tomorrow is to address changes since the first public hearing, I would like to offer my opinion and recommendation on a previous change. I would appreciate your consideration.

Specifically, I would like to recommend the Committee not make any changes to the current Section 4-2(c) of the Charter, the Town Manager's appointing authority. From my understanding, the Committee is recommending that the Charter be amended to differentiate between the appointment of employees and Board and Committee member appointments. You are proposing that the Town Manager no longer appoint Committee members, but nominate them for appointment by the Board of Selectmen. In addition, any proposed removal from a Committee would require a nomination to the Board of Selectmen as well. I am not sure what the impetus for this change is or what the Committee is trying to accomplish. It appears to me that this is a solution in search of a problem that doesn't exist.

For the past eight years the Town has operated under the current Section 4-2(c) in which the Town Manager appoints various Boards and Committees and the Selectmen ratify these appointments. This has been a very successful process and has been done efficiently and effectively without incident. I am not sure why we need to change a successful process. In addition, several bylaws specifically state that the Town Manager is the Appointing Authority (Sign Committee, Historic District Commission and Cable Advisory Committee come to mind). The Sign Bylaw was actually amended two years ago by Town Meeting and the Town Manager was made the appointing authority of the Sign Committee by a vote of Town Meeting. It seems that Town Meeting is comfortable with this process and changing the process is not necessary. Not one time in the last eight years has an appointment made by the Town Manager been rejected by the Board of Selectmen, nor has the Town Manager moved to remove anyone from a Board of Committee. The Selectmen are made aware of the proposed appointments well in advance and individual members can speak to the Town Manager in advance of the meeting if there is a problem with an appointment.

Finally, I am afraid that this politicizes the appointment/removal process in some ways. This amendment would now require any removal from a Board or Committee to come before the Board of Selectmen. This could lead to embarrassment and undue hardship on a volunteer. While I do not want to get into specifics to avoid embarrassing town volunteers, a member of the Board of Selectmen had an issue with a proposed appointment of the Town Manager. The member of the Board made their feeling known prior to the meeting and the Town Manager was able to resolve the issue without incident. Requiring this to be done in public would have an adverse impact on the process in my opinion.

I would respectfully urge the Charter Committee to leave Section 4-2(c) as it is currently constituted and make no changes to the appointing authority of the Town Manager. I truly appreciate your consideration of this request.

Best regards,

Mark W. Haddad
Town Manager

Mark W. Haddad
Town Manager
Town of Groton

173 Main Street
Groton, MA 01450
(978) 448-1111
FAX: (978) 448-1115
mhaddad@townofgroton.org<mailto:mhaddad@townofgroton.org>

From: Barry Pease
To: Town Charter Review Committee
Subject: Comments for Public Hearing - 3-08-17
Date: Tuesday, March 7, 2017 14:25:36

Exhibit B to Charter Review Committee
03-08-17 Meeting Minutes

Hi,

We have a company's President and CFO flying in tomorrow to work on something with my mother-in-law (President) and myself tomorrow. Given the unpredictable nature of this event, it's unlikely that I will be able to attend tomorrow's hearing.

Thus, I am sending you my one comment for consideration in advance:

After reviewing the proposed changes since Jan 25, I noticed that there are two sections that place limitations on a BoS member:

Section 3.1.3 Eligibility – BoS Members may not simultaneously hold any other elected position.

Section 3.2.1 Composition, Term of Office – “No Selectmen shall hold another compensated position of the Town during their term of office.”

These two are restrictions on the specific nature of a BoS member once she is in office. I wonder if they are both better suited to section 3.2.1, since a member of another elected board *is still eligible* to run for BoS, but once *in office* things change.

Also, if you feel that I might provide any added value with presenting specific changes to Town Meeting, I'd like to officially offer my time either before-hand or on the evening itself.

As I telling Mr. Collins last night, I think that the committee's proposed changes have made this is an excellent Town Charter.

Please accept my personal & official thanks to each member of the committee for your time and efforts on behalf of our Town.

