

Note: Submission numbers are not assigned sequentially. There may be gaps in the numbering.

Town of Groton Charter Review Submissions Since Sep 18, 2015

Date	No.	Proposal
Name		<i>Justification (in italics)</i>
9/21/15 Michael Bouchard	172	Marker: Record 171 is the last submission received by the September 18 deadline
2/3/16 Charter Review Committee	173	During the Charter Review meeting of 20160203 it was pointed out that footnote #2 on page 10 of the draft charter was superfluous and erroneous and should be deleted.
3/6/16 Charter Review Committee	174	in Charter Review Meeting of 20160209 Mr. Giger suggested deletion of Article 8 (Transition).
3/10/16 Charter Review Committee	175	Generalize the term Town Bulletin Board to include the Town web site <i>Postings should be made in both places: Town Hall bulletin board for the benefit of people visiting Town Hall or those without electronic access and the Town Web Site so people can access notices remotely</i>
4/27/16 Charter Review Committee	176	Remove references to Spring Town Meeting in section 7-6 so that the charter change process can be presented or voted on at either Spring or Fall Town Meeting. <i>Currently, section 7-6 requires that the Charter review process be presented and voted on in a Spring Town Meeting only. This change would allow the process to take place during whichever is the earlier Town Meeting when the Charter Review Committee is ready.</i>

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Date	No.	Proposal <i>Justification (in italics)</i>
5/12/16 Alison Manugian	177	<p>Below is the current 2016 Charter Review Committee updated draft language pertaining to preliminary budget submission by the Town Manager.</p> <p>"The Board of Selectmen, the Town Manager, the Department of Finance and the Finance Committee shall meet each year prior to October 31st to determine the budgetary goals for the subsequent fiscal year. The Town Manager, after such meeting(s), shall submit to the Finance Committee and the Board of Selectmen a proposed balanced operating budget, with an accompanying budget message, summary and supporting documents, which follows the agreed upon budget goals not later than December 31st of each year for the next fiscal year. The summary of the proposed budget shall identify deviations from the current operating budget and outline the reasons for these changes. The Town Manager shall have the summary of the operating budget published in a local newspaper and placed on the Town's web site contemporaneously with the submission to the Finance Committee. This publication shall indicate the times and places at which copies of the proposed budget with the accompanying documentation are available for examination by the public."</p> <p>The School Committee is requesting that the Charter Review Committee reconsider this section to change the December 31st deadline to February 15th. Below are some of the reasons for this recommended change. I am more than happy to attend an upcoming meeting to discuss this recommendation and potential impacts. Mark Haddad, in conversation on 4/25, indicated that this change would have no negative impact on the Town Budget process. He shared many of my concerns and agreed that alignment would be beneficial.</p> <p><i>Support for February 15 preliminary budget date (instead of December 31):</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Allows construction of the Municipal budget around an accurate estimate of the GDRSD assessment, rather than the current assumed placeholder value.</i> <input type="checkbox"/> <i>Allows for meaningful collaboration around priorities and needs between municipal and school officials.</i> <input type="checkbox"/> <i>Reduces community perception that the school budget is driving costs beyond revenue.</i>
6/15/16 Charter Review Committee	178	<p>Section 7-6 of the Charter specifies that proposed changes be presented at Spring Town Meeting. This recommendation would allow changes to be presented at either annual Town Meeting, depending on when the changes were ready to be presented for a vote.</p>

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Date	No.	Proposal
Name		<i>Justification (in italics)</i>
7/6/16	179	Term Limits for Selectmen
David Melpignano		<p>The subject above says it all. It is time to limit the terms of the BOS. The ideas are stale, the chemistry is wrong and two of the Selectmen are power hungry. One wants to be on every elected or appointed committee in town, and whenever he doesn't get his way he throws a childish fit. The other has been in office a short while, but believes he is the mayor. Give him a few more years and he'll ask for a crown.</p> <p>Let's get more new blood into the Board of Selectmen. These five aren't getting the job done, yet an uninvolved citizenry keeps re-electing them. It is time for a major change in Groton. Let's get the ego out of governing.</p>
7/15/16	180	Clarify wording in section 2-7(b).
Charter Review Committee		<p>Some boards call meeting into session at and during Town Meeting. Others feel they are implicitly in session by virtue of Town Meeting being in session. The intent is that other boards not schedule meetings outside of the Town Meeting venue during a scheduled Town Meeting. Wording should be clarified to convey this point.</p>

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Date	No.	Proposal
Name		<i>Justification (in italics)</i>

7/18/16	181	July 18, 2016
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Patricia Woods

TO: Mike Manugian, Charter Review Committee

RE: Charter change suggestion

I would like to suggest that the Groton Charter be changed to make it mandatory that the town manager, town clerk and school superintendent live in Groton.

