

## **Charter Review Committee (CRC)**

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

### **Public Hearing Minutes - April 5, 2017, 7:00 PM at Town Hall**

**Present (6):** Jane Allen, John Giger (Secretary), Michael Manugian (Chair), Michael McCoy, Bud Robertson (Vice-Chair), Stuart Schulman

**Not present:** Robert Collins

**Recorder:** Stephen Legge

**Visitor:** Olin Lathrop (Conservation Commission, Trails Committee)

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

#### **Administrative:**

Mr. Manugian announced he would make a slide presentation of all changes being proposed in the draft revised Charter to be presented at Spring Town Meeting for voter approval. He mentioned that at this point in time all changes had been frozen so that the revised Charter could be prepared and presented at Town Meeting, in about one month's time. The purpose of this meeting was to explain in detail the changes made and the process by which the Committee had come to present the Charter revisions proposed. The public would be invited to ask questions and hear the Committee's answers, after the presentation, in order to have a better understanding of the new Charter under consideration, prior to Town Meeting. Mr. Manugian added that there were 128 places in the Charter where changes had been made.

#### **Presentation and Public Discussion of the Draft Revised Charter:**

Mr. Manugian completed his presentation of 63 slides by 7:23 PM and invited comment from the public.

Visitor Mr. Lathrop, noting BOS members were not permitted to hold other elected positions, asked if members could hold other appointed positions. Mr. Schulman answered it was possible for Selectmen to hold other appointed positions and further elaborated on the value for the Town of being able to do this.

Mr. Lathrop asked for a definition of "medical benefits-eligible", referring to Slide #17. Mr. Schulman explained it included all Town employees who work 20 or more hours per week. It is sometimes referred to as full-time.

Mr. Lathrop referred to Slide #18 and asked if the BOS was presently considered the chief goal-setting and policy setting agency. Mr. Schulman said it was, but the Committee felt it was a function of such importance that it should be mentioned explicitly in the Charter. Mr. Lathrop

noted in Slide #36 the Finance Committee is proposed to be appointed by a committee composed of the Town Moderator, among others. He asked why the Moderator should have a role. Mr. Robertson answered, today, the Finance Committee is chosen solely by the BOS. The proposed appointing committee will provide for a broader representation of government selecting and appointing candidates. The Moderator is admittedly a narrower in scope body of government, but it is also very independent. The mix of the three, BOS, Moderator and the Finance Committee, will cover all the angles in choosing and vetting candidates.

Mr. Lathrop asked for more explanation of what was meant in Slide #45 where the BOS delegates its authority in a posted meeting under Section 3.2.2.4. He commented this slide could use more clarification.

**Action Item #1:** Mr. Manugian will consider revision of Slide # 45 to make more clear what authority is being delegated by the BOS in Section 3.2.2.4.

The public had no further questions or comments.  
Mr. Manugian ended the public hearing at 7:35 PM.

### **Discussion of Comments from Today's Public Hearings, Town Counsel and Slide Content:**

Mr. Robertson said, referring to Section 3.2.1, "medical benefits-eligible" is not actually the same as "full-time". Full-time is generally considered to be 35 – 40 hours per week.

In Slide #24, Mr. Robertson said the point is made that no more than one member each of the BOS or Finance Committee may be appointed to the Town Manager Screening Committee or the Charter Review Committee (Sections 4.5.1 and 7.6). The justification is said to ensure they are "citizen's committees". Mr. Robertson felt that should be changed to read something like "ensure broader participation".

Mr. Manugian brought up that Town Counsel had issued a second email today on the subject of whether or not a ballot vote was required as part of the overall Charter adoption process. Attorney David Doneski laid out the details of pursuing Charter revision by means of the "Special Acts" provision of the Mass General Laws (Chapter 50 in the Acts of 2010), which was used for the last amendment of the Groton Charter in 2010. He also explained an alternative means of approval through the Section 10, Chapter 43B approach which entails approval by a 2/3 majority at Town Meeting and an approval by ballot vote in the 2018 Town election.

Mr. Manugian is not completely clear on the alternatives before us and thought it might be a good idea to have more discussion with Town Counsel on this before the Town Meeting.

Mr. Robertson expressed the opinion we should not ask for a ballot vote before submitting to the legislature.

Mr. Schulman asked whose call it was to decide this issue – the Committee's, the BOS or Town Meeting.

**Mr. Schulman moved that the charter Review Committee recommend to Town Counsel and the BOS the petition for the special act not include a request for a ballot question at an election.** Mr. Robertson seconded. A vote was taken and the motion was approved unanimously.

There ensued a discussion of the roles of the Committee, the BOS and the Town Meeting in the decision to submit a petition to the legislature. There was special concern that the language for the Town vote be completely proper so as not to cause problems later. Mr. McCoy found the warrant article language (Article 20) and it was reviewed by the Committee.

