

Charter Review Committee - Remote Meeting

9/1/2021 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:17 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, Rob Rand, Marilyn Tremblay, Harvey Serreze

Matt Jussaume introduced and welcomed Mr. Rob Rand, as the newest member to join the Charter Review Committee.

2. Acceptance Of Minutes

The minutes from the meeting on August 4, 2021 were reviewed. John Ladik made a motion, seconded by Marilyn Tremblay, to accept these minutes. The minutes were accepted by a majority of the CRC members in attendance at that meeting: Matt Jussaume, John Ladik, Marilyn Tremblay, Harvey Serreze. Abstained: Caroline Ahdab, Rob Rand, Ramona Reed

The minutes from the meeting on August 18, 2021 were reviewed. Marilyn Tremblay made a motion, seconded by Harvey Serreze, to accept these minutes. The minutes were accepted by a majority of the CRC members in attendance at that meeting: Matt Jussaume, Marilyn Tremblay, Harvey Serreze. Abstained: Caroline Ahdab, John Ladik, Rob Rand, Ramona Reed

3. Public Comments On The Agenda

None.

4. Public Feedback Received

An email dated 8/21/2021 was received by Matt Jussaume from Select Board Chair, Ms. Margaret Scarsdale. Ms. Scarsdale advised the Select Board is currently arranging to invite a representative from the Massachusetts Municipal Association (MMA) to provide information about town governments that run with a "strong" Select Board. This is to help educate the Select Board on this topic so that they can provide feedback the CRC requested on the parts of the Charter related to the Select Board responsibilities. Ms. Scarsdale further advised that she could arrange this to be part of a Select Board meeting or a Charter Review Committee meeting, in order to accommodate schedules.

Matt responded to Ms. Scarsdale in an email on 8/23/2021, advising that he, and other CRC members would be interested to attend a Select Board meeting, schedules permitting.

5. Charter Revisions - Work On Complex Issues (See List Of Items In Agenda Packet)

5.1. Item 10 Town Hiring (Charter Sections 4.2b And 7.8e)

As a precursor to the discussion on Town hiring, Caroline Ahdab advised that she was asked a question about the reporting structure for the new HR role. People in Town are wondering why the role reports to the Town Administrator, and not the Select Board. It was thought that this position would be outside of the Town Administrator reporting structure to provide a grievance path should employees need mediation for a problem that concerned the Town Administrator. She advised this could be discussed at a future

meeting.

Matt Jussaume advised that this topic falls in line with our agenda, once we begin to discuss the employee grievance process under other items in section 4.2.

Matt opened the discussion on Town hiring by asking the committee to consider what issue(s) we're trying to solve for this section, 4.2b. Rob Rand commented that the Charter should help avoid nepotism and also allow for certain boards to have authority to appoint people for specialized positions relative to their work. Rob also said he wasn't sure where this could be added to the Charter. He mentioned a previous example he gave the CRC, which is that of the Conservation Commission. Currently the Charter gives the Town Administrator the duty to appoint the Conservation Agent (administrator). Mr. Rand has reported that the Conservation Commission should have a role in this appointment because the position requires a skill set and regulatory knowledge that members of the Conservation Commission would typically know about and understand better than other Town hiring entities.

Matt Jussaume mentioned that the details about how some of the committees and professional positions are appointed were previously listed under section 5.5. The CRC previously voted to remove this detail from the Charter so that it could be added to a different governing document that can be updated more frequently, since the Charter is only reviewed every 10 years. Ramona Reed commented that the issue of who does which appointments seems to fall under the umbrella of a point that Select Board member, Mr. Tony Beattie (speaking for himself), made at prior meetings about having a strong Select Board vs. a strong Town Administrator. Ramona also commented that there are not a lot of multi-member bodies that have hired or appointed special roles like the conservation commission has, so we'd need to review which ones need special consideration. Beyond this, the Select Board is usually appointing members to boards/committees based on their opinion of who is best qualified and input from the respective board/committee members.

John Ladik commented that while the boards or commissions should have input, the Charter currently provides for a "strong Town Administrator", so the Town Administrator would have the final say.