Their decisions directly affect the residents of Groton and should affect their residency as well. It is much easier to raise taxes, change by-laws, support or not support other changes in town when their personal lives are not affected. The selectmen have to live in Groton, why not these people who have the "power" in town.

Sincerely,

(signature of Patricia Woods)

Patricia P. Woods
158 Hollis Street
Groton, Massachusetts
978-448-6624

CC: Jack Petropoulis and the Groton Selectmen

Town of Groton Charter Review Submissions Since Sep 18, 2015

Date	No.	Proposal
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Name		<i>Justification (in italics)</i>
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7/18/16	182	July 28, 2016
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Patricia Woods

TO: Mike Manugian and the Charter Review Committee Members

RE: Town Manager's requests

[1]

I urge you to not allow Mr. Haddad to appoint the town clerk

[2] OR allow Mr. Haddad to be the only person to approve all expense and payroll warrants.

Hr. Haddad works for the town; not the town for him. As an employee, he should not be given sole power to make important decisions and sign important documents.

Please do NOT give our town manager, Mark Haddad, any more power than he already has. To even open up the process for his benefit should not have been allowed. Mr. Haddad, more than anyone, should have know the schedule for comments and recommendations.

Sincerely,

(signature of Patricia Woods)

Patricia P. Woods
158 Hollis Street
978-448-6624

CC: Jack Petropoulis and the Groton Selectmen

Town of Groton Charter Review Submissions Since Sep 18, 2015

Date	No.	Proposal
Name		<i>Justification (in italics)</i>

7/23/16	183	To the Members of the Groton Charter Committee:
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Mark Haddad

I would like to propose that the Town of Groton Charter be amended to authorize the Town Manager to sign and approve all expense and payroll warrants instead of the Board of Selectmen. This is a day to day function that should rest with the Town Manager. I have reviewed several Charters and many of them have the Town Manager or Town Administrator approve the warrants. There is no strong reason that the Selectmen have to sign them. They are a public record and the Town Manager can make sure they are provided to the Selectmen in their weekly correspondence for their information. Some members of the Community may perceive this as a power grab by the Town Manager or there would be no checks and balances in approving expenditures. While I can understand this perception, I would ask you to focus on reality.

This proposal has nothing to do with power or checks and balances. It is purely an administrative function. The Town Manager is the Chief Financial Officer of the Town of Groton and it is reasonable to have the Town Manager approve the warrants. I have reviewed 26 Communities with a Charter and have found 20 that have the Town Manager/Administrator sign and approve, 5 had the Selectmen and one (Norton) that has both. Again, this is a purely administrative day to day function that should rest with the administration.

I have enclosed with this email sections of the Charters that authorize the Town Manager to approve the Warrants of the following Communities:

North Andover	Billerica
Danvers	Westborough
Hull	Chelmsford
Lexington	Andover
Tewksbury	Millbury
Plymouth	Duxbury
Ipswich	Westford
Provincetown	Longmeadow
Grafton	Easton
Cohasset	Sudbury

Lynnfield, Acton, Concord, Bedford and Sandwich have the Selectmen approve the warrants.

Specifically, I would propose that Section 4-2 be amended by adding a new paragraph (n) to read as follows:

Section 4-2(n) Warrants for the payment of the town funds prepared by the

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town accountant in accordance with the provisions of the general laws shall be submitted to the town manager. The approval of such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

I look forward to discussing this in more detail with the Charter Review Committee.

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

7/27/16	184	Add a sentence to the end of Section 3-2(d) along the lines of:
Michael McCoy		<p>The Board of Selectmen shall also appoint department heads, officers, subordinates, employees, and other appointed members of town government that are nominated by the Town Manager, as provided in Section 4-2(c).</p> <p><i>The current wording of Section 3-2(d) does not provide for BoS appointment of department heads, officers, and employees. Section 3-2(d) should support the revised wording for Section 4-2(c).</i></p>

