

Charter Review Committee Meeting Minutes

3/2/2022 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:05 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), Rob Rand, Harvey Serreze, and Marilyn Tremblay, Absent: John Ladik

2. Acceptance Of Minutes

Acceptance of the minutes was deferred until next time to provide more time for the committee members to review.

3. Public Comments On The Agenda

None

4. Public Feedback Received

1. Matt Jussaume received feedback in an email from Town Administrator, Andrew MacLean, dated 2/25/2022, with extensive notes from the Town Counsel concerning the questions that Matt asked about the Charter review.

- Regarding the Administrative Code, the revisions that the CRC previously made are appropriate to keep, and our prior understanding of an Administrative Code document is correct.
- Matt asked what the CRC can change in the Charter because we're a committee and not a commission. It was confirmed that there are specific limitations to what we can change. More authority is given to a commission because it is elected, and not appointed. The attorney sent references from the MGL 43B with more details about this. The following excerpt from the law explains a particular restriction for any change a Charter Review **Committee** recommends:

" Charter Amendment, under sections 10 and 11 of Chapter 43B: A change that does not relate to "the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager." G.L. c. 43B, § 10. "

The attorney's notes also confirmed that the CRC will need to:

- Bring the charter amendments to Town Meeting and the amended Charter must pass by a 2/3 vote.
- After Town Meeting approval, amendments must be "immediately submitted" to the Attorney General and to the Department of Housing and Community Development. G.L. c. 43B, § 10.
- The amendment(s) must then be submitted to the voters at the first regular (i.e., annual) municipal election occurring at least two months after the effective date of the order. A summary of the proposed amendment(s) must appear on the ballot. G.L. c. 43B, § 11.

Marilyn asked if the rule about changing government had any affect on what we discussed and revised for the HR Role.

Rob Rand advised he reviewed the referenced laws and noted that the law doesn't mention anything about

hiring, so with respect to the HR role, he believes we're fine. Rob also mentioned that since he wasn't sure what we changed prior to his joining the CRC, he hasn't reviewed what other areas are affected.

Matt Jussaume also reviewed Article 4 to determine if any changes we made to the Town Administrator responsibilities would be affected.

Marilyn Tremblay commented that she noted that the attorney's notes mentioned that the Department of Housing and Community Development (DHCD) is supposed to review the Charter. While she believes what she suggested for our changes in the Charter is correct, she reviewed the charters of a couple of other towns that are also revising their charters. They have the exact language for the Housing Authority section that we changed, and they have not changed theirs. Marilyn asked if the DHCD approved the prior language that we had, should we consider reverting to that, especially given that other towns are still using it in their charters? The committee discussed this and agreed that Marilyn provided the suggested changes based on her experience with the Housing Authority, and it appears to be correct according to the current state laws. If any changes are necessary, the Town Counsel should advise of this after his review.

2. In an email dated 2/25/2022, Matt Jussaume received a copy of the draft Personnel By-law from the Town Assessor, Ms. Maureen Bolger, who is also part of an employee committee reviewing the Town's new draft Personnel Policy. Matt shared her email and the attached draft by-law in an email to the CRC, also dated 2/25/2022. Matt commented at this meeting that he reviewed the draft by-law and did not find anything in this that would be in conflict with the Charter changes we drafted. He advised that he also provided some feedback to Ms. Bolger, mentioning that the composition of the personnel board referenced in the by-law may be an issue at Town Meeting. He offered them some suggestions about how that might be presented.

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

5.1. Review Feedback From Select Board

The Charter Review Committee discussed the remaining feedback received from the Select Board (their document is included in this meeting's packet).

Section 5-5 / Page 23 Review 5-5 – Organization of Town Government Appointments

SB Recommendation: Section should be simplified; seems overly proscriptive

Motion: Ramona made a motion, seconded by Marilyn Tremblay, to keep the text in section 5-5 as we revised, as we intended this to be detailed regarding the appointed committees' details and composition.

Discussion: Harvey Serreze suggested a minor change to reorganize the order of the content. Information about the committees' charges should be moved up in the third paragraph as follows so that it has more emphasis.

