

Charter Review Committee - Remote Meeting

4/7/2021 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:01 pm. The pledge of allegiance was said.

Attendance (Charter Review Committee Members attended via remote connection): Matt Jussaume (Chair), Caroline Ahdab (Vice Chair), Ramona Reed (Clerk), John Ladik, Harvey Serreze, Marilyn Tremblay, Absent: Bob Newton

2. Acceptance Of Minutes

The minutes from the meeting on March 24, 2021 were reviewed.

Marilyn Tremblay made a motion, seconded by Harvey Serreze, to accept the meetings minutes from 3/24/2021. The motion carried unanimously.

3. Public Comments On The Agenda

None

4. Public Feedback Received

None

5. Discussion / Action Items

5.1. Continue Charter Review Of Section 7.10, Loss Of Office, Excessive Absence, And Subsequent Sections, Time Permitting

The CRC resumed the review of the Charter **Article 7 General Provisions** for the following sections:

Section 7-10 Loss of Office, Excessive Abuse

The reference to "(10) days" was updated to "10 business days".

Section 7-11 Terms of Office

No changes were made.

Review of Article 8 Transitional Provisions

The CRC discussed whether this article should be completely eliminated or modified, since it pertained to transitional provisions as a result of the Charter's initial creation. After much discussion, it was decided that the article was worth preserving with the following changes:

Section 8-1 Continuation of Existing Government

Motion: Harvey Serreze made a motion, seconded by Ramona Reed, to eliminate section 8.1 because the text is a duplicate of text in Article 1, section 1-7 Precedence of Charter Provisions. The motion carried unanimously.

Section 8-2 Continuation of Government

Motion: Marilyn Tremblay made a motion, seconded by Caroline Ahdab, to keep Charter section 8-2 as is.

During the discussion of the motion it was noted that minor text corrections were needed.

Also, Mr. Rob Rand, Pepperell Resident, questioned and expressed concern that the Charter could supersede or eliminate a by-law voted for by the Town. He provided an example of the Wetland by-law. Matt Jussaume explained that the distinction is that the Charter is also voted on by the Town. If there were something in the Charter that people in Town didn't agree with, they could vote against accepting the Charter. Matt also reminded that Charter section 1.7 mentions that unless there is a Charter section that implicitly or specifically changes a by-law, the by-law is not affected.

At the end of the discussion, the CRC agreed to make the following updates:

a space was placed between the words "acceptances" and "of" in the second sentence. Also, the spelling of "superceded" was changed to "superseded" in the last sentence.

Amended Motion: Marilyn Tremblay amended the motion, seconded by Carolyn Ahdab, to keep Charter section 8.2 with the text corrections. The motion carried unanimously.

Section 8-3 Time of Taking Effect

The CRC discussed whether any of this section was needed because most of it related to specific items that were to take effect when the initial Charter was implemented and now could be obsolete. It was agreed that at a minimum, it needs modifications.

Ms. Maureen Bolger, Pepperell resident, commented that she was concerned with removing anything from this article because it provides a record of the government changes that the Charter introduced and should stay as a reference that is readily available to view.

The CRC discussed this. Harvey Serreze commented that the Charter is meant to explain how to govern, and not a historical record of revisions. After the discussion a motion was made.

Motion: John Ladik made a motion to keep section 8-3 and rewrite it. It needs to be updated to state how things are done now. Caroline Ahdab seconded the motion. The motion was discussed and then it carried unanimously.

John presented the CRC a suggested revision of section 8-3 which left some relevant paragraphs labeled items a and b. However, the CRC agreed to review all existing items to determine their current relevancy.

Section 8.3a

Motion: A motion was made by Marilyn Tremblay, seconded by Ramona Reed, to accept section 8.3a as revised during this discussion. The motion carried unanimously.

Section 8.3a remained as follows, with minor revisions to the original, including adding the word "revision" after Charter:

"The incumbents of offices, including those elected at the same election at which this Charter revision is adopted, shall continue to serve in their respective offices for the duration of the term for which they were elected. Upon the expiration of such term, or if a vacancy in any such office should sooner occur, such office shall be filled in the manner provided in this Charter. "

Section 8.3b

Motion: A motion was made by Caroline Ahdab to accept section 8.3b as rewritten. During the discussion it was decided that additional changes were needed so Caroline withdrew her motion.

Section 8.3b was revised again to remove a reference a "Section 3-1(f)" that does not exist in the initial Charter. The following text will remain:

"Fourthwith following the election at which this Charter revision is adopted, the Selectboard shall provide for the coordination in the most orderly and expeditious manner possible of all steps necessary and proper to implement the provisions of this Charter."

Motion: A motion was made by John Ladik, seconded by Marilyn Tremblay, to accept section 8.3b as revised during the continued discussion. The motion carried unanimously.

Section 8.3c

Section 8.3c as written in the initial Charter was eliminated because this provision was completed and is now obsolete.

The eliminated 8.3c text was:

"The Town Administrator is to be afforded a reasonable period of time within which to assimilate to the office all of the functions contemplated by the said section 4-2. It is further the intention of the Charter that all town agencies shall cooperate with the office of the Town Administrator in the transfer of powers, duties and responsibilities and in the establishment of the office."

Motion: a motion was made by John Ladik, seconded by Marilyn Tremblay, to eliminate section 8.3c as written in the original Charter. The motion carried unanimously.

Section 8.3d

Section 8.3d was not changed except it will be **re-labeled as 8.3c**.

Motion: A motion was made by John Ladik, seconded by Marilyn Tremblay, to keep section 8.3d as written. The motion carried unanimously.

"All incumbent officers, board members and commission members shall continue to hold the office to which they were elected or appointed for the term for which they were elected or appointed and until their successors hereunder have been elected or appointed and qualified to succeed them."

Section 8.3e

Section 8.3e was revised to update "Charter" to "Charter revision". It will be **re-labeled as 8.3d**.

Motion: A motion was made by John Ladik, seconded by Marilyn Tremblay, to keep section 8.3e as revised. The motion carried unanimously.

"The Town Administrator in office at the time of this Charter revision is adopted shall be retained in such position until the position becomes vacant due to resignation, retirement, removal or otherwise. At such time, the provisions relating to the selection of the Town Administrator in Article 4, section 4-1 and 4-5 shall take effect."

Sections 8.3f and 8.3g

These sections related to the selection process and appointment of the initial Fire Chief were eliminated during the CRC's first pass of the Charter because this provision was completed and is now obsolete.

Figure 1 on page 30 displays an organization chart of Town government. This will remain for now and be reviewed after we make additional edits to the Charter.

5.2. Start Review Of Previously Tabled Complex Issues, Time Permitting

There was no time to discuss this item so it will be deferred to the next meeting agenda. The list of items will be included as an attachment to the agenda in the meeting packet.

Matt Jussaume suggested the following plan to begin the review:

Review one issue at a time, and decide if it is already covered in the Charter, needs to be better addressed in the Charter, or doesn't need to be covered in the Charter. The CRC agreed this was a good approach.

Additionally, each committee member will review the list before the meeting and make notes about which Charter section might include them, if applicable.

6. Other Matters Which Could Not Be Reasonably Anticipated 48 Hours Prior To Meeting

None

7. Adjournment

Marilyn Tremblay motioned to adjourn the meeting, which was seconded by Harvey Serreze. By unanimous vote, the meeting adjourned at 8:52 pm.

Minutes respectfully submitted by Ramona Reed, Clerk, Charter Review Committee