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Date Name	No.	Proposal <i>Justification (in italics)</i>
7/27/16 Michael McCoy	185	<p>The current charter specifies that “The office of the Town Manager shall not be subject to the town’s salary administration plan.” This language is ambiguous: does “office of the Town Manager” mean only the Town Manager, or does it extend to those employees working for the Town Manager?</p> <p>If the language read “the office of the Town Clerk,” one would reasonably assume it applied to all employees working in the Town Clerk’s office, not just the Town Clerk.</p>
7/27/16 Michael McCoy	186	<p>Revise Section 4-2(e) to read “To conduct or review annual performance evaluations of all town employee’s subject to appointment by the Board of Selectmen...</p> <p><i>The current language of Section 4-2(e) states “To conduct or review annual performance evaluations of all employees subject to his or the Board of Selectmen’s appointment... However, the CRC has already determined that the Town Manager nominates employees, who are then appointed by the Board of Selectmen, so discussion of appointment by the Town Manager is misplaced.</i></p>
7/27/16 Michael McCoy	187	<p>Merge Section 3-4(d) with Section 2-2 and delete Section 3-4(d)</p> <p><i>Section 3-4 of the Charter addresses the term of office and responsibilities of the Town Moderator. However, Section 3-4(d), entitled “Deputy Moderator” overlaps and extends Section 2-2, “Presiding Officer”, and describes how Town Meeting should be run in the absence of the Moderator and Deputy Moderator. If Section 3-4(d) does not describe the scope and limitations of the Town Moderator, then it doesn’t belong in a section entitled “Town Moderator.”</i></p>
7/27/16 Michael McCoy	188	<p>Revise Section 4-2(f) to read “To fix the compensation of town officers and employees within the limits established by the town budget...</p> <p><i>The CRC has determined that the Town Manager nominates, so “appointed by him” is misplaced. If striking the “appointed by him” term is too broad, consider replacing it with “appointed by the Board of Selectmen.”</i></p>
7/28/16 Michael McCoy	189	<p>Revise Section 4-4(b) to reconcile the qualifications of a temporary Town Manager when chosen by the Town Manager (“a capable officer”) with the qualifications when chosen by the Board of Selectmen (“a capable person”).</p> <p><i>There is no practical benefit to restricting the Town Manager to “officers” when choosing a temporary replacement if the BoS can choose any Groton citizen. Section 4-4(b) should use either “officer” or “person” in both scenarios.</i></p>

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Date	No.	Proposal
Name		<i>Justification (in italics)</i>
7/28/16 Michael McCoy	190	Strike "utilize modern concepts of fiscal presentation so as to" from Section 6-4 of the current Charter. <i>The term "modern concepts of fiscal presentation" is vague and effectively meaningless. With the unnecessary verbiage removed, the sentence would read as "...the Town Manager shall furnish information in a complete, clear, and concise manner...", which is the point of the section.</i>
7/28/16 Michael McCoy	191	Strike Section 7-8, "Loss of Office, Excessive Absences" <i>Excessive absence is one of several reasons why someone appointed to serve on a multiple member body might be removed from office, so Section 7-8 is unnecessary (unless the only reason for removal from office is excessive absences). Section 7-7 outlines the process for removal of an appointed member of a multiple member body by the appointing authority.</i>

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Date	No.	Proposal
11/3/16	192	Good afternoon. Please accept the following as a proposed change to the way the Charter deals with the role and function of the Assessor's office.

Jack Petropoulos

Thank you for your willingness to consider this.

Jack Petropoulos

Background

- The Assessor function of our town is filled by 2 full time employees (Principal Assessor and Assistant Assessor) and 3 elected Assessors (Board of Assessors)

- The most comprehensive description of Assessors' role (and the definition that we reference on our town website) is defined here at the Mass Assn of Assessing Officers:

<http://www.mao.org/content/The%20Role%20of%20the%20Assessor.pdf>

- oThis description provides some high level responsibilities but does not define how they are implemented.

- I spoke with Bob Ellia of Mass Association of Assessing Officers.

- oHe said that the content on their site were the general guidelines and that towns tended to implement their own configuration.

- 2/3 of Assessors in MA are elected and the balance are appointed. In our case we have both appointed and elected

- Assessor's Oath of Office:

"I, <name>, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the Town of Groton for the Fiscal year 2009 and ensuing, do swear that I will truly and impartially according to the my best skill and judgment, assess and apportion all such taxes as I may during that time assess; that I will neither overvalue nor undervalue any property subject to taxation, and that I will faithfully perform all the duties of said office."

- It has come to the attention of some members of the Board of Selectmen that the current structure of the relationship between the Principal Assessors and the Elected Board is such that there is no governing structure that would assure that the critical interdependence is optimized by either policy or charter.

