

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

Meeting Minutes - March 29, 2017
At Town Hall

All Present: Jane Allen, Robert Collins, John Giger (Secretary), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair), Stuart Schulman

Recorder: Stephen Legge

Visitors: Judy Anderson

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

Approval of Meeting Minutes:

Mr. Collins moved to approve the meeting minutes of March 22nd, 2017, as written. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Planning for Town Meeting Presentation:

Mr. Collins moved the Committee not present a formal minority report to Town Meeting. Mr. McCoy seconded.

Mr. Collins said when minority reports are given immediately after a committee presentation they can take momentum away from the proposal initially made. He said when in a public discussion, he likes to use language like “The Committee thought ...”, showing the result of the Committee’s thinking on a proposal. A formal statement of an alternate point of view on behalf of the Committee can ruin the rhythm of a presentation.

Mr. Schulman agreed with the sentiment, but does not wish to be individually muzzled.

Mr. Manugian said every member may feel free to speak as an individual. He recommended that when so doing, the speaker should preface their remarks with something like “Speaking as an individual ...” However, questions to the Committee should generally be answered on behalf of the Committee and represent the result of the Committee’s deliberations.

Mr. Giger pointed out complete information on how individuals voted on certain questions is a matter of public record in the minutes of all of the meetings.

A vote was taken on the motion and it was approved unanimously.

Discussion of Town Counsel’s Review of the Revised Charter:

Mr. Collins had sent a letter to the Committee dated March 27, 2017 (2 pages) summarizing Town Counsel's comments by section of the Charter and giving his opinion as to disposal of Town Counsel's comments. Included with Mr. Collins' letter was a memo from Town Counsel Attorney David Doneski to Mark Haddad dated March 24, 2017 (2 pages) with general comments by section of the revised Charter, and a 3-page document dated March 24, 2017 with detailed comments and suggested changes made by Town Counsel.

Section 2.6.2, Initiation of Warrant Articles: Counsel proposed a change in the phrase "the date fixed by by-law". This language was already corrected by the Committee previously, but after Counsel received their review draft.

Section 3.2.1, Board of Selectmen, Composition, Term of Office: Counsel proposed to replace the word "their" with "his or her".

Mr. Robertson moved to leave the language in Section 3.2.1 as is with no further change to the Charter. Ms. Allen seconded. The motion was approved unanimously. Although technically correct, the Committee chose to not make this change at this late stage because it was not consequential.

Section 3.10, Board of Assessors: Counsel proposed to capitalize "assessors" and use an apostrophe in the phrase "assessors office".

Mr. Collins moved to leave the language in Section 3.10 as is with no further change to the Charter. Ms. Allen seconded. The motion was approved unanimously. Although technically correct, the Committee chose to not make this change at this late stage because it was not consequential.

Section 4.2.3, Town Manager's Powers and Duties: Counsel proposed alternative language which Mr. Collins thought was unnecessary.

Mr. Collins moved to leave the language in Section 4.2.3 as is with no further change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

Section 4.2.8, Town Manager's Powers and Duties: The revised Charter restricts the Town Manager from raising salaries of appointees out of cycle, not within the confines of the approved annual budget. Counsel suggested this limitation be removed.

Mr. Collins moved to leave the language in Section 4.2.8 as is with no further change to the Charter. Ms. Allen seconded.

Mr. Robertson said it was not a problem to keep our current language, or to stay within the confines of the budget, as long as a proposed change would allow transfer of funds between individual line items.

A vote was taken and the motion was approved 6 – 1 with Mr. Schulman voting no.

It was noted by the Committee that the word "Budget" in the Charter meant the bottom line of the budget, as approved by Town Meeting.

Mr. Schulman moved to add the word “overall” in front of “the word “budget” to make the foregoing understanding clearer in the Charter, Section 4.2.8. Mr. Collins seconded.

Misters Collins and Giger noted the budget as approved by Town meeting was approved by individual line items, therefore it was a good idea to clarify, as per the motion.

A vote was taken and the motion was approved unanimously.