Best regards,

Barry A. Pease

Exhibit C to Charter Review Committee
03-08-17 Meeting Minutes

From: Gary Green
To: towncharterreviewcommittee@townofgroton.org
Cc: john_crc@cybergiger.com; Art Prest; Bob Hargraves (repboh1@verizon.net); Bud Robertson; David Manugian (dmanugian@gmail.com); Jon Sjoberg; Lorraine Leonard; Patricia Dufresne; Gary Green
Subject: Comments on Current Draft of Town Charter Updates
Date: Tuesday, March 7, 2017 11:22:01

Dear Members of the Charter Review Committee-

First, let me personally thank and commend you all for your commitment, time and quality of work. The results speak for themselves. As requested, I am submitting some comments. They reflect my personal opinion.

Section 4.3.1: In the absence of a compelling reason, I strongly urge the CRC to leave the removal requirement at 4. Removal of the Town Manager should only be done in extenuating circumstances that should be able to garner the support of a super majority of current selectmen. To remove the Town Manager using a lower bar creates a higher potential for political divisions and legal/financial risk to the town.

Section 6.2.1: In the absence of a compelling reason, it is my belief that the addition of Alternate Finance Committee Members to the charter is a solution in search of a problem. The committee is already a large committee with 7 members. Over the last several years, we have not had a problem with obtaining a quorum. If an attendance problem develops, a mechanism already exists to resolve the issue. The answer should not be to bypass the problem by sitting an Alternate Member. If the committee feels that adding alternate members is important based on an identified problem or in reference to the use of alternate members as a standard approach taken by towns in the Commonwealth, I would minimally suggest reducing the number to one alternate member and changing the language from "Shall" to "May".

It is my intention to make myself available at tomorrow evenings meeting if the committee would like to further discuss these submissions.

Respectfully submitted,
Gary Green
Chairman, Groton Finance Committee

Exhibit D to Charter Review Committee
03-08-17 Meeting Minutes

From: Arthur L. Prest
To: "Gary Green"; towncharterreviewcommittee@townofgroton.org
Cc: john.crc@cybergiger.com; "Bob Hargraves"; "Bud Robertson"; "David Manugian"; "Jon Sjoberg"; "Lorraine Leonard"; "Patricia Dufresne"
Subject: RE: Comments on Current Draft of Town Charter Updates
Date: Wednesday, March 8, 2017 10:05:39
Importance: High

Dear Members of the Charter Review Committee,

I will not be able to attend the Charter Review Committee public hearings today but I did want echo Gary Green's input.

I do not agree with the proposed changes that Gary Green referred to in his email below.

I also do not believe that the FinCom needs alternate committee members.

Thank You For Your Consideration,

Art Prest

Art Prest
8 Weymissset Road
Groton, MA 01450
Email: prest@prest.biz
Telephone: 978-448-2384
Mobile: 240-401-5240

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

From: Gary Green [<mailto:ggreen@freetobegreen.com>]
Sent: Tuesday, March 07, 2017 11:22 AM
To: towncharterreviewcommittee@townofgroton.org
Cc: john.crc@cybergiger.com; Art Prest <prest@prest.biz>; Bob Hargraves (repbobh1@verizon.net) <repbobh1@verizon.net>; Bud Robertson <budrobertson@charter.net>; David Manugian (dmanugian@gmail.com) <dmanugian@gmail.com>; Jon Sjoberg <jsjoberg01@gmail.com>; Lorraine Leonard <lleonard12@hotmail.com>; Patricia Dufresne <pdufresne@townofgroton.org>; Gary Green <ggreen@freetobegreen.com>
Subject: Comments on Current Draft of Town Charter Updates

Dear Members of the Charter Review Committee-

First, let me personally thank and commend you all for your commitment, time and quality of work. The results speak for themselves. As requested, I am submitting some comments. They reflect my personal opinion.

Section 4.3.1: In the absence of a compelling reason, I strongly urge the CRC to leave the removal requirement at 4. Removal of the Town Manager should only be done in extenuating circumstances that should be able to garner the support of a super majority of current selectmen. To remove the Town Manager using a lower bar creates a higher potential for political divisions and legal/financial risk to the town.

