

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

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

### **Public Hearing Minutes - April 5, 2017, 10:00 AM 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 (8):** Judy Anderson, Michael Bouchard (Town Clerk), Josh Degen (BOS), Tom Delaney (DPW Director), Dawn Dunbar (Exec. Asst. to Town Manager), Mark Haddad (Town Manager), Brooks Lyman (Housing Authority), Becky Pine

**Call to Order:** Chairman Manugian called the meeting to order at 10:00 AM.

#### **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 and its companion meeting tonight at 7:00 PM 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 10:25 AM. He referred to the specific places where the draft revised Charter could be reviewed in detail by the public: on the Town website, at the Town Clerk's office and at the Groton public Library. Mr. Manugian invited comment on his presentation material from the public.

Visitor Mr. Delaney commented that in Section 3.2.6 the Selectmen were given the right to talk to employees of the Town "at reasonable times during regular business hours". He asked, reasonable to whom? He reiterated a point he had made earlier that Selectmen should first talk to department heads in order to avoid the interruption of work flow on projects where time matters. Mr. Delaney did say that the presentation was a good one but the bullets were short. The devil is in the details, as in Section 3.2.6.

Mr. Delaney went on to say in Section 3.2.2.5 the Selectmen's powers to sign payroll and expense warrants is discussed. He felt the 30-day period over which the temporary authority was delegated to one Selectman and the Town Manager was too short and asked why not 180 days. Mr. Schulman explained this was intended for short time durations when Selectmen may be on vacation (such as in the summer) or otherwise unable to muster the three Selectmen normally needed under our Charter. He noted, under state statute, only one Selectman is required to sign warrants, so this new provision actually provides more protection to the Town than state statute would.

On a different subject, Mr. Delaney stated he was uncomfortable with the provision in Section 3.2.1 whereby Selectmen are not permitted to hold other elected office. He noted in Section 3.1.3, the Charter says "Any voter shall be eligible to hold an elective Town office, unless prohibited by law." The Committee thought this to be an interesting point.

Visitor Ms. Pine said she is not clear as to the meaning of "medical benefits-eligible" as used in Section 3.2.1 where Selectmen are prohibited from holding office and simultaneously retaining a compensated Town position. She asked if an election worker could also be a Selectman. The answer to this was, yes. Only employees currently working 20 hours or more would be excluded under this definition.

Mr. Delaney offered the example that a full-time fireman is benefits eligible but under a strong fire chief he/she would report only to the Chief, not the Town Manager. The Committee noted there were still plenty of opportunities in this scenario for conflicts of interest.

Visitor Mr. Lyman asked what is the Department of Finance? Mr. Robertson explained, as defined in Charter Section 5.3.

Mr. Lyman, noting the provision in Section 3.2.1 prohibiting Selectmen from holding other elected offices, asked if he would be able to run for BOS as an elected member of the Housing Authority. The answer was, he may run for BOS, but if elected would have to surrender the Housing Authority position.

In Slide #51, Mr. Lyman asked, what is the "Town bulletin board"? Mr. Manugian answered and Mr. Bouchard further clarified that the Open Meeting Law allows for several places where notice of meetings may be given. The Town Clerk has the authority to decide which sites are official ones and how they will be used (Section 1.9.13).

Referring to Slide #58, Mr. Lyman asked if the Charter Review Committee was a permanent committee. The Committee answered that it was a temporary body, appointed once in every ten-year cycle of the Charter, to formally review the Charter for needed changes. Slide #58 refers to the Committee's perceived need to include the Fall Town Meeting as a time to review the results of its labors, instead of only at Spring Town Meetings, currently allowed, which happen once per calendar year.

Ms. Pine asked, in reference to Slide #26, if any other positions than Town Accountant, Treasurer/Collector or Principal Assistant Assessor were confirmed by the BOS.

Ms. Pine also asked if the Charter required that minutes be taken in all Town meetings. Mr. Giger answered that the Open Meeting Law (Mass General Laws) requires minutes be taken and published within reasonable times, generally by the next posted meeting of a body. Mr. Giger further explained if minutes are not approved by the next meeting, the OML requires that draft minutes be posted until they are finalized and approved. Mr. Manugian added that citizens are entitled to see handwritten notes immediately after a meeting is concluded.

Mr. Giger said minutes are not verbatim transcripts. Also, not all meetings are televised, as this one is. Those that are televised must make the recordings available within a reasonable amount of time.

Mr. Haddad said most televised recordings in Groton are available in 48 hours.

Mr. Manugian suggested consulting the new Town records policy developed by the Selectmen in the last year for more information.

Ms. Pine asked, in reference to Slide #61 which refers to the new requirement that appointed committee members must be sworn in “promptly” or risk removal by the appointing authority (Section 7.8), if those facing impending removal must be notified. Mr. Manugian answered that a provision such as this ensures due process – the BOS must confirm such a decision. Under the present Charter there is no mention of due process, only the power to remove.

Ms. Pine asked in reference to Slide # 62, what is the status of the development of a policy covering participation by boards in reviews of employees supporting them. Mr. Haddad answered a policy draft is under development and will be available for review some time shortly after the Town election in May.

No further questions were received from the public as of 10:50 AM.

**The meeting was adjourned with unanimous consent at 10:51 AM.**

**\*\* The next Public Hearing is scheduled for Wednesday, April 5<sup>th</sup>, at 7:00 PM. \*\***