Section 4.4.2, Temporary Absence or Disability of the Town Manager: Counsel proposed that a temporary appointee should be a Town employee. Mr. Collins noted that the choice of wording here was intentional on the part of the Committee, to allow an appointee who was not an employee of the Town.

Mr. Collins moved to leave the language in Section 4.4.2 as is with no further change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

Mr. Giger asked to revisit Section 3.2.1 and moved to incorporate Attorney Doneski’s change from “their” to “his or her”. Mr. McCoy seconded. A vote was taken and the motion was approved unanimously.

Sections 5.3.5, 5.3.6 and 5.3.7, Department of Finance: Counsel suggested that language for three Town officers in the Finance Department undergo a revision. Mr. Collins felt the changes were stylistic rather than substantive in nature, and also had been addressed by the Committee specifically in this area since December 2016.

Mr. Collins moved to leave the language in Section 5.3.5, 5.3.6 and 5.3.7 as is with regard to Counsel’s changes, with no further change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

Section 5.3.7, Department of Finance: Counsel proposed to revise the last sentence of this sentence as follows:

“The Principal Assistant Assessor shall have all the powers and duties vested in this office by this Charter, by-law, or Town Meeting vote, and in the office of assistant assessor as provided by law.”

Mr. Collins moved to change the last sentence of Section 5.3.7 as suggested by Attorney Doneski. Ms. Allen seconded. A vote was taken and the motion was approved unanimously.

Section 5.5, Information Technology: Counsel suggested inserting the word “for” after the word “plan”.

Mr. Collins moved to leave the language in Section 5.5 as is with no further change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

Section 5.6.1, Personnel Board - Composition, Term of Office: Counsel suggested appointees to the Personnel Board be unpaid and also not Town employees or otherwise appointees of the

Town. Mr. Robertson noted that the Personnel Board's charge and the Town's by-law language has adequately dealt with the issue of possible conflicts of interest.

Mr. Collins moved to leave the language in Section 5.6.1 as is with no further change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

Section 5.6.2, Personnel Board - Powers and Duties: Counsel made some wording changes in this section which was interpreted by the Committee as resulting in a limitation of the Board's scope of duties as well as removing the ability for the Board of Selectmen to call upon the Personnel Board for advice.

Mr. Collins moved to leave the language in Section 5.6.2 as is with no further change to the Charter. Ms. Allen seconded. The motion was approved unanimously.

Section 6.2.1, Finance Committee – Composition, Term of Office: Counsel proposed changes in language which Mr. Collins considered stylistic in nature, not substantive. He also noted Counsel's language included the proposal for alternates from an earlier version of the Charter, which the Committee decided to remove last week.

Mr. Collins moved to leave the language in Section 6.2.1 as is with no further change to the Charter. Mr. Robertson seconded. The motion was approved unanimously.

This concluded consideration of Counsel's comments received over the last week.

Discussion of the Revised Charter Draft:

Mr. Manugian invited any final comments on the draft as written, in preparation for freezing the document for Town Meeting.

Misters Giger and Manugian discussed removal of extraneous wording (such as "draft", for instance) on headers and footers on the final version to be presented to voters.

There was a discussion of whether or not to take the Committee members' names off of the title page. It was decided to leave them on.

A clean version of the Charter is to go to the Town Manager tomorrow for printing and subsequent distribution with the warrant for Spring Town Meeting.

An email was received from Mr. Haddad, the Town Manager, dated March 29, 2017 (2 pages) regarding the changes made by the Committee in Section 4-2(c), now labeled Sections 4.2.3 and 4.2.4, regarding the **Town Manager's appointing authorities**. He has commented on this before, but is doing so one more time because he feels strongly the changes are neither necessary nor justified. He pointed to the last eight years of experience under the current Charter's provisions in which no problems have surfaced relating to these provisions. He also expressed concern these changes would politicize the appointment/removal process and cause potential embarrassment to those who may be subject to removal in the future due to it being an open and public process.

A discussion ensued and reference was made to the fact that these changes were much discussed and given due consideration by the Committee.

