

Charter Review Committee - Remote Meeting

1/6/2021 - 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, Harvey Serreze, Marilyn Tremblay
Absent: Bob Newton

2. Acceptance Of Minutes

The minutes from the meeting on December 16, 2020 were reviewed.

John Ladik made a motion, seconded by Harvey Serreze, to accept the meeting minutes from December 16, 2020. These were unanimously accepted by the CRC members in attendance at that meeting: Matt Jussaume, Caroline Ahdab, John Ladik, Harvey Serreze and Marilyn Tremblay. Abstained: Ramona Reed

3. Public Comments On The Agenda

None

4. Public Feedback Received

No public feedback was received concerning the Charter review or revisions.

Matt Jussaume passed on an announcement from the Town Administrator to remind the public that the Select Board will be holding a workshop on climate change on January 16, 2021 at 10 am.

5. Discussion / Action Items

5.1. Continue Revision Discussions Of Article 5 Administrative Organization And Other Sections As Time Permits

The discussion began with a review of work done at the last meeting. Matt Jussaume asked if anyone had further concerns or suggestions for revisions to Article 5.1 b, which refers to the Administrative Code as a method for accomplishing the organization of Town agencies. It also mentions that the Town Administrator may prepare and submit plans of organization or reorganization to Town meeting with the approval of the Select Board. There were no further suggested revisions.

Article 5.1 c:

The CRC questioned the use of the terminology "Administrative Code" in Article 5.1, as nobody knows of a Town document with this name. Ramona Reed advised she had a note from a prior meeting that Town Administrator, Andrew MacLean, said that the Administrative Code referred to the Town document, Code of the Town of Pepperell.

Action: Ramona Reed will follow up with Andrew MacLean to confirm that the Administrative Code is the Code of the Town of Pepperell.

Article 5.1 c deals with the Town Administrator's responsibilities for the appropriation of funds among Town agencies. This makes a reference to the MGL, but doesn't mention the specific law. It was

questioned whether the specific law should be documented. It was determined the law reference is MGL Ch 44 Sec 33B.

Action: John Ladik will review the pertinent MGL and write a draft revision for Article 5.1 c based on this.

Additionally, Town resident, Robert Rand, commented that the Administrative Code referenced in this section should be reviewed to determine what this allows the Town Administrator to do. For example, is the TA required to use funds for a specific area as intended? If funds are not used as intended, what is the process to notify the Town? Mr. Rand also commented that grants and donations for a specific area should not be allowed to be used for other purposes.

Article 5.2 Publication of Administrative Code and Personnel Plan

No significant revisions; minor typo correction.

Article 5.3 Appointments, Promotions, and Discipline

5.3 b - this section was eliminated because the Fire Chief position was established.

Article 5.4 Merit Principle

There was a discussion about the beginning of the paragraph as to whether the reference to "...the provisions of the civil service law..." should be changed to reference a specific law. The CRC agreed to change the wording to: "...the provisions of the applicable civil service laws..." (to cover any applicable laws on the town, state, and federal level).

Article 5.5 Administrative Organization

The CRC reviewed the latest iteration of a spreadsheet dated 11/18/2020 that Harvey Serreze compiled after researching the Town organizations and reviewing these with TA, Andrew MacLean. Harvey's spreadsheet includes a list of the boards, committees, commissions, and individual roles appointed by the Select Board, and a separate list of individual roles appointed by the Town Administrator. It also has columns to show the terms, and any applicable charter references and notes. Currently, Charter Article 5.5 only includes a list of the names of the Town organizations and roles but not the additional details of terms, etc. The CRC discussed whether this document should be added to the Charter. The current Charter list needs updating to remove outdated organizations/roles and to add new ones.

Caroline Ahdab recommended that the Charter not include the list, nor any other details. Instead, this information should be added to the Code of the Town of Pepperell document, and the Charter should have a simple comment that organization details are in the Code of the Town of Pepperell. Given her experience on the initial Charter Committee, she provided the background that this list was included in the initial Charter as a way to demonstrate to the public that the new Charter would not completely overhaul the Town organization structure. However, because the Town organization list can be fluid, Caroline commented it would be more easily updated if it lived in the Code of the Town of Pepperell because that can be modified at any Town Meeting, whereas the Charter is only scheduled for updates every 10 years.

This was further discussed among the CRC members. Marilyn Tremblay commented that she liked having a simple list (without the detail of terms, etc) in the Charter, specifically to distinguish the organizations and individuals appointed by the Select Board and those appointed by the TA. Matt Jussaume made the point that not all of the organizations/positions exist because the Charter states they do, but more so because authorities outside of the Charter mandate them (e.g. Town By-laws, MGL, etc). Given this, he questioned if the Charter is the right place for these lists. Matt also commented that if we remove this list from the Charter, how can we ensure the information will be included in another document?

Robert Rand, Town resident and member of the Conservation Commission, speaking for himself, asked to make an additional comment about the list. He said he is ok with the the appointments made by the Select Board but still has concerns about appointments by the Town Administrator, providing the example of the Conservation Administrator. Mr. Rand had mentioned this concern at prior CRC meetings. He reiterated that given the special qualifications for this position, the TA should not be solely responsible for the appointment, and that the Conservation Commission should have input. He further mentioned that he likes the idea of adding the organization information to the Code of the Town of Pepperell document but it should include details of how the appointments are made, especially for the positions that require special qualifications.

Paula Terrassi, Town resident and Conservation Commission Administrator, speaking for herself, commented that she agrees with Mr. Rand. That any roles that need special vetting due to the job requirements should be decided in conjunction with the the respective commission/committee, especially for the Conservation Commission.

The CRC acknowledged the public comments and mentioned that we had previously discussed how to handle the appointments which require special qualifications such as the Conservation Administrator, under Charter Article 4, Town Administrator (section 4.2 b). We have this on a list to further review.

Motion: John Ladik made a motion, which was seconded by Marilyn Tremblay to keep the list of organizations and positions appointed by the Select Board and the positions appointed by the Town Administrator under Charter Article 5.5, with any necessary updates based on the information we currently have. The motion was carried by a majority vote: voted Yes - Ramona Reed, John Ladik, Marilyn Tremblay, Harvey Serreze, Matt Jussaume; voted No - Caroline Ahdab.

Action: Harvey Serreze will make a final review of the list of organizations and positions before they are included to ensure the information is correct and as current as possible.

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

None

7. Adjournment

Marilyn Tremblay motioned to adjourn the meeting, which was seconded by Ramona Reed. By unanimous vote, the meeting adjourned at 9:26 pm. The next Charter Review Committee Meeting will be scheduled for Weds., Jan 20, 2020, at 7 pm.

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