Problem

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Justification (in italics)

- The challenge with our implementation is that we have both an elected and an appointed body, each responsible to different and independent authority and oversight
 - oThe appointed Principle Assessor is responsible to the Town Manager
 - oThe elected Board of Assessors are responsible to town voters
- The elected Board relies on the Principal Assessor for the vast majority of the data that is required to do their work, but has no authority over the Principal Assessor, nor over the Principal Assessor's management
- Nor do we have guidelines on how these entities must work together.
- The consequence of ineffective relationship can have a profound impact on:
 - oThe confidence of our property owners in our assessments
 - oThe smooth financial operation of our town as we incur abnormally high and unnecessary abatement request and refunds

Abnormally high refunds could strain our operating budget, leaving us with less operating revenue than anticipated forcing changes to our operating budget after taxes have been set and collected.

Solution

- Provide language in the charter that defines these roles and the relationship between them either specifically or by reference

Suggested Language

- The Principle Assessor's role is to to manage the day to day operations of the Assessor's Office and to support the work of the Board of Assessors.
- The elected Board of Assessors will be responsible for the fairness and accuracy of the work of the Principal Assessor, the setting of the tax rate, and the adjudication of all requests for abatement that have been filed by, or on the behalf of, the taxpayer.
- The Principle Assessor will be supervised by the Town Manager and will operate under a set of operational policies and procedures created by the elected Board of Assessors with input and advice from the Town Manager, the Principal Assessor, and such other entities as the Board of Assessors see fit.
- The Town Manager will consider input from the Board of Assessors in execution of his or her supervision of the Principal Assessor
- No individual may serve on both the Groton Board of Assessors and as the

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		Principal or Assistant Assessor for the town of Groton.
11/6/16	193	I recently retired as Finance Director for the Town of Harvard and I would like to share part of their Finance Committee model: The committee has seven members and two alternates. The alternates are appointed to one-year terms. If the FinCom has a quorum, the alternates cannot vote, but they do participate in the discussion of all business. At the time a meeting is supposed to open, if a quorum is not present, the chair can appoint the senior alternate to the committee (with full voting privileges) for either that meeting, or until another regular member arrives. When a member leaves the committee, whether mid-term or at the conclusion of their term, there would be two people with FinCom experience ready to be appointed, so then the new appointments are for alternates. This has almost completely eliminated issues about lack of quorum and there is not an issue of having a vacancy mid-budget cycle that is awkward due to timing.
Lorraine Leonard		<p>I hope you will take this into consideration as you determine how best to appoint Finance Committee members.</p> <p>Thank you,</p> <p>Lorraine Leonard (currently on Groton FinCom)</p>
1/2/17	195	Hello Charter Review Team,
Jason Weber		<p>Happy New Year! Great work on the 12/09 draft--lots of careful thought is evident. The consistent use of official vs. officer is very nice.</p> <p>My wish list item: break with tradition and revise sentences longer than two physical lines. Consider use of bullet lists for some of these (you've already done this in a few places).</p> <p>Also, this is just a quibble but I think "temporarily perform" (Google: 52K matches) makes more sense (to me) than "perform temporarily" (Google: 12K matches).</p> <p>Many thanks for all of the hard work to date,</p> <p>-Jason Weber</p>

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Date	No.	Proposal
Name		<i>Justification (in italics)</i>
1/6/17 Russell Harris	196	<p>In the Charter, the person who serves as assistant to the assessors and whose primary job function is to work with the public and to appraise or value properties in town is referred to as 'The Principal Assessor'. This job title should be changed to either: Senior Assistant Assessor or Town Appraiser</p> <p><i>The title should be changed because:</i></p> <p><i>It is confusing to the public because it suggests that the job may have greater authority than the actual elected assessors, when in fact the principal responsibility of this job is to carry out the policy and procedures of the elected assessors as per DOR and state law. The title should reflect the function.</i></p> <p><i>Additionally, this title is not used by the state or by other towns, thus suggesting a different or special status for the person in this job than other assistant assessors in towns and municipalities across the commonwealth.</i></p>
1/5/17 Judy Anderson	197	<p>I just finished going through the 0.8-7 version, and I have a question - you cover GELD, but not Water and Sewer, which are also enterprise funds - I would think that especially with the increased importance of Sewer with the additional 4 Corners/Ayer system, you would want to have some sort of description/responsibilities/reporting structure should be part of this Charter.</p> <p>Also, given the things that have been said by the Assessors, I think you should look at the fact that you're using Principal Assessor, and maybe that should be revised to Assistant Assessor or Principal Assistant Assessor. Otherwise, it sounds as though the paid position, which is a supporting position to the Board of Assessors, is the more important one.</p> <p>Under 3.2.2.4, does the Library get its supplies through Town Hall or does it order and pay for its own? And under 5.4, is DPW responsible for the cemetery maintenance at the main cemetery off Hollis Street or just the old cemetery beside the Legion Hall? Does DPW clean the Library?</p>

