

# **Charter Review Committee - Remote Meeting**

5/12/2021 - Minutes

## **1. Call To Order And Pledge Of Allegiance**

The meeting was called to order at 7:07 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 April 28, 2021 were reviewed.

Harvey Serreze made a motion, seconded by Marilyn Tremblay, to accept the meeting minutes from 4/28/2021. The motion carried unanimously.

## **3. Public Comments On The Agenda**

Pepperell resident and Select Board member, Mr. Tony Beattie, speaking for himself, commented that there should be a review of the responsibilities of the Select Board and the town administrator. He commented that the town administrator role might need to be more limited and better defined in the Charter, particularly concerning the approval of expenditures for some projects without the Select Board's approval. He would like to better define the roles and responsibilities between the Select Board and TA to ensure that the Select Board, who are elected officials of the Town, are the leaders of the town. Mr. Beattie also mentioned that the Town is looking into hiring an HR manager to facilitate mediation of personnel issues.

The CRC discussed that this could be further reviewed, including how the hiring for new town positions could be handled. Caroline Ahdab mentioned other new positions such as a part-time social worker and town planner were also being considered. She suggested that a section could be added to the Charter to identify how this hiring for new town positions is done on a "high level" (e.g. a joint selection/approval by the Select Board and town administrator) but the details of the position and reporting structure could be defined in the Code of Pepperell.

Pepperell resident, Mr. Rob Rand, commented that a Town should not be run like a business and the selection/structure for hiring should be transparent to residents, with the Town Administrator acting more as a facilitator.

## **4. Public Feedback Received**

## **5. Discussion / Action Items**

Prior to starting the discussion of the complex issues, Matt Jussaume asked Mr. Beattie to clarify some background on the issue the CRC discussed last week, concerning the request to add a statement in the Charter that there should be no political partisanship related to campaigns and financial backing in Town elections. Mr. Beattie confirmed that there was a citizen's petition for a warrant on the the spring Town meeting last year for a non-binding position statement about keeping Town elections non-partisan. It was withdrawn before Town meeting because due to the Covid-19 quarantine, the Town meeting agenda needed to be abbreviated. He confirmed that he had not submitted the warrant to the fall Town meeting in 2020, and at this time has no plans to move forward with it because currently the issue does not seem to be as much of a concern.

## 5.1. Review Previously Tabled Complex Issues For Charter (Starting At #9)- Please See List In Agenda Packet

The Charter Review Committee continued the review of a list of complex issues that were tabled during earlier passes through the Charter. The purpose of this initial review is as follows:

1. Determine if these items should be addressed in the Charter
2. If it's agreed they should be addressed in the Charter, determine if they're currently addressed adequately

Matt Jussaume created a spreadsheet to track this review. This meeting's review began with item 9 on the list.

### 9. Filling Vacancies

**Motion:** John Ladik made a motion, seconded by Marilyn Tremblay, that the topic of filling vacancies is covered adequately in the agenda and does not need to be added as a future agenda item. The motion carried unanimously.

Discussion: In the past there were questions about whether more work was needed to describe how the Town Moderator is selected. It was determined that the topic of filling vacancies is adequately described in the Charter in sections 3-7 Elected Officials- Filling Vacancies and 7-8 Procedures Governing Multiple Member Bodies.

### 10. Grievance Path for Town Employees

**Motion:** John Ladik made a motion, seconded by Marilyn Tremblay, that the topic of defining a grievance path for town employees should be revisited after the budget is finalized and voted on at Town meeting. The motion carried unanimously. More work is needed to address this in the Charter.

Discussion: The CRC had previously discussed that this topic would be covered broadly in the Charter, with having more details in the Personnel By-law. However, since the Town is currently considering hiring an HR manager, the Charter revisions previously made will likely need further changes (Charter section 4-2 c, Town Administrator Powers and Duties).

### 11. Personnel By-law

John Ladik made a motion, seconded by Marilyn Tremblay, that the topic of strengthening the role of the Personnel By-law in the Charter should be revisited with issue 10, grievance path for employees. The motion carried unanimously. More work is needed to address this in the Charter.

