



Charter Review Committee Meeting Agenda

Date: Weds, February 23, 2022

Time: 7 pm

Location: Remote Meeting

Remote Participation Only Instructions for residents to participate remotely can be found on the Town website homepage:

<https://town.pepperell.ma.us/683/Remote-Public-Meeting-Participation>

1. Call To Order And Pledge Of Allegiance

2. Acceptance Of Minutes

Review minutes from the meeting on February 9, 2022

3. Public Comments On The Agenda

4. Public Feedback Received

5. Review Next Steps To Complete The Revised Charter Draft & Share Information

5.1. Review Feedback From Select Board

Review the remainder of the list not discussed at the 2/9/2022 meeting, and revisit the SB comments on the HR reporting path, time permitting.

Documents:

[SELECT BOARD RECOMMENDATIONS TO CHARTER REVIEW COMMITTEE_FINAL.PDF](#)

5.2. Review Timeline To Complete Charter Review By Town And State

This discussion will depend on when the CRC receives advice from the Town's legal counsel.

5.3. Decide How To Create Presentations/Presentation Assignments

5.4. Discuss Committee Member Assignments For Completing The Charter

6. Review Charter Sections As Needed To Complete Revisions

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

8. Adjournment

The Town of Pepperell strives to assure that no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the Town of Pepperell. Towards that end, persons with special needs are asked to contact the Selectmen's Office in advance of any meeting to assure that prior arrangements are made to assure full participation in the meeting.

Select Board Recommendations to Charter Review Committee
Voted at public meetings January 20, 2022 and January 24, 2022
Margaret Scarsdale, Chair
Tony Beattie, Clerk
Mark Mathews, Member

ARTICLE 3: ELECTED AND APPOINTED OFFICIALS

1. Section 3-7 b / Page 13
 - a. **Recommendation:** Make this section clear about what happens if a vacancy occurs less than three months before an election
 - b. Reason: It can eliminate confusion if this void is addressed
 - i. **Vote:** Scarsdale Aye; Beattie Aye; Mathews Aye

2. Section 3-8 / Page 14
 - a. Recall of Elected Officials
 - b. **Recommendation:** Simplify process without making it easier to remove a Select Board member. Make it a harder start. For example, consider changing 'b.' so that if 300 signatures (~75 per precinct) are submitted and verified, it goes directly to the Select Board, who demand the resignation, and failing to receive such within five days, call for a special recall election. This eliminates 'c.' and part of 'd.'
 - c. Reason: This section is not straightforward.
 - i. **Vote:** Scarsdale Aye; Beattie Aye; Mathews Aye

Section 4.1 / Page 16

1. "The Select Board shall appoint the Town Administrator to serve for a renewable term of not more than five years ..."
 - i. **Recommendation:** Keep original language of three years.
 - ii. Reason: The SB is not sure what problem the Charter is trying to solve by changing to five, and believes three provides more flexibility (it's easier to renew after three if things are going well, than try to break a five-year contract, if things are not going well)
 1. **Vote: Unanimous**
2. "a screening Committee"
 - i. **Recommendation:** Replace "a screening Committee" with "a screening process."
 - ii. Reason: Keeps this section flexible. Section 4-5 would need re-working (see below)
 1. **Vote: Unanimous**

Section 4-2b / Page 17

3. "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."

- i. **Recommendation:** Strike last sentence or remove reference to specific tools.
- ii. Reason: Keeps the Charter flexible (bulletin boards might be antiquated, new technologies might become more appropriate).
 - 1. **Vote: Unanimous**

Section 4-2c / Page 17

- 4. “In appropriate circumstances to remove, subject to certain specific provisions, all department heads, officers, agents, members of boards and commissions, and employees for whom no other method of *selection* is provided by ...”
 - i. **Recommendation:** Change the word ‘selection’ to ‘removal’
 - ii. Reason: The SB believes “removal” is the appropriate word (“selection” does not appear to fit with intent of sentence.)
 - 1. **Vote: Unanimous**

Section 4-2e / Page 17

- 5. “To attend all regular and special meetings of the Select Board unless unavoidable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.”
 - Recommendation:** The TA will attend all regular and special meetings of the Select Board with the exception of meetings regarding the performance of a Select Board member, unless invited by the Select Board.
 - i. Reason: Gives flexibility for the Select Board to discuss disciplinary matters that involve another Select Board member.
 - 1. **Vote:** Margaret: Aye, Tony: Aye, Mark: Nay

Section 4-2f / Page 17

- 6. “... a full report of all town administrative operations during the period reports on, which report shall be made available to the public.”
 - i. **Recommendation:** The Charter Review Committee define “report” more fully.
 - ii. Reason: It should be clarified what is meant to be included in this report.
 - 1. **Vote:** Unanimous

Section 4-2r / Page 19

- 7. “To reorganize, consolidate, or abolish, in the manner provided in Article 5, town agencies under the supervision of the TA, in whole or in part, ...”
 - i. **Recommendation:** Add ‘approve’ to first phrase of first sentence.
 - ii. Reason: It seems like “approve” is a logical step to include.
 - 1. **Vote:** Unanimous

Section 4-2u / Page 19

- 8. Simplify this section.
 - i. **Recommendation:** End this section with the instruction to keep the SB informed of emergency situations and planning activities.