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Date Name	No.	Proposal <i>Justification (in italics)</i>
1/6/17 Russell Harris	198	<p>Clarify the role of the 'Principal Assessor' title in the Groton charter by deleting Section 5-3 (g) and making a new section in the Charter for the job the Groton Charter called Principal Assessor:</p> <p>Senior Assistant Assessor: The Senior Assistant Assessor shall value all types and classes of real and personal property; shall assume the responsibility for meeting the state requirements for triennial certification; shall supervise and participate in the preparation of tax rate documentation for state certification; shall prepare and make presentation for the annual tax classification public hearing. The Senior Assistant Assessor is appointed by the board of assessors, and subject to the approval of the town Manager. The Chief Assistant Assessor works under the policy direction of the board of assessors and the day-to-day administrative direction of the town administrator.</p> <p><i>In the Groton Charter there is no separate designation of the role of the Senior Assistant Assessor, but only as an adjunct to the Finance team. The position of Senior Assistant Assessor is so important that it should be more clearly defined to avoid confusion as to the main job function, to avoid misunderstandings both within the other branches of government and with the general public.</i></p>
1/7/17 Russell Harris	199	<p>Delete Section 5-3: Department of Finance from the Charter. Four items in this section should be reconstituted as standalone items: 1. Appointment of Town Accountant. 2. Appointment of Treasurer/Collector 3. Appointment of Senior Assistant Assessor. 4. Creation of 5-year financial plan.</p> <p><i>Having looked at numerous charters, I can find none that have an elaborate Department of Finance as enshrined in Groton's Charter. I believe no other Charter has such a department because it serves no useful purpose and only confuses roles and duties. The town employees mentioned as Department of Finance members in the Groton Charter already work for the town and any reports or functions they need to prepare can be organized and arranged by the Town Manager without the confusion of a special charter-mandated committee. Any reports that need to be created can be referenced as Town Manager responsibilities.</i></p>

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Date	No.	Proposal
1/18/17	200	<p>Modify the Charter to assure that: No employee of the Town of Groton or the Regional School District may simultaneously serve as a Commissioner on the Groton Electric Light Department, Water or Sewer Department.</p> <ul style="list-style-type: none">• <i>Rationale</i><ul style="list-style-type: none">o <i>Elected Commissioners are responsible for serving ratepayers. Municipal and School District employees are responsible for serving taxpayer interests. Ratepayer interests may conflict with taxpayer interests and may be compromised by the pursuit of those interests. Serving both can create a conflict of interest.</i>• <i>Context</i><ul style="list-style-type: none">o <i>It may be possible for a municipal or school employee who is responsible for administering or benefiting from a municipal or school budget, to seek to advantage that budget by shifting costs to other sources such as an enterprise budget. When the employee also serves as a Commissioner of that Enterprise fund there is a potential conflict of interest in voting to accept responsibility for the assumption of costs. Leaving the responsibility of oversight to voters is ineffective as ratepayers have only indirect access to the decisions of the Commissioner and frequently are unaware of those decisions.</i>o <i>In addition to the conflict created by a potential direct benefit as described above, the individual in their capacity as an employee is subject to the direct influence of their manager who is responsible for their daily oversight as well as promotion and compensation. The employee may feel pressure to support the needs of their manager who may be depending on the support of the Commissioners for the shifting of costs.</i>o <i>An actual example of this conflict can be seen in the 2 to 1 vote by the Sewer Commissioners to accept the municipal portion of the debt for the Main St Sewer project. This vote removed roughly a \$25,000 annual obligation from the municipal budget and placed that obligation on sewer ratepayers. A municipal employee, managed by the Town Manager that proposed this transfer in order to meet his requirement of limited budget growth, is also one of the elected Sewer Commissioner that has approved this assumption of municipal debt.</i> <p><i>It should be noted that this is used as an illustrative example. In fact, while this example is true, the Sewer Commission has been agreeing to pay the municipal portion of the Sewer debt for many years, beginning long before the current municipal employee was elected to the Sewer Commission. This proposal, and this example, does not allege that the current vote was the result of any pressure or bias. None is evident. It serves only to illustrate the</i></p>