Mr. Giger moved to leave the language in Section 4.2.3 and 4.2.4 as is, with no further change to the Charter. Ms. Allen seconded.

Mr. Collins said he believed our language codified that which had been done to the present time, except for the new requirement that the BOS confirm committee removals by the Town Manager.

Mr. Schulman said because of the many and significant discussions had by the Committee on this topic there is no need to debate it any further.

Mr. Manugian made it clear these changes were not adopted because of any past abuses or mishandlings, but rather to ensure that the Charter provided better support for future town managers and boards of selectmen to work together to provide the same level of quality and consistent management as we have enjoyed to this time.

A vote was taken on the motion to make no change and it was approved unanimously.

Mr. Manugian asked if there were and further changes to be considered for the revised Charter. None were offered.

Mr. Schulman moved to approve the Charter, as amended tonight. Ms. Allen seconded.

Mr. Manugian asked for a roll call vote. Members voted as follows; Allen – yes; Collins – yes; Giger – yes; Manugian – yes; McCoy – yes; Robertson – yes; Schulman – yes. The motion was approved unanimously.

Discussion of the Presentation for the Public Hearings, April 5th:

Mr. Manugian sent out a revised presentation for the public hearings scheduled on April 5th. The intent is to present the changes made to the current Charter and to give the public ample opportunity to ask questions and understand what is in the current Charter and what is in the revised Charter. The presentation consists of 62 slides. They will be presented in about 30 minutes (without interruptions).

Mr. Manugian said he did rearrange some wording on Slide #19 from last week's presentation to the Selectmen and the Finance Committee.

Mr. Giger suggested Mr. Manugian present at a slightly slower pace to take into account that more people may show us for next week's hearings who have not participated earlier and are less informed of the Charter's provisions.

Mr. McCoy suggested, regarding Slide #22, limiting the number of towns shown to those highlighted in yellow and green. Mr. Manugian agreed and said he would also keep the full slide available for backup if questions were asked about other towns.

Mr. Collins reported he would not be attending next week's public hearings. Someone else should stand ready to answer questions about the relationship between the Town Manager and the Selectmen (previously assigned to Mr. Collins) should these subjects come up. Mr. Schulman offered to take on Mr. Collins' responsibilities for next week. Mr. Robertson will field questions on finance, budget and the Finance Committee. Mr. Giger will handle questions on transparency in government.

Schedule and Other Administrative Matters:

Mr. Manugian proposed that the Committee hold no meetings on Wednesday April 12th or Wednesday April 26th.

A meeting will be held April 19th to discuss the result from the April 5th public hearings and prepare for Town Meeting.

It is expected that the Committee will make its presentation to Spring Town Meeting (STM) at the beginning of the second scheduled evening, which is expected to be on Monday May 1st.

Action Item #1: Mr. Manugian will talk to the Town Moderator about positioning the Charter Review Committee presentation to STM at the beginning of the second evening.

Action Item #2: Mr. Manugian will announce to attendees at the STM on the first night the availability of the revised Charter at the Town Clerk's Office and the Groton Public Library (this is a repeat of one of last week's action items).

Action Item #3: Mr. Manugian will provide the draft STM presentation to the Committee for review prior to the April 19th meeting.

Mr. Collins said it is his understanding the final revised Charter (if approved by STM) should be sent by the Committee to the BOS; the BOS would then send the document on to the legislature for review and approval.

Mr. Robertson commented on Slide #54 (regarding Section 5.3.1): the title should be changed to "Principal Assistant Assessor".

Action Item #4: Misters Collins and Manugian will take another look at the Mass General Laws regarding what is said about assessors' job titles, compared to what is said on Slide #54.

Mr. Collins asked if it is necessary for the Committee to post its meeting at STM on the night of presentation and discussion (May 1st) so that the Committee may vote if, if necessary, on any matters that may come up during Town Meeting discussions.

The Committee felt that the Open Meeting Law posting provisions did not apply for the special case of a convened Town Meeting.