Section 6.2.1: In the absence of a compelling reason, it is my belief that the addition of Alternate Finance Committee Members to the charter is a solution in search of a problem. The committee is already a large committee with 7 members. Over the last several years, we have not had a problem with obtaining a quorum. If an attendance problem develops, a mechanism already exists to resolve the issue. The answer should not be to bypass the problem by sitting an Alternate Member. If the committee feels that adding alternate members is important based on an identified problem or in reference to the use of alternate members as a standard approach taken by towns in the Commonwealth, I would minimally suggest reducing the number to one alternate member and changing the language from "Shall" to "May".

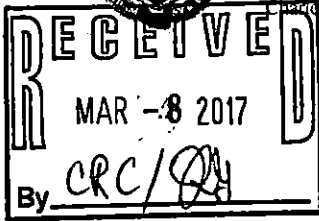
It is my intention to make myself available at tomorrow evenings meeting if the committee would like to further discuss these submissions.

Respectfully submitted,
Gary Green
Chairman, Groton Finance Committee



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Chrystal Komegay, Undersecretary



Public Housing Notice 2017-04

To: Local Housing Authorities
From: Sarah Glassman, Associate Director, Division of Public Housing & Rental Assistance
Re: Local Housing Authority Board Member Elections
Date: January 31, 2017

DHCD has received a number of questions about how to fill vacant seats on town local housing authority (LHA) boards in the absence of regulations and guidelines for electing a tenant-elected board member. Since the regulations establishing the procedures for tenant elections have not yet been promulgated, towns may not elect new members in town elections, but they may fill a seat left vacant by a formerly elected member as follows:

- 1) **For LHA boards that currently have 4 elected members, and one elected seat is expiring**, towns should allow the member whose term expired to sit as a "holdover member" until they hear otherwise from DHCD via Public Housing Administration Notice. The new law does not allow a 4th board member to be elected by the voters of a town, but the member who is currently filling the seat that is expiring can serve until a new member is qualified under the new regulations.
- 2) **When a board member vacates a previously town elected seat for any reason other than expiration of a term** (such as removal, resignation, or death), towns may allow the seat to remain vacant or may fill the vacant seat on a temporary basis in accordance with c. 121B, §5, which allows the Board of Selectman and the remaining LHA Board Members to vote to appoint a person to fill a vacancy in an LHA Board as set out in c. 41, §11. While the person appointed may be a tenant of the LHA, it is not required. The person who is appointed under this section may serve until the expiration of the term for that seat or until a new member is qualified under the new regulations, whichever comes first.

Background

Chapter 235 “An Act Relative to Local Housing Authorities,” codified at General Laws. c. 121B, Section 5A, requires DHCD to “promulgate regulations establishing election procedures for tenants to elect a tenant member of the housing authority in the town and regulations establishing appointment by the board of selectmen to the town if no election may be held.”

In November of 2016, DHCD held public hearings to receive comments on the regulations; with many strong and valuable recommendations made at the hearing, DHCD revised the regulations and sent a new draft to the Executive Office of Administration and Finance (EOAF) for review and approval. When EOAF approves the regulations regarding tenant elections, DHCD will communicate with all housing authorities about next steps via PHN.

We are hopeful we will be able to promulgate the regulations this late spring. If you have additional questions, please reach out to Cate at Cate.Mingoya@state.ma.us or 617.573.1190.



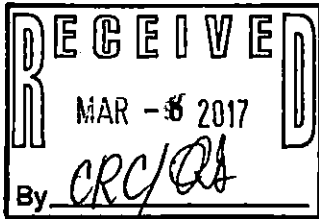


Exhibit F to Charter Review Committee
03-08-17 Meeting Minutes

Department Head Comments

Groton Charter Draft 0.8-11 (Mar 2, 2017 a)

Section 2.1 Town Meeting Line 88

The dates of Groton's Town Meetings are set in an algorithm specified in Groton Code Chapter 81. The date of Groton's Annual Town Election is set in the same Chapter 81. Section 3.1.2 Town Election refers to the "date fixed by-law". Section 2.1 refers to a "date fixed by law". The two references probably should have the same wording. We interpret that a "by-law" fixes these dates.