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		<p><i>potential for conflict of interest that the current Charter allows. The elements of the potential for conflict that are highlighted here may also be seen in other relationships such as Town employees serving on the Board of Selectmen (Imaging being the boss of your boss). This proposed amendment is focused only on Enterprise funds in order to provide some constraints to the discussion. I urge the Committee to think beyond the scope of enterprise funds and consider if related but distinct constraints should also be included in the Charter.</i></p>
1/27/17 David Woods	201	<p>Below is a description of the Board of Assessors copied verbatim from the website. It is my understanding that current supervisory practice is different. I am strongly in favor of the original reporting structure as shown below and on our current website. After some recent, lengthy, stressful experience with the Assessors Office, I repeat: I am strongly in favor of the organizational structure below and believe our Charter should confirm that. Thanks for your consideration....</p> <p>The Board of Assessors consists of three members, each elected for a three year term. They are responsible for carrying out the state’s mandate to establish the fair market value of each property for tax purposes. The Board must follow state guidelines and must obtain state certification of the town-wide revaluation process.</p> <p>The Assessor’s Office assists the Board in its mission: the personnel in the Assessors’ Office are town employees, hired and supervised by the Board. The assessors are not responsible for mailing the property tax bills, or collecting the taxes, that is the responsibility of the town tax collector and is carried out after Town Meeting establishes the annual budget.</p>

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Date	No.	Proposal
Name		<i>Justification (in italics)</i>
1/30/17	202	Dear Charter Review Committee,
Barry Pease		<p>I must apologize for submitting an incorrect assessment of current/proposed policy.</p> <p>What I said below (my e-mail dated Jan 29, 2017 7:03pm) about a member of the BoS not being allowed to simultaneously be town employee is false. Currently, under the Charter, only the position of Town Manager has such a restriction.</p> <p>I admit that I followed this train of thought down the pathway and, in my rational approach, it seemed that if the TM cannot be BoS, then anyone serving under the TM could not be BoS, but I recognize that this is not prohibited by current Massachusetts law or current/proposed Groton Charter.</p> <p>I did some research on this item, as I recalled reviewing something during ethics/conflict of interest training.</p> <p>Here is the text from the mass.gov site that pertains: http://www.mass.gov/ethics/education-and-training-resources/educational-materials/explanations-of-the-conflict-of-interest-law/selectmen-summary.html "D. Multiple Contracts and Holding Additional Offices (Section 20) You are generally prohibited from having a direct or indirect financial interest in a contract with your town or from holding more than one appointed and paid position in town. This section of the law restricts municipal employees from actually having or appearing to have an 'inside track' to appointments to paid municipal jobs. The law permits you to hold as many uncompensated appointed positions as you wish, so long as all of the positions you hold are unpaid. It also permits you to hold as many elected positions as you wish even if you are compensated for one or more of these elected positions, so long as all of the positions you hold are elected. For information about other exemptions, see Ethics Primer: Financial Interests in Contracts for Municipal Employees.</p> <p>There are many exemptions in this section of the law. For instance, you may own less than 1% of the stock of a company that does business with your town.</p> <p>One exemption, known as the "selectman's exemption," permits a person already holding an appointed and paid municipal position (e.g., a teacher) to run for and hold the additional municipal position of Selectman. However, for those selectman who use this exemption, several additional restrictions are imposed. First, you may receive only one municipal salary but have the ability to choose which salary you will receive. In addition, as a Selectman, you may not vote or act on any matter within the purview of the municipal agency by which you are employed or over which you have official responsibility. Finally, you may not be appointed to any municipal position other than the one you</p>

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currently hold, including a job promotion, while serving as a Selectman and for six months thereafter.”
(Emphasis mine)

I admit that I am somewhat incredulous that this would be allowed by MA Law. Certainly having a member of the BoS who oversees the TM and is also an employee under the purview of the TM is just a mind-boggling situation that should never happen.

As today (Jan 30) is the deadline for submissions, and in keeping with the consistency of:

- 1.Assessor not being an elected Assessor
- 2.Town Manager not being a member of the BoS.
- 3.Employee not being an elected member of an Enterprise Fund Board of Commissions

that it would be incongruent to not also ask the Groton CRC to also consider the merits of whether or not a Town Employee under the direct hierarchy of Town Manager be permitted to also hold a position on the Board of Selectmen.

Please consider this e-mail as a submission to the Charter Review.

Once again, please accept my apologies for the error in my statements yesterday.

Best regards,

Barry A. Pease

From: Barry Pease

Sent: Sunday, January 29, 2017 7:03 PM

To: Town Charter Review Committee

<TownCharterReviewCommittee@townofgroton.org>

Subject: RE: [CRC] Charter Review Committee Agenda for 02-01-17 Meeting

Dear Charter Review Committee,

As the deadline for submissions approached, I was preparing a submission similar to the subject of #200 below.

Unfortunately, the posted version on the Town website of the report of Submissions received after 9.18.2015 stops at 198, so I cannot read the full text of Submission #200. Instead of submitting again, I will present an argument in favor of the idea within the title of #200:

I admit that I've been struggling with this idea for a few months. One on hand,

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I see the right of any citizen to run for and be elected by the people to a position within town government. On the other hand, similar to the assessor issue, there might be certain circumstances where a town employee should probably be excluded from also being an elected official.