Action Item #5: Mr. Manugian said he could finish drafting a report to the voters for the Charter revision process and results, now that all changes had been made and finalized. He will provide a draft for the Committee's review.

Misters Collins and McCoy will not be available on April 5th for the morning public hearing. Mr. Collins may not be available on April 5th for the evening public hearing.

The meeting was adjourned with unanimous consent at 8:36 PM.

**** The next meetings are public hearings scheduled for Wednesday, April 5th, at 10:00 AM and 7:00 PM. ****

Exhibit:

- A.** Email, with attachment, from Michael Manugian to Charter Review Committee members, et. al., dated March 24, 2017, subject: FW: Charter Version Review by Town Counsel and Lauren Goldberg
- B.** Letter from Attorney Robert Collins to Michael Manugian, Chairman, Charter Review Committee, dated March 27, 2017, subject: Kopelman and Paige Review
- C.** Email from Mark Haddad to the Charter Review Committee, dated March 29, 2017, subject: Re: Proposed Amendments to the Town Charter

Exhibit A to CRC Minutes 032917

From: Michael Manugian
To: [Bud Robertson](#); [Jane Allen-Home](#); john.crc@cybergiger.com; [Michael McCoy](#); [Robert Collins](#); [Stuart Schulman](#)
Cc: [Steve Legge](#); [Judy Anderson](#); [Mark Haddad](#); ["David Doneski" \(DDoneski@k-plaw.com\)](mailto:DDoneski@k-plaw.com)
Subject: FW: Charter version for review by Town Counsel and Lauren Goldberg
Date: Friday, March 24, 2017 14:59:25
Attachments: [KP-#578616-v1-GROT - Charter review notes and comments March 2017.DOCX](#)

Hi All,

We received the results of the final Charter review by Town Counsel today. Note that the information is contained in the body of this email (below) and additional information is in the attachment.

Please review both prior to Wednesday's meeting. We have a lot to cover and it will be helpful if everyone is familiar with all of these issues before we start.

Thanks,

Mike

From: David Doneski [<mailto:DDoneski@k-plaw.com>]
Sent: Friday, March 24, 2017 10:39 AM
To: 'Mark Haddad'
Cc: Michael Bouchard; Michael Manugian; Dawn Dunbar; Lauren F. Goldberg
Subject: RE: Charter version for review by Town Counsel and Lauren Goldberg

Mark and all,

My apologies for the delay in getting this back to you.

Lauren and I have reviewed the further modified version of the proposed revised charter. I note that in addition to some adjustments to prior language there are also some new and re-written sections. Both the 'flagged' and 'clean' versions of the document you forwarded had substantial red-lining even though in many instances the ultimate text was not different from the last version I reviewed and commented on in my e-mail of December 23. To try and avoid an even more 'colored' document, I have included our comments below, which note some clerical corrections, and have also prepared a separate document with four "recommended" changes, and four "suggested" changes – for your consideration. The text in the changes document uses the track-changed language from the 'clean' draft as the base wording and shows the changes with additional red-lining.

We realize the tight timeframe here and therefore have kept the recommended changes to a minimum. In most instances, the suggested changes are for clarification or ease of reading purposes.

Please contact me with any questions.

[Comments by Section](#)

2.6.2, Inclusion of Articles on Town Meeting Warrant: I note that this section uses the phrase “the date fixed by by-law” with respect to the start of the Spring and Fall Town Meetings. Section 2.1 uses the phrase “a date fixed by law” with respect to the start of the holding of the Spring Town Meeting. Given the language in section 81-1 of the Town Code regarding dates for the Spring and Fall Town Meetings, I am presuming this difference may be intentional.

3.2.1, Board of Selectmen, composition: clerical correction to the new text - change “their” to “his or her” for consistency with other provisions of the Charter.

3.10, Board of Assessors, NEW section: clerical correction in line 2 – “assessors office” should be “Assessors’ office”

4.2.3, Town Manager, appointment authority: Suggested alternative language is included in the changes document. The alternative language explicitly references appointments which are designated elsewhere in the Charter as being the responsibility of the Town Manager.