"A committee, whether standing or ad hoc, should have a 'committee charge' which identifies the authority under which a board, committee, commission, council or similarly named group functions within Pepperell's local governance. The charge should at a minimum describe the establishment of the committee, its appointment structure and the intended role of the committee. The following should be included in a Committee Charge: how established (statute, by-law, Charter, Select Board, Town Administrator, other) / Elected or Appointed, number of members, terms and calendar cycle of terms, purpose."

After the discussion, a vote was taken and the motion carried unanimously.

Section 6-4 Budget / Page 25 SB 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. The reason for their suggestion is that the current timeline does not seem to align with the Town's needs.

Caroline Ahdab suggested getting John Ladik's feedback. Ramona Reed commented that she thought we previously discussed this at one of our meetings with John after the Select Board's initial feedback, and that John had already agreed we should keep the revised text's timelines. Marilyn Tremblay agreed. Matt Jussaume also commented that he believes John drafted the revision but he understands that some might not feel that the time frames are practical.

Motion: Caroline Ahdab made a motion, seconded by Marilyn Tremblay, to accept this section as we wrote it.

After the discussion, a vote was taken and the motion carried unanimously.

Select Board Section 7-6 Periodic Review SB Recommendation: The last paragraph of 7-6a should be eliminated: *"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."*

Motion: Marilyn Tremblay made a motion that we keep the text in Article 7 as written. This was not seconded.

Ramona Reed said she could agree with removing the requirement that consideration be given to original Charter members, especially after a 10-year span. Those members may not be available or have good recollection of the earlier charter review. Caroline Ahdab disagreed and commented that the prior committee members' background and history can be important. Harvey suggested that if we make too many requirements it might be more difficult to appoint members.

Motion Rescinded: Marilyn decided to rescind the motion so the committee could consider some additional revised text for section 7-6a.

Matt Jussaume made some additional changes to the last paragraph of section 7-6a regarding the discharge of the Charter after the committee's submission of a charter report and recommendations to Town Meeting. The newly added text is in **bold**.

7-6a - *"Charter - The initial review committee shall convene five (5) years after the **initial** adoption of this Charter and subsequently at least every ten (10) years thereafter **or earlier if required by the Town Meeting (in accordance with Section 2-7)**. The **Charter Review Committee consisting of nine (9) members shall be established for the purpose of reviewing the Charter and to make a report, with recommendations, concerning any proposed amendments which said committee may determine to be necessary or desirable. The appointment shall expire after approval of the Charter update by the Commonwealth of Massachusetts, and the town voters at a regular municipal election.**"*

Additionally, this last sentence of the original paragraph was **eliminated:** *"Upon submission of said report and recommendations to the Town Meeting, this special committee shall be discharged."*

Motion: Marilyn made a motion, seconded by Rob Rand, to accept the text to 7-6a as revised.

Discussion: it was discussed that this paragraph should include that the Charter needs to also be brought to Town Meeting, in addition to being brought to the State and the municipal election.

Amended motion: Marilyn amended the motion, and Rob Rand seconded, to accept the text with the additional language to include "Town Meeting".

7-6a - *"Charter - The initial review committee shall convene five (5) years after the initial adoption of this Charter and subsequently at least every ten (10) years thereafter or earlier if required by the Town Meeting (in accordance with Section 2-7). The Charter Review Committee consisting of nine (9) members shall be established for the purpose of reviewing the Charter and to make a report, with recommendations, concerning any proposed amendments which said committee may determine to be*

*necessary or desirable. The appointment shall expire after approval of the Charter update by **Town Meeting**, the Commonwealth of Massachusetts, and the town voters at a regular municipal election."*

There was no other discussion and the motion carried unanimously.

Matt reviewed this section, 7-6a, again before moving on and asked if we should include the limitations about what we, as a committee, can do. Should we explain that there are limits to what we can determine as "necessary or desirable"? Harvey Serreze suggested we add a sentence referencing the MGL Chapter 43B.

Motion: Marilyn Tremblay made a motion, seconded by Harvey Serreze, to accept the change to the particular sentence including "within the constraints of the M.G.L Chapter 43B."

