

Charter Review Committee - Remote Meeting
8/4/2021

1. Call to Order and Pledge of Allegiance

The meeting was called to order at 7:04 pm by the Chair. The Pledge of Allegiance was said

Attendance: (Charter Review committee members attended via remote connection.) Matt Jusame, Chair; Caroline Adhab, Vice Chair; John Ladik, Marilyn Tremblay and Harvey Serreze, Members. Absent: Ramona Reed, Clerk

Housekeeping: Marilyn Tremblay confirmed with Brynn Montessori, the Town Clerk that Robert Newton has officially resigned from the Charter Review Committee.

2. Acceptance of Minutes

Caroline Adhab made a motion to accept the minutes of the 7/21/2021 CRC meeting, seconded by John Ladik. Marilyn Tremblay made a comment that in the section 5.3 there was no name for the second. She will contact Ramona Reed with regards to making that change.

Ayes: M Tremblay, J.Ladik, M. Jussame and C. Adhab

Abstain: H. Serreze

3. Public Comments

The Chair recognizes Rob Rand, Maureen Bolger and Paula Terrasi as public attendees.

Maureen Bolger, speaking on behalf of the newly appointed Personnel Policy Committee, asked that we look at the section in the Charter that addresses the appointment of Department Heads, their probationary period and subsequent permanent appointment. Her concern is that the Charter and the Personnel By-Laws conflict each other on this issue. She is on a committee that is currently reviewing the Personnel By-Laws and she wants to be sure that Personnel Policy reflects the Charter and vice versa. Matt Jussame commented that the section addressing that topic is on tonights agenda.

4. Public Feedback Received

Matt Jussame noted that the committee had received an email from Select Board member, Margaret Scarsdale. The key points were; 1.) Where the committee was in terms of the Charter Review; 2). presenting the revised Charter to all the Boards and Committees; and 3). Having a Civic Engagement Night prior to a Public Hearing to present the revised Charter to the citizens of Pepperell.

Regarding point (1.) Matt Jussame replied to her with the steps that we are taking and where we are in the revision.

Regarding point (2.) Caroline Adhab commented that when the Charter was first formulated, a draft was given to the Select Board and the Department Heads, prior to going to Town Meeting. She commented that there was not much feedback. She also noted that the Charter has to be approved as an entire document, not just a one line by-law, so feedback, prior to Town Meeting, is important. The committee consensus was to solicit all Boards, Committees and Commissions specifying a deadline for feedback.

Regarding point (3.) Harvey Serreze commented that a Civic Engagement Night would be more on the idea of an informal, unofficial, informational meeting for the public and, therefore, we would need to have both the Public Hearing and the Civic Engagement Night.

Matt Jussame brought up the list of steps that he has created, adding that we would have to include a Civic Engagement Night in the list.

**It was agreed by all members to have the Administrative Code on the next agenda.

5. Complex Issues

5.1 Item 8 - Grievance Path for Town Employees (Charter Section 4-2c)

Discussion began with regards to the Human Resources Administrator (HR) position that was recently voted in at the Town Meeting. The first point of discussion was the HR's supervising authority within the realm of the grievance path. After a brief discussion, the consensus was that the Charter does not need to address the issue of the HR's supervisor. The current verbiage in the Charter would be revised to include 'all Town employees' with regards to the proper steps to take if there is a grievance. It was noted that we might re-consider the first edit of 'Article 8: Transitional Provisions' as we now have some new town positions. Maureen Bolger commented that the Personnel By-Laws do not address a grievance path for department heads. The consensus was that the 'new' verbiage in the Charter covers department heads and the Personnel By-Laws should be updated so as not to conflict with the Charter. The topic of the Personnel Board was brought up and discussed. The Personnel By-Laws do define the make up of the Personnel Board, the Charter does not. Maureen Bolger raised an additional concern about the current (unrevised) Charter and the current Personnel By-Laws not properly addressing the issue of a Personnel Board. The current verbiage could be legally interpreted as the Town Administrator being in the position of Personnel Administrator. We need to have strong guard rails that protect the sanctity of the capacity and the member make up of a Personnel Board as outlined in the Personnel By-Laws. Caroline Adhab recommended to Maureen Bolger that the new Personnel Policy/Procedures committee reference the Personnel By-Laws when updating.

Motion: Marilyn Tremblay made a motion that the new verbiage in the Charter in Section 4.2c covers the Town Employees Grievance path issue adequately. The motion was seconded by John Ladik.

Caroline made a point of order that we did not ask the public attendees if they had any other input. All replied no.

Ayes: Unanimous

5.2 Item 9 - Personnel By-Law (Charter Section 4.2c)

Matt Jussame commented that we have discussed the Personnel By-Law previously and asked if the Charter now has it covered adequately with the current changes.

Motion: John Ladik made a motion that the Personnel By-Law has been adequately covered in the charter revision. The motion was seconded by Harvey Serreze. No discussion.

Ayes: Unanimous

5.3 Item 10 - Town Hiring (Charter Sections 4.2b and 7.8e)

_____The topic of discussion involved the earlier comment by Maureen Bolger regarding the probationary period and reappointment of Town Employees. The current Personnel By-Law states that all Town Employees have a probationary period. At the end of the probationary period, only those full time appointed positions, (e.g Department Heads/Directors). have another 3 year term at which time they become a permanent employee or they can be dismissed by the Town Administrator, without cause. The members of the Personnel Policy Review committee were questioning this rule and would like to be sure that the Charter and the Personnel By-Laws/Policy/Procedures are tightly in sync so that there can never be any legal loophole. We need to clean up the gray areas and make sure that we parallel all documents. When the original Charter was created, the Town Administrator (TA) was supportive and there were no issues. The following administration, however, found that the nebulous sections of the Personnel By-Laws/Policy, Administrative Code and the Charter could be legally misinterpreted. Maureen Bolger asked if the second probationary period was a State Law.

Further discussion regarding Town Hiring had to do with Rob Rands comment about the appointment of the Conservation Commissioner. We will be tackling this in the Multi Member Board section.

Agenda items for the next meeting will include Administration Code, Town Hiring (cont.) and Town Administrator Roles and responsibilities. John Ladik posed the question of who actually has the real hiring authority, and who has the terminating authority? Something that we need to look at. He also suggested that we consolidate 4.2b and 7-11.

Questions were raised with regards to whether our quorum is based on the remaining members. The consensus was that it does.

5.4 Item 10 Town Hiring (Charter Sections 4.2b and 7.8e)

Further discussion needed. Continued to the next meeting.

5.5 Other Items From complex Issues List, Time Permitting

None.

6. **Other Matters Which Could Not Be Reasonably Anticipated 48 Hours Before Meeting**

None

7. **Adjournment**

John Ladik made a motion to adjourn the meeting. The motion was seconded by Caroline Adhab.

The meeting adjourned at 8:58 pm.

Respectfully submitted,

Marilyn Tremblay