Certainly within the Charter, Selectmen are prohibited accordingly from being an employee, and there is also a 1-year moratorium on working for Groton after holding such office. Subsequently, your team has already recognized that a Member of the Board of Selectmen is a special case whose powers are so broad that even membership on another elected board should not be allowed within Groton.

I believe that there are opportunities for any town employee to be subconsciously influenced by the very nature of being responsible to the BoS & Town Manager for his or her paycheck. The undeniable nature of the 'bosses – employee' relationship creates an inherent bias that is very difficult for all but the strictest psychologies to settle – how can an individual remain independent representing the people while simultaneously ignoring a position that the BoS or Town Manager might have regarding the same subject. How many people are strong enough to tell their bosses to “stuff it” and vote against their wishes during a commissioner meeting? If the answer is less than 100%, then what choices do we have?

It certainly seems that by not preventing such a situation, we leave our town open to the possibility of reflexive influence – an individual who is used to following directive(s) issued by a superior will likely have difficulty rejecting the superiors' opinion when determining a course of action. We see a similar concept in leadership best-practices: a good managers should never give their opinion on a matter until they've heard from all of the contributors – the very nature of revealing that opinion taints the independent thinking of subordinates.

As we had towards time of stricter fiscal realities, one can see where there might be a monetary battle between an enterprise fund and Groton's operational budget. Dollars shifted from the operational budget into an enterprise fund can, instead, be used to fund paychecks, especially wage increases. It seems unconscionable that given an opportunity to prevent it, we would allow such a situation to exist, and I agree with Mr. Petropoulos that we should use the Charter to prevent the possibility that someone might inadvertently end up in this position. Unfortunately, we must recognize that even if today's Grotonians possess the integrity and self-awareness to reject such conflicts, we do not know what the future will bring. We just need to look to our neighboring towns to find very recent incidences where misuse of power has resulted in tragic consequences for a town and its people. I believe that

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	<p>the Charter has an opportunity, yet again, to prevent that from happening in our community.</p> <p>Thank you for your time. I regret that I will not be able to attend on February 1 to present this in person.</p> <p>Best regards,</p> <p>Barry A. Peas</p> <p><i>A 5 member Board of Selectmen gives the voters of Groton a much better opportunity for a governing body which reflects the make-up and will of the town's populous. 5 members can provide internal checks and balances that might not be possible with a lesser number.</i></p> <p><i>Perhaps one of the most important reasons for retaining a 5 member board is listed out in Section 4-3 of the charter, which details the removal process. Currently, this requires 4 out of 5 members of the Board. Any reduction in the number of Selectmen would, necessarily, reduce the threshold for removal or suspension of the Town Manager. It does not seem reasonable that either 2 or 3 OR a unanimous vote would be able to replace the framework and intent that exists within section 4-3. In fact, one might reasonably infer that section 4-3 was crafted around the consideration that the BoS would always have 5 members.</i></p> <p><i>A proponent of membership reduction cites that nearby towns have either reduced or rejected an increase. Please note that neither Ayer nor Pepperell have a Town Manager form of government. More to the point, I respectfully submit that what's good for our neighbors is not automatically good for Groton.</i></p> <p><i>The same argument in support of reduction indicates that MMA statistics reveal that the majority of towns are with 3 member boards, and not 5. However, when the data is properly reviewed, one must recognize that this is a misleading interpretation.</i></p> <p><i>Factual analysis requires that we ONLY consider towns with a TM form of Governance. According to the 2011 Massachusetts Municipal Directory (published by the MMA and attached for your reference) of the 69 Town Manager municipalities, only Duxbury, Sudbury, Upton, Bridgewater, and Weston have a 3 member board. This is ONLY 7%! Six communities have 9 or 13 member councils, and the remaining 58 towns with Town Managers have a 5 member board. For clarity, please allow me to repeat that the true data shows that Fifty-eight out of Sixty-Nine towns governed by a Town Manager have a 5 member Board of Selectmen. Even allowing for a 1 or 2 unit margin of error due to counting, the numbers remain clearly in favor of 5 member boards. I encourage you to review the data for yourself.</i></p>

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It's not the Charter's mandate to assure harmony in our government. However, the proponent for a 3 member board states "another factor in favor of a three member BoS is the pressure for more cordial interpersonal dynamics." It is irresponsible to attribute a cause-effect relationship between a numerical value and team dynamics. Patrick Lencioni's book "The Five Dysfunctions of a Team" is considered by many to be the authority on this subject, and yet he doesn't recommend reducing the number of people on a team in order to assure functionality and achieve results. I have attached a one page synopsis of this book for your review. Please recognize the proponent's quoted statement as a logical fallacy, incapable of being proven.