4.2.8, Setting employee compensation: A recommended revision is included in the changes document. It is a clarifying change intended to ensure compliance with law as well as the vote of Town Meeting.

4.4.2, Temporary Absence or Disability of Town Manager: Because this is a temporary vacancy only, typically, a Town Manager is limited to appointing from among Town employees only.

5.3.5, 5.3.6, 5.3.7, Appointment of Town Accountant, Treasurer/Collector, and Principal Assistant Assessor: The changes document includes a recommended revision, which follows the form of these sections contained in the last draft of the document reviewed in December.

5.3.7, Principal Assistant Assessor: There is no position of “Principal Assistant Assessor” provided for in the General Laws, so additional text in the recommended revision is intended to clarify this issue somewhat.

5.5, Information Technology: clerical correction - insert “for” after “plan.”

5.6.1, Personnel Board, membership: Suggested alternative language is included in the changes document. Typically, service on a personnel board is restricted to persons who are not appointed Town officials or employees. The decision as to whether to include such a restriction is a policy decision. To the extent that any of the duties of the Personnel Board might implicate the financial interests of the members, any employee so appointed might need to seek an exemption from the provisions of G.L. c.268A, §19 for such purposes.

5.6.2, Personnel Board, powers: A suggested revision is shown in the changes document. The revision and additional language are intended for clarification regarding the personnel process and to describe the duties of the Personnel Board, with our recognition that these issues may have already been considered by the Charter Review Committee.

6.2.1, Finance Committee, REVISED section: Suggested alternative language is included in the changes document. The revisions and additional language are for clarification and sequencing; no substantive change is intended.

David J. Doneski, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 556 0007
F: (617) 654 1735
ddoneski@k-plaw.com
www.k-plaw.com

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From: Mark Haddad [<mailto:mhaddad@townofgroton.org>]
Sent: Friday, March 03, 2017 12:12 PM
To: David Doneski; Lauren F. Goldberg
Cc: Michael Bouchard; Michael Manugian; Dawn Dunbar
Subject: FW: Charter version for review by Town Counsel and Lauren Goldberg

David and Lauren:

Below, please find an email from the Chair of the Charter Committee requesting Town Counsel review of the proposed charter changes (attached to this email). I would respectfully request that you review these changes and submit your comments to the Charter Committee by March 14th as requested.

Please feel free to contact me with any additional questions or concerns with regard to this matter.

Mark

From: Michael Manugian [<mailto:Mike@ManugianInc.com>]
Sent: Friday, March 03, 2017 11:44 AM
To: Mark Haddad
Cc: Bud Robertson; Jane Allen-Home; John Giger (CRC); Michael McCoy; Robert Collins; Stuart Schulman home
Subject: Charter version for review by Town Counsel and Lauren Goldberg

Hi Mark,

I have attached a flagged and a clean Word version of the latest proposed Charter. These documents are designed to be presented two-sided. If you would like other formats, please let me know.

Please forward these for review by Town Counsel and Lauren Goldberg.

We would appreciate it if we could receive comments by Mar 14, 2017 so that we can produce the final final before the presentation to the Selectmen on Mar 22.

Please let me know if this is acceptable.

Also, we are hoping that our proposed ballot question for the adoption of the changed Charter can use general wording similar to the warrant article. Please ask KP to confirm whether this is correct.

Please contact me if you have any questions.

Thanks,

Mike

**TOWN COUNSEL'S NOTES, COMMENTS
FOR TOWN CHARTER REVIEW**
2017 Draft Charter
(version 0.8-11; release date 03-02-17)

Section 4.2.3, appointments by Town Manager – suggested revision

To appoint and remove department heads, the Town Accountant, Town Treasurer/Collector, Principal Assistant Assessor, Finance Director, if applicable, officers and subordinates and employees and other appointed members and other employees, and paid members of Town government for whom no other method of appointment or removal is provided in this Charter or by-law.