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There was no further discussion and a vote was taken. The motion carried unanimously.

It was then discussed whether the Charter should state that in order to have a Charter commission, which has more authority to make certain revisions, the members must be elected rather than appointed. The committee agreed that no additional text is needed for this beyond the reference to MGL 43B.

Figure 1, page 35 SB Recommendation: It was my understanding this figure is being deleted. If it will be included, please consider the following questions.

CRC Response: The CRC plans to eliminate Figure 1 on page 35 which is an outdated Town government organization chart. No edits needed.

General Comments/Edits from the Select Board for the CRC's Consideration:

Section 1-8/Page 5 Last paragraph: Should "public" be "publicly"? **CRC Response:** fixed

Section 2-2 / Page 6 Please add "or her", i.e., "... in the event of his or her absence or disability." **CRC Response:** fixed (pronouns eliminated and replaced with "The Town Moderator")

Section 2-11a / last sentence / Page 9: Should we add "online", i.e., "... be made reasonably available for inspection at public locations before the Town Meeting and online." **CRC Response:** Already addressed during prior review

Section 4-5, 4th paragraph / Page 21 Please change "Chairman" to "Chair" or "Chairperson". **CRC Response:** fixed

Section 5-5/Page 23 Great re-write! **CRC Response:** No action required

Figure 1, page 35 Pls change "Board of Selectmen" to "Select Board" and should the TA appointees be alphabetized like SB appointees? **CRC Response:** No action required; figure 1 will be eliminated from the Charter

Motion: Marilyn Tremblay made a motion, seconded by Ramona Reed, to accept the edits based on the comments from the Select Board.

Discussion: Caroline asked for clarification on what we were changing in section 4-5. It was explained that only the Select Board's suggested edit was made which was to change "Chairman" to "Chairperson".

After the discussion, a vote was taken and the motion carried unanimously.

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

This was not discussed; It will be brought to a future meeting after further discussion with the Town Administrator.

5.3. Discuss Committee Member Assignments For Completing The Charter

The committee discussed the next steps for completing the Charter:

Harvey said he had some suggestions on a couple of words that need to be changed in the Charter because their use is incorrect.

Section 1-1 Incorporation; Short Title; Powers

Motion: Harvey Serreze made a motion, seconded by Ramona Reed, that we change the word "inhabitants".

Discussion: Harvey advised that the definition of inhabitants can include animals. It was agreed to change "inhabitants" in Section 1-1 to "people" to be consistent with the Charter's preamble.

After the discussion, a vote was taken and the motion carried unanimously.

Section 3-4a Housing Authority Board of Commissioners

Harvey questioned the use of "tenant". Marilyn explained that this is the terminology used by the Housing Authority. However, we could add a description for clarity, "Housing Authority tenant", describing someone who lives in properties managed by the Housing Authority. After further review of this section, it was decided to also clarify the composition descriptions.

The newly revised text for section 3-4a is:

"Composition, Term of Office - There shall be a Housing Authority consisting of five (5) members. Three of the members shall be elected by the voters serving for five (5) years each in staggered terms. One member shall be a Housing Authority tenant appointed by the Select Board for a term of one (1) year. The fifth member shall be permanently appointed by the Commonwealth as provided by the General Laws."

Motion: Marilyn made a motion, seconded by Harvey Serreze, to accept the corrections to Section 3-4a.

There was no further discussion and the motion carried unanimously.

Matt Jussuame advised that at the next meeting the committee would review any suggestions found from proofreading the charter. Also, the Town Administrator may join our meeting to further discuss the path to complete the Charter changes.

Action Item: Each committee member should try to proofread the current charter draft and bring any suggested edits to the next meeting.

Matt also commented that he envisioned bringing the following documents to Town Meeting:

1. Presentation
2. Redline document
3. Clean document

Caroline asked if we could bring this discussion to the next meeting as she has other ideas for what to bring to the Town Meeting.

6. Review Charter Sections As Needed To Complete Revisions

Any sections reviewed were addressed in earlier agenda items (see items 5.1 and 5.3).

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 Harvey Serreze. By unanimous vote, the meeting adjourned at 9:20 pm.

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