The Charter explicitly identifies a 5 member Board of Selectmen. This was approved by the people of Groton at Town Meeting and at the ballot. The Charter Review Committee has been given no valid arguments for changing this structure. In fact, the transparent analysis of data shows that Groton is similar to the vast majority of communities with a Town Manager with its 5 member board. Given these considerations, I strongly urge the Charter Review Committee to keep Section 4-3(a) without revision.

Refer to Mr. Pease's attachments on original submission

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Michelle Collette		<p>Thank you for the opportunity to comment on proposed revisions to the Charter. As stated at the public hearing on January 18, 2017, I have concerns about the proposed requirements in Section 7.10: Waiver of Administrative Fees, which reads as follows:</p> <p>“Section 7.10: Waiver of Administrative Fees Administrative fees, fines, and penalties that may be charged by any Town department shall not be waived unless such waiver is authorized by a vote of the Board of Selectmen at a posted public meeting; such vote to authorize the waiver of a fee, fine, or penalty may be made on an individual basis or as part of a policy decision of uniform applicability.”</p> <p>The Earth Removal Stormwater Advisory Committee (and most Land Use Departments) charge administrative filing fees for permit applications. Such fees cover the cost of processing applications, legal notices in the newspaper, and project review by consulting engineers. The by-law and regulations include provisions to waive administrative fees with a written request from the applicant. The Committee must vote at a public meeting that the waiver is in the public interest and meets the criteria set forth in the by-law and regulations. Typically, such waivers are granted to other Town Departments, public agencies, and not-for-profit organizations for projects with a public benefit.</p> <p>Requiring approval of all waivers by the Board of Selectmen would add an unnecessary procedural burden on the applicant and on the Committee’s ability to process applications in a timely manner.</p> <p>Please consider removing Section 7.10 Waiver of Administrative Fees from the Charter and allow the Board/Commission/Committee with jurisdiction to consider such waivers.</p> <p>Excerpts from Chapter 198 Stormwater Management and Chapter 352 are attached for your reference.</p> <p>Chapter 198 Stormwater Management § 198-11 Waivers.</p> <p>A. The Committee may waive strict compliance with any requirement of this</p>

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	<p>chapter or the rules and regulations promulgated hereunder, where such action: (1) Is allowed by federal, state and local statutes and/or regulations; (2) Is in the public interest; and (3) Is not inconsistent with the purpose and intent of this chapter. B. Any applicant may submit a written request to be granted such a waiver. Such a waiver request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this chapter does not further the purposes or objectives of this chapter. C. All waiver requests shall be discussed by the Committee and a decision will be made by the Committee within 30 days of receiving the waiver request. D. If, in the Committee's opinion, additional time or information is required for review of a waiver request, the Committee may continue consideration of the waiver request to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide the requested information, the waiver request shall be denied. Chapter 352 Earth Removal Stormwater Advisory Committee Regulations § 352-3 Filing fees. A. Full stormwater management permit. The filing fee for administration (public hearing notice, mailings, construction inspections, etc.) and project review fee of a full stormwater management permit is based on the equation below and paid with a check made payable to the Town of Groton. This fee is deposited into a revolving fund established for this purpose. $c \text{ Fee} = \\$500 + (\text{projected volume of stormwater in cubic feet} / 40,000) \times \\$1,000$ B. Limited stormwater management permit. The filing fee for administration (public hearing, notice, mailings, etc.) of a limited stormwater permit is \$100, check made payable to the Town of Groton. This fee is deposited into a revolving fund established for this purpose. There is no project review fee unless the Committee determines that</p>

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		<p>technical expertise is required to review the application.</p> <p>C. Additional costs. If the cost for the consultant to review the project exceeds the amount deposited into the revolving fund, the applicant is responsible for reimbursing the Town for the additional costs. The Committee shall utilize the following procedure:</p> <p>(1) Request a written estimate from the consultant on the cost to review the project, including the cost to attend meetings with the design engineer and public hearing(s), if necessary;</p> <p>(2) The Committee shall vote to accept the estimate with a provision that the cost to review the project shall not exceed the estimate without written approval from the Committee; and</p> <p>(3) The Committee shall inform the applicant of the cost estimate for project review and of any additional costs that may be incurred.</p>

Note: This report includes submissions made be the Charter Review Committee itself and submissions associated with reconsideration of prior submissions.

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