Comments were also made by the public attending the meeting. Pepperell Resident and Town Assessor, Ms. Maureen Bolger, speaking for herself, mentioned there are other multi-entity bodies that require members with special skills or backgrounds, such as the Board of Assessors (where a tax background is important) and the Board of Health. Pepperell resident and Conservation Commission Administrator, Ms. Paula Terrasi, speaking for herself, commented that it makes sense to have the Conservation Commission and other committees/boards take part in the hiring because the members have experience to ask the right questions and vet the candidate's experience better than an administrative staff member, who typically wouldn't have the relevant background. Caroline Ahdab agreed and commented that the committees/boards have an interest to pick the best, skilled person for their committee/board so they are the best ones to do it. Caroline further commented that she'd like "strong" words in the Charter stating that a Board needs to approve the person.

During the discussion it was also mentioned that perhaps there should be at least 3 rounds of interviewing for certain positions, and neither the Town Administrator or Select Board be part of the initial rounds.

John Ladik advised that the level of detail discussed should be included in a "hiring" document, and not the Charter. Marilyn Tremblay asked if the Personnel By-law covers hiring.

Ms. Maureen Bolger mentioned that the Town Administrator, Mr. Andrew MacLean, is still drafting a Personnel Policy that is intended to replace information in the Personnel By-law. There is also an advisory committee comprised of some Town department heads, including herself, assisting Mr. MacLean with the Personnel Policy. Ms. Bolger further commented that references in the Charter to the Personnel By-Law should be replaced with the upcoming Personnel Policy, because the Personnel By-law is outdated.

Ramona Reed reminded the CRC that Mr. MacLean had previously identified that some of the Charter

text in section 4.2c was in conflict with the current Personnel By-law, and when we first reviewed that Charter section he also suggested that we remove the references to the Personnel By-law and include a reference to the new Personnel Policy. However, we as a committee voted that it's important to keep the reference to the Personnel By-law because by-laws are voted on by the Town. Matt Jussaume reiterated this point. The CRC's intention for this was that the Personnel By-law should be updated. John Ladik added that the Charter is the Town governing document so any personnel policy should be incorporated into the By-law. Given this, we should not need to alter our current draft text in section 4.2c.

The discussion returned to Charter section 4.2b, concerning the Town Administrator's duties for appointments. The current draft text for this is as follows. The **bold text** was added to allow for input/approval from those multi-entity bodies whose members' experience would be important for the selection of a candidate (e.g. the Conservation Commission).

*"To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and any other collective bargaining agreements as may be applicable, all department heads, officers, agents, members of boards and commissions, and employees, for whom no other method of selection is provided by this Charter, **with approval of the respective board or committee**. Such appointments become effective upon a date included in a written agreement between the Town Administrator and the appointee. Copies of the notice of all such proposed appointments shall be posted on the Town bulletin board and website when submitted to the Select Board."*

This will be further discussed at the next CRC meeting, as this change would significantly affect the concept/role of the "strong" Town Administrator. Matt Jussaume suggested that we further review which multi-entity bodies would be affected by this change, as it might be more effective to call these out again. Harvey Serreze commented that the Charter is supposed to be more general, and perhaps the language shouldn't specify that approval of candidates is required by the multi-entity bodies. Instead, qualify it by stating "where appropriate". The discussion continued about whether a "strong" Town Administrator is something that the Town wants, and also, whether the Select Board should have the "final say" on appointments and other issues. This will be continued at the next CRC meeting.

Additionally, we agreed that our first item to review at the next meeting will be how the Town Administrative Code (By-laws) is described in the Charter. John Ladik wrote a description of this for the CRC to review.

5.2. Item 14 Town Administrator Roles/Responsibilities (Charter Section 4.2)

Parts of this were discussed this evening (see minutes in Item 5.1), and this will be further discussed at future meetings.

5.3. Other Items From Complex Issues List, Time Permitting

No items aside from the issues in agenda item 5.1 were discussed.

6. Review Draft Of Updated Pepperell Administrative Code (Presented By J.Ladik)

This will be moved to the top of the agenda at the next CRC meeting.

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

None.

8. Adjournment

Marilyn Tremblay motioned to adjourn the meeting, which was seconded by John Ladik. By unanimous vote, the meeting adjourned at 9:01 pm. The next Charter Review Committee meeting is planned for

September 15, 2021.

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