Those parts that are defining the role of the EMD do not need to be in the charter at all.

- ii. Reason: The role/job description of the EMD does not need to be defined in the TA section.

- 1. **Vote:** Unanimous

Section 4-5: Selecting a Town Administrator / Page 20

- 9. **Recommendation:** Simplify this section. The Charter should be less specific about the process of selecting the next TA.

- i. Reason: To provide maximum flexibility for the needs of the community at the time a new TA must be chosen. Sample language is shown below.

- 1. **Vote:** Unanimous

Sample Language: “When there is an opening in the Town Administrator position, the Select Board shall establish a process to hire a new Administrator. They may appoint an interim Town Administrator from existing staff or external referrals. The Select Board may appoint a Town Administrator directly, form a staff or citizen based search committee, hire a search agency, or develop other means to find appropriate candidates.”

Section 5-1: Administrative Organization / Page 21

- 10. **Recommendation:** Simplify this section. Perhaps replace all of 5-1 with something like the following, while making sure no overarching point from the proposed language is being overlooked.

- i. Reason: The section seems overly complicated.

- 1. **Vote:** Unanimous

Sample Language: “The Town Administrator, with the endorsement of the Select Board, may from time to time establish an organizational structure appropriate to meet the needs of the Town. Subject to funding appropriation, positions may be added, modified, or eliminated as the needs of the Town government require.”

Section 5.3 b / Page 23

- 11. **Recommendation:** Modify this section to be something like: Individuals performing the human resources function for the town shall be appointed by the Select Board and report to the Town Administrator. The review process and compensation decisions for the human resources function shall be made by the Town Administrator. **Please add language that indicates if an employees has an issue with the Town Administrator, they can go to the HR person. If that person is not able to resolve the issue, they can take it to the Select Board.**

- a. Reason: Helps underscore HR job description (to be revised) that provides a dotted line for employees in the case of a conflict with TA.

i. **Vote:** Scarsdale Aye; Beattie Aye; Mathews Aye
Section 5-5 / Page 23

12. **Recommendation:** Section should be simplified.

i. Reason: The section seems overly proscriptive.

ii. **Vote:** Scarsdale Aye; Beattie Aye; Mathews Aye

ARTICLE 6: FINANCE AND FISCAL PROCEDURES

3. Section 6-4 Budget / Page 25

a. **Recommendation:** The submission of budget should be flexible, Perhaps the CRC should have the FINCOM determine a process moving forward?

For example, Budget message by January 15th, budget drafts not later than February 1st.

b. Reason: The current timeline does not seem to align with the Town's needs.

i. **Vote:** Scarsdale Aye; Beattie Aye; Mathews Aye

ARTICLE 7: GENERAL PROVISIONS

1. Section 7-6 Periodic Review

a. Recommend last paragraph be eliminated.

i. Paragraph recommended to be deleted: Priority shall be given to at least two (2) prior members of the original Charter Commission or the Charter Review Committee thereafter. Upon submission of said report and recommendations to the Town Meeting, this special committee shall be discharged.

b. Reason: It was intended for the first review but with time gaps moving to 10 years it is unlikely to happen. The second sentence is redundant to the last sentence in the first paragraph

i. **Vote:** Scarsdale: Aye; Beattie Aye; Mathews Aye

FIGURE 1

It was my understanding this figure is being deleted. If it will be included, please consider the following questions:

4. Figure 1, page 35
 - a. **Margaret:** Should “Town Moderator” be added to the 2nd tier of entities, with Select Board, NM School Committee, etc. ?
 - i. **This chart is being deleted.**
 - b. **Margaret:** Where does the HR position belong?
 - i. **This chart is being deleted.**

GENERAL COMMENTS/EDITS For the CRC’s Consideration

1. Section 1-8 / Page 5
 - a. **MS:** Last paragraph: Should “public” be “publicly”?
2. Section 2-2 / Page 6
 - a. **MS:** Please add “or her”, i.e., “ ... in the event of his or her absence or disability.”
3. Section 2-11a / last sentence / Page 9:
 - a. **MS:** Should we add “online”, i.e., “... be made reasonably available for inspection at public locations before the Town Meeting and online.”
4. Section 4-5, 4th paragraph / Page 21
 - a. **MS:** Please change “Chairman” to “Chair” or “Chairperson”.
5. Section 5-5 Page 23
 - a. **MS:** Great re-write!
6. Figure 1, page 35
 - a. **MS:** Pls change “Board of Selectmen” to “Select Board”
 - b. **MS:** Should the TA appointees be alphabetized like SB appointees?