

# Charter Review Committee Meeting

1/5/2022 - Minutes

## 1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:03 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, Harvey Serreze, and Marilyn Tremblay

## 2. Acceptance Of Minutes

Marilyn Tremblay made a motion, seconded by John Ladik, to accept the meeting minutes from the CRC meeting on 12/1/2021. The motion to accept these meeting minutes carried unanimously.

## 3. Public Comments On The Agenda

Town employee, Mr. John Holbrook, GIS Coordinator (DPW), advised that he is part of the team coordinated by the Town Administrator to help review and devise the Town's new personnel policy. Mr. Holbrook advised that this team has completed their draft of the policy and asked for feedback from the CRC as to how the Charter revisions will handle references to the current Personnel By-law, specifically for the personnel committee, currently referenced in it. His concern is that the current drafts of the personnel policy and the Charter may not be in sync if the Charter mentions the reinstatement of a personnel committee.

Matt Jussaume advised that he would provide a copy of the current Charter document draft to Mr. Holbrook to review with the other members of the personnel policy review team. The Charter draft section in question is section 4.2 d (Powers and Duties (of Town Administrator)). Matt also asked Mr. Holbrook to send the CRC a copy of the personnel policy draft.

The CRC further explained the background on the changes we are suggesting related to personnel, based on feedback we've received from some other Town employees and the public. It was mentioned that the Charter revisions were made to help ensure that Town employees have a fair path outside of the Town Administrator to resolve grievances, if needed. The current draft for section 4.2 d (in reference to one of the Town Administrator's duties) is as follows:

*"To implement and maintain personnel policies and procedures, rules, and regulations, including provisions for an annual employee performance review, and collective bargaining agreements entered into by the Town in accordance with the Personnel By-law. The Personnel By-law shall include a grievance process for all town employees. This process shall include access to a binding independent third party mediator if satisfactory conclusion from the Personnel Board is not received. The Town Administrator shall also prepare and maintain a current plan establishing the personnel staffing requirements for each town agency, except the library and school department."*

It was further explained that this was also to ensure that the Personnel By-law would continue to be followed because by-laws can be updated anytime as needed, and they are required to be voted on by the Town, which provides more transparency and keeps part of Town governance with residents. Since the Charter is only required to be reviewed every 10 years, any details pertaining to specific personnel rules or policies stated in the Charter could make the Charter outdated if they changed prior to the next Charter review. Since employment policies and laws can change frequently, this could cause a need to convene a special Charter review each time a personnel-related change was needed. A Charter document is not intended to change frequently. The CRC was also in agreement that the Personnel By-law could be updated to reference the new personnel policy document, if desired, and then approved by the

Select Board and Town Meeting.

Additionally, another personnel-related change the CRC is recommending for the Charter is to section 5.3 b (Administrative Organization (Appointments, Promotions and Discipline)), regarding the new Human Resources role:

*"Individuals performing the human resources function for the town shall be appointed by and report to the Select Board. The review process and compensation decisions for the human resources function shall be made by the Select Board."*

This suggested revision for the Charter was also implemented based on feedback by Town employees and residents, to ensure that human resources staff would not be subject to any potential conflict of interests that could occur if this HR function reported to the Town Administrator. For example, if any employee, including a human resources staff member, had a grievance with the Town Administrator, the Select Board would be clearly identified as the management authority to help resolve this.

#### 4. Public Feedback Received

The following emails were received by Matt Jussaume concerning Charter feedback:

12/2/2021 - From the Town Administrator, Mr. Andrew MacLean - Advising that there is now a board position for Pepperell Media that is appointed by the Select Board, and that it should be added to Charter section 5.5 Organization of Town Government. Matt will respond to Mr. MacLean that the CRC agreed to remove this level of detail from the Charter, and recommend that it be included in the Administrative Code and/or the Code of the Town of Pepperell.

1/3/2022 - From Select Board Chair, Ms. Margaret Scarsdale - Advising that the Select Board plans to discuss and consolidate any comments they have on the draft Charter at their meeting on 1/10/2022, and then she will formally present them to the CRC after.

Matt advised that he plans to attend that Select Board meeting, and other CRC members also said they would attend.

1/5/2022 - From Select Board Chair, Ms. Margaret Scarsdale - Advising that the Select Board heard back from the Mass. Municipal Association (MMA) in mid-December, and that "...the Select Board did not indicate they wanted to continue pursuing a meeting with them." Ms. Scarsdale further advised that Mr. Tony Beattie on the Select Board had been interested in pursuing a strong Select Board model, and the MMA response indicates we already have one. Also, Ms. Scarsdale said that she would compile a document of any suggested changes for the Charter in two sections - one with specific requested revisions, and another with general comments or questions with suggested revisions.

#### 5. Review Charter Sections As Needed To Complete Revisions

The CRC continued the discussion about whether to add a new glossary to the Charter to explain the meaning of certain terminology referenced in the Charter.

**Motion:** A motion was made by John Ladik, seconded by Ramona Reed, to include a glossary in the Charter.

The discussion was that this is important and would be helpful. A vote was taken and the motion passed with 6 votes to approve this. Yes: Rob Rand, Ramona Reed, Marilyn Tremblay, Caroline Ahdab, John Ladik, Matt Jussaume. Abstained: Harvey Serreze (not present for the vote due to computer connectivity issues).

After the vote to add a glossary, the CRC reviewed a potential list of terminology to include provided by committee members and taken from other towns' charters (e.g. Groton). It was agreed that motions would only be made to include or exclude items for which there was a lot of discussion.

**Motion:** John Ladik made a motion, seconded by Harvey Serreze, to exclude "personnel and staffing plan" from the Glossary list. The discussion was that these are not needed because they are only referenced generically in the Charter section 4.2 d. The motion carried unanimously.

**Motion:** Harvey Serreze made a motion, seconded by Ramona Reed, to exclude "charter" from the Glossary list. The discussion was that this is sufficiently explained in Charter Article 1. The motion carried unanimously.

**Motion:** Marilyn Tremblay made a motion, seconded by Rob Rand, to exclude "days" from the Glossary list. The discussion was that these were sufficiently described in any sections referencing "days". The motion carried unanimously.

**Motion:** Marilyn Tremblay made a motion, seconded by Rob Rand, to exclude "majority vote" from the Glossary list. The discussion was that this was not necessary for the Charter. The motion carried unanimously.

**Motion:** Ramona Reed made a motion, seconded by Marilyn Tremblay, to include a definition of "voters" on the Glossary list. The discussion was that it is important to define that this refers to "registered" voters in Town. The motion carried unanimously.

The review of the glossary will continue at the next CRC meeting.

## **6. Review Next Steps To Complete The Revised Charter Draft & Share Information**

This will be discussed at future meetings due to time constraints at this one.

## **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 8:59 pm. The next Charter Review Committee Meeting will be scheduled for Weds., January 19, 2022, at 7 pm.

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