Section 3.2.6 Board of Selectmen Line 367

The intent of this section is not being challenged in this comment. While it would be a useful courtesy for the Department Head to be informed of such conferences, we would ask that the phrase "at reasonable times" be inserted at the beginning of Line 367, to read "...may confer with Town employees at reasonable times during regular business hours for the purpose...". The reason for this suggestion is to minimize impedance to department production. The intent of both parties should be to reach an accommodation. The model for this language is shown in Section 4.2.2.

Section 3.5.1 Groton Housing Authority Line 405

Department of Housing and Community Development Public Housing Notice 2017-04 informs of the passage of language codified in MGL Chapter 121B which changes the way housing authority membership is determined. This law was revised in November, 2016. Groton will no longer have 4 member elected at large, but rather 3 with the fourth member elected by tenants under forthcoming DHCD regulations. Note that the fifth "state-appointed" member will remain on the authority as well.

The current language of Section 3.5.1 conflicts with current state law. To insulate against potential further conflict, we suggest wording to be:

" Composition, Term of Office – There shall be a Groton Housing Authority with membership and terms of office as prescribed in MGL 121B."

Section 3.9 Town Clerk Line 447

In the March 21, 1966 Town Meeting, the Town voted in Article 37 to accept MGL Chapter 41 Section 1 and specified that the Moderator and Town Clerk be elected to terms of 3 years. All other elected boards and the Moderator have the term of office specified in the Charter. For consistency, suggest that the Town Clerk's term also be specified.

Suggested wording: "There shall be a Town Clerk elected for a term of three years, and shall have all the duties established by the General Laws....". Please note that the Town Clerk as a Records Access Officer is also established by MGL.

Section 4.2.4 Town Manager Line 507

We don't understand the rationale for or issue being addressed in moving to a "nominate and appoint" model from the "appoint and ratify" model specified in Section 4.2.3, and used since the inception of the charter. We can see no difference in the process. We do see a difference in the process for a potential removal, in that an appointee nominated for removal will be required to undergo a removal discussion in a public meeting.

Section 4.3 Removal and Suspension (Town Manager)

As discussed in our previous comments, we disagree that the Town Manager would be able to be removed by a simple majority of the Board. The removal of a town manager is a serious step, with potentially significant implications. It is a step that signals to residents, potential residents, bond investors and others that town management is not stable. As the removal of an elected official, including Selectmen, must reach a high bar, we believe the same is true of the removal of a town manager. We urge the Committee to recommend no change to this section from the 2008 Charter.

**Exhibit G to Charter Review Committee
03-08-17 Meeting Minutes**

MARCH 21 1966 Annual Town Meeting

nance Committee. The Finance Committee feels that the Highway Department needs modernization and has consented to many articles favorable to the Highway Department, but they do not feel that the Town can afford to pay for a sweeper at this time. They could see no emergency need of sweeper and felt the study committee could look into the needs of the various departments, and with a \$6.00 tax increase the Finance Committee felt they could best serve the Town by turning down Article 34 and 35. The Highway surveyor answered questions put to him by the voters and explained his need for the sweeper. The tellers were called forward to count the show of hands. There were 96 yes votes and 81 no votes. Article 34 passed.

Article 35. Motion made and seconded to see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000.00) towards the purchase of a Motor Grader for the Highway Department. This article was not approved by the Finance Committee. Article 35 was defeated unanimously.

Article 36. Voted unanimously that the Town raise and appropriate the sum of five hundred dollars (\$500.00) for the purchase of new shade trees.

Article 37. Motion made and seconded to see if the Town will vote to elect a Town Clerk, Tax Collector, Treasurer, Moderator, and Highway Surveyor for the term of three (3) years according to Chapter 41 Section 1, General Laws. This article was submitted once before, year before last and was re-submitted for vote this year. If article is approved it will not take effect until next year.

Article 37 required a two-thirds majority vote for passage. (1967) A vote was taken, Article 37 passed.

Article 38. Motion made and seconded to see if the Town will vote to adopt the following By-law regulating the opening of Town ways:

- (a) No person or other entity shall dig up or obstruct any portion of any way which the Town is obliged to keep in repair without first obtaining a permit in writing from the High-