Section 4.2.8, setting of employee compensation – recommended revision

To fix the compensation of ~~town officers and all~~ employees ~~appointed by him~~ appointed by the Town Manager within the limits established by law, vote of Town Meeting ~~the approved budget, law,~~ the personnel by-laws, the Town's wage and classification schedule or collective bargaining or other agreements.

Section 5.3.5, Town Accountant – recommended revision

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~~, subject to confirmation by the Board of Selectmen in accordance with Section Ref463532928 \r \h * **MERGEFORMAT Error! Reference source not found.**, 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 ~~other~~ Town Meeting vote.

Section 5.3.6, Treasurer/Collector – recommended revision

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~~ subject to confirmation by the Board of Selectmen in accordance with Section Ref463532928 \r \h * **MERGEFORMAT Error! Reference source not found.**, 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 ~~other~~ Town Meeting vote.

Section 5.3.7, Principal Assistant Assessor – recommended revision

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~~ subject to confirmation by the Board of Selectmen in accordance with [Section](#)
Error! Reference source not found. 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-law or ~~other~~ Town Meeting vote, ~~and in the office of assistant assessor as provided by law~~.

Section 5.6.1, Personnel Board composition – suggested revision:

[Composition, Term of Office](#) – There shall be an [unpaid Personnel Board](#), which shall consist of three members appointed by the Board of Selectmen. Members shall serve for a term of three years, with terms to be arranged such that the term of one member shall expire each year; ~~provided, however, that no appointed Town official or employee may be appointed to or serve on the Personnel Board.~~

Section 5.6.2, Personnel Board powers and duties – suggested revision:

[Powers and Duties](#) – The Personnel Board shall function as an advisory board to the Human Resources Director; ~~and Town Manager and Board of Selectmen in the management of human resources for the Town of Groton, as requested by the Town Manager. Upon request, the Board shall advise the Town Manager and the Human Resources Director with respect to personnel management, including, but not limited to, review of personnel rules, policies and procedures promulgated by the Town, reclassification of Town positions, review of job descriptions for Town positions, excluding positions employed by the School and Light Departments, and to conduct studies or reviews related to personnel administration, subject to the availability of funds.~~

Section 6.2.1, Finance Committee composition – suggested revision

[Composition, Term of Office](#) - ~~There shall be a Finance Committee consisting of seven voters of the Town, appointed by a three-person committee consisting of the Chair of the Board of Selectmen, the Chair of the Finance Committee and the Town Moderator. If the Chair of the Finance Committee is being considered for re-appointment, the Finance Committee must select another member who is not being considered for reappointment to serve on the three-person committee.~~ ~~Members of the Finance Committee shall serve~~ terms of three years each, arranged so that the terms of office of as nearly an equal number of members as possible shall expire each year. The Finance Committee shall appoint a ~~e~~Chair and a ~~D~~Deputy Chair, who, in addition to performing any other duties and responsibilities under the Open Meeting Law, shall ~~to run meetings and~~ present the Finance Committee's recommendations during the [Town budget process](#). There shall also be two alternate members of the Finance Committee, appointed to terms of one year, who shall attend and participate in Committee meetings. In the event of a lack of a quorum or conflict,

Commented [A1]: This language is inserted to provide for consistency with the Open Meeting Law.

the Chair of the Finance Committee shall appoint one or more of the alternate members, as needed, to fulfill the quorum requirement for that meeting.

The regular and alternate members of the Finance Committee shall be appointed by a ~~The three person appointing committee consisting of the Chairs of the Board of Selectmen, and the Chair of the Finance Committee, and Moderator.~~ If the Chair of the Finance Committee is seeking reappointment, then another member of the Finance Committee, who is not then seeking reappointment, shall be designated by the Finance Committee to serve on the Appointing Committee. The appointing committee shall fill any vacancies in the office of Finance Committee in the same manner as the original appointment for the remainder of the unexpired term. ~~shall appoint two alternate members to the Finance Committee. The term of alternate members shall be one year. Alternate members shall attend and participate in the Committee meetings. In situations of the lack of a quorum, the Chairman of the Finance Committee shall appoint an alternate member or alternate members in order of seniority to fulfill the quorum requirement for that meeting. Alternates shall not add to the quorum requirement for the Committee but shall be available to satisfy the quorum requirement should sitting member(s) be unavailable, and shall not be voting members until they take the place of a sitting member of the Committee.~~

Commented [A2]: This language was inserted to clarify who would appoint a member of the Finance Committee in the event the Chair cannot participate.