**Action Item #2:** Mr. Manugian will ask Town Counsel (1) to explain the three bullets laid out in the latest email from Attorney Doneski to him, (2) to certify that the warrant article language just discussed is proper, and (3) if there is anything the Committee needs to know about the possibility of amendments being made at Town meeting and how that could affect the flow of submitting the special acts petition to the legislature.

Mr. Manugian expected to meet with Town Counsel and the Town Manager on Monday, April 17<sup>th</sup>. Mr. Manugian asked Mr. McCoy to accompany him to the meeting with Town Counsel.

Mr. Manugian raised the issue of final review of the presentation to be made to Town Meeting. The current draft of this presentation is 32 slides and is significantly condensed from the public hearing version used today. He expected to make the presentation in no more than ten minutes.

**Action Item #3:** Committee members will give editorial remarks on the slide presentation to Mr. Manugian by Wednesday April 12<sup>th</sup>. Mr. Manugian also requested comments on different ways to present the material.

Mr. Robertson was concerned the presentation would take longer than ten minutes. He was wondering if there was a better, more time efficient way to present the changes. He also suggested revising the statement in Slide # 45 (Transparency – Section 3.2.2.4), now in Slide #27, Item #1, which had confused Mr. Lathrop earlier in the evening.

Ms. Allen commented that because there would be significantly more people at Town Meeting than in our hearings it is likely the presentation and questions will take longer.

Mr. Manugian wanted to know if it made sense to incorporate Charter section references into his slides.

Ms. Allen said it is much better to use them - it makes the presentation more real.

**Referring to an observation made on revised Charter Sections 3.2.1 and 3.1.3 made in this morning's public hearing, Mr. Schulman moved to add to Section 3.1.3, Elected Officers Eligibility, the phrase "or this Charter" after the phrase "prohibited by law", to remove an apparent inconsistency.** Mr. Robertson seconded.

Mr. McCoy said he felt there was no conflict in these sections. Employees of the Town can run for, and be elected to, the office of Selectman, but must give up their paid position if elected.

A vote was taken and the motion failed 1 – 5 with Mr. Giger voting yes.

## **Discussion of Committee's Response to Objections during Town Meeting:**

Mr. Manugian said the Committee needs to prepare arguments in advance and be ready. Other members of the Committee should participate in answering questions. It was Mr. Manugian's opinion that even if some members voted no on an issue, they should first defend the Committee's position.

Mr. Schulman was concerned about a member's right to express a contrary opinion or support a floor argument. Mr. Manugian had said at an earlier meeting, any member had a right to speak his/her opinion. But he was concerned about the effect of single dissenters on a series of multiple issues. His point was that that can be perceived out of proportion to the strength of any single minority opinion. He asked that members take this into consideration, if inclined to speak against an item.

Mr. Robertson felt it was wrong service to the Charter to talk against any one item. The revised Charter was developed through a long process of give and take, and even reconsiderations after the fact. It was a complicated process. But in the end the revised Charter deserves to be considered as a whole, in addition to scrutinizing all the individual parts. A member can make a choice to be silent if one held a minority opinion on an issue.

Mr. Manugian commented there was not discord on this Committee.

Ms. Allen said she would support all decisions made. But at the end of a discussion, she would reserve the right to vote for an amendment.

**Action Item #4:** Mr. Manugian will check with Town Counsel when and if the Committee should support further change through amendment at town meeting.

A review was made of the objections to the revised Charter raised at this morning's public hearing. Mr. Manugian counted five issues, and asked certain members (as noted) to take charge of the response should they be raised at Town Meeting. The issues were:

- (1) Suspension or removal of the Town Manager with a majority vote of the BOS (McCoy);
- (2) Selectmen cannot hold other elected offices (Allen);
- (3) Selectmen cannot hold other Town government positions that are medical benefit-eligible (Robertson);
- (4) Selectmen may consult with Town employees at reasonable times during regular business hours (Schulman); and
- (5) The BOS must confirm the Town Manager's nominees for removals (Collins).

Some last comments were made by Mr. Manugian on the subject of preparing for objections on Town Meeting floor.

Mr. Manugian asked everyone to stay calm and concise, even when others get energized.

Ms. Allen advised to emphasize three ways to answer positively, instead of just one.

**Action Item #5:** Mr. Manugian asked each of the five responders to the objections listed above to present their arguments to the Committee at the Committee's April 19<sup>th</sup> meeting; he also asked

each one to email their arguments in advance to the other members, but cautioned no one should respond to those emails.

### **Other Administrative Business:**

Mr. McCoy noted an editorial had been published in the Groton Herald on Friday March 31<sup>st</sup> proposing that non-residents not be permitted as members of Town committees.

**Action Item #6:** Mr. Manugian asked Mr. Giger to be prepared to discuss the issue of non-residents being on Town committees at Spring Town Meeting.

Mr. Manugian said he would be out of town for the next seven days.

**The meeting was adjourned with unanimous consent at 8:43 PM.**

**\*\* The next meeting is scheduled for Wednesday, April 19<sup>th</sup>, at 7:00 PM.  
Note, there will be no scheduled meeting on Wednesday, April 12<sup>th</sup> \*\***