### 12. Town Hiring

**Motion:** Ramona Reed made a motion, seconded by Marilyn Tremblay, that the topic of town hiring needs to be further reviewed for changes in the Charter. The motion carried unanimously. More work is needed to address this in the Charter.

Discussion: This issue had initially been placed on the list because the Conservation Commission members requested that the Charter state that they be part of the decision making process for hiring the Conservation Administrator, in collaboration with the Town Administrator. Since other topics of hiring have since come up, this issue should be revisited.

Additionally, Marilyn Tremblay mentioned that she asked the Town Clerk if appointed or elected officials were required to be town residents an/or voters, and was told they do not. However, she asked John Ladik if he previously advised that either a town By-law or the Pepperell Code stated that Financial Committee members are required to be voters. John confirmed that the Code of Pepperell did state this. Given this, Marilyn asked if the Code of Pepperell could be updated to state that certain

commissions/committees should have input on hiring for town employees who work with them.

Mr. Martin Cadek, town employee, suggested that consideration be given to forming hiring committees for department heads since not all departments are associated with boards/committees, and these type of positions would likely benefit from a group input during the hiring process.

### **13. Organization of Town Government**

It was determined that this issue relates to item 7, elected and appointed officials, on the complex issues list so no further discussion or vote is needed on item 13.

### **14. Financial Plans and Procedures**

**Motion:** Marilyn Tremblay made a motion, seconded by Ramona Reed, that the Charter adequately covers the procedures for the town financial plans and procedures (based on revisions made during earlier reviews), if legal counsel reviews and approves the currently revised Charter text. The motion carried unanimously.

Discussion: The discussion was based around currently revised text in section 6-5 c, Action on the Proposed Budget, where the text requiring a Public Hearing was revised to "*...a meeting specifically for public comments on the budget...*" at least two weeks prior to the Town Meeting on the proposed budget. Since a public hearing has specific requirements about how it needs to be publicly posted, and that for a regular open meeting, under the Mass. Open Meeting Law, a committee chair is not required to allow public comments, the CRC agreed that we should have this change reviewed by legal counsel to ensure the Charter won't be in conflict with the MGL.

### **15. Annual Report**

It was determined that this issue will be handled with item 6, report to town voters, on the complex issues list so no further discussion or vote is needed on item 15. Currently the Charter does not mention anything about the Annual Report to the Town, and the CRC agrees it should be added.

### **16. Capital Improvement Plan**

**Motion:** Ramona Reed made a motion, seconded by Marilyn Tremblay, that the Charter section on the Capital Improvement plan as currently revised, is adequate. The motion carried by majority vote, 5-1. Voted Yes: Ramona Reed, Marilyn Tremblay, Harvey Serreze, John Ladik, Matt Jussaume. Voted No: Caroline Ahdab

(Note: this refers to Charter section 6-7 Capital Improvement Plans)

### **17. Long-term and Mid-term Committee Absences**

**Motion:** Caroline Ahdab made a motion, seconded by John Ladik, that the Charter doesn't adequately cover the topic of long-term and mid-term committee absences. The motion carried unanimously. More work is needed to address this in the Charter.

Discussion: It was discussed that the Charter sections 3-7 Filling of Vacancies , 7-9 Notice of Vacancies, 7-10 Loss of Office, Excessive Vacancies, would need to be reviewed again.

### **18. Town Administrator Role and Responsibilities**

**Motion:** Marilyn Tremblay made a motion, seconded by Caroline Ahdab, that the Charter doesn't adequately cover the topic of the town administrator's roles and responsibilities. The motion carried unanimously. More work is needed to address this in the Charter section 4.2.

The CRC will continue the review of the issues list at the next meeting, starting with item 19, Finance Committee members serving on multiple member bodies (Charter sections, 6.2 Finance Committee, 7-8 Procedures Governing Multiple Member Bodies). It was also discussed that after more work is completed on revisions for these complex issues, we would consider publishing a draft of the revised Charter for the public to see the progress.

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

None.

## **7. Adjournment**

Ramona Reed motioned to adjourn the meeting, which was seconded by Marilyn Tremblay. By unanimous vote, the meeting adjourned at 8:58 pm. The next Charter Review Committee meeting is planned for May 26, 2021.

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