Commented [A3]: In our opinion, this language is not required.

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

27 March 2017

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

RE: Kopelman and Paige Review

Dear Committee Members:

I wish to provide the following language and observations for the Committee's consideration:

Section 2.1

The third clause of the last sentence should be changed to read "...shall be held during the last four months of the calendar year on a date fixed by by-law...", or, in the alternative, "on a date set by the Board of Selectmen..."

(note: Chapter 39 stipulates that the annual town meeting be held during March, April, May, or June, but is silent as to a fall meeting)

Section 3.2.1

Change the word "their" in the last sentence to "his or her".

Section 4.2.3

The Committee could adopt the language suggested by Town Counsel, but there actually is no necessity to do so.

Section 4.2.8

Our draft language would restrict the salary of an employee appointed by the Town Manager outside the budget cycle to be within the confines of the approved budget; the language recommended by Town Counsel would remove this restriction.

Section 4.4.2

I believe that having the ability to have a non- employee appointed as was intentional on our part.

Sections 5.3.5, 5.3.6, and 5.3.7

The suggested revision language is stylistic rather than substantive. I believe that the language in our draft places emphasis on confirmation by the Board of Selectmen, but that is my opinion. The Committee could revise the language as suggested without changing substance.

Section 5.3.7 (last sentence)

The suggested revision provides clarification; may I thus suggest that the final sentence be revised as suggested.

Section 5.6.1

The last clause of the final sentence of the suggested revision eliminates the possibility of an appointed official or employee from serving on the Personnel Board; this may be advisable, in which case the Committee should vote on the issue.

Section 5.6.2

The suggested revision language has a couple of very subtle, but significant, changes. The insertion of the words "as requested by the Town Manager" at the end of the first sentence, and the words "Upon request" at the start of the next sentence may prove to be problematic in time, since actions and advice are predicated upon a request. Thus, if a study or review leads to issues not part of the initial request, they can be viewed as going beyond the authority of the Board. The Committee needs to consider this suggested change.

Section 6.2.1

The suggested revision language is stylistic, and may be clearer than our version. The Committee should note, however, that the revision language includes the language dealing with alternates, which the Committee voted to eliminate last week.

Very truly yours,

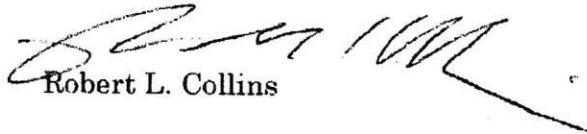

Robert L. Collins

EXHIBIT C to CRC Minutes of 03-29-17

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: RE: Propose Amendments to the Town Charter
Date: Wednesday, March 29, 2017 13:44:04

Good afternoon Members of the Charter Committee:

I know you have finalized your proposal to Town Meeting and are only in the process of informing the Public of your proposed amendments. However, I am writing to you one last time to urge you to leave the appointing authority of the Town Manager as it is currently written. I have yet to hear a strong argument for changing this section of the Charter. I want to repeat that the current system has worked effectively without issue for almost nine years. I am at a loss as to why this was even proposed. I am respectfully requesting that this section be left as is for the reasons outlined below. I hope you will consider this as you finalize the draft for adoption by Town Meeting. Thank you very much for your consideration.

Best regards,

Mark W. Haddad
Town Manager

From: Mark Haddad
Sent: Tuesday, March 07, 2017 4:28 PM
To: Michael Manugian (Mike@ManugianInc.com); budrobertson@charter.net; John Giger (CRC); Michael McCoy (michael@riyality.com); Jane Allen-Home; Stuart Schulman; Robert Collins
Cc: Dawn Dunbar; Michael Bouchard
Subject: Propose Amendments to the Town Charter

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>>