

# **Charter Review Committee Meeting, Town Hall, Meeting Room A**

3/11/2020 - 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.

The meeting was chaired by Matt Jussaume, in absence of Doug Adams

Attendance: Charter Review Committee Members Matt Jussaume (Vice Chair), Bob Newton, Ramona Reed (Clerk), Harvey Serreze, Mike Tang Absent: Doug Adams (Chair), Caroline Ahdab, John Ladik, Marilyn Tremblay

## **2. Acceptance Of Minutes**

### **2.1. Vote To Accept Meeting Minutes From Meetings On 1/22/2020 And 2/26/2020**

Meeting Minutes of 1/22/2020

The acceptance of meeting minutes of January 22, 2020 was postponed because a quorum of members who attended that meeting was not present.

Meeting Minutes of 2/26/2020

The acceptance of meeting minutes of February 26, 2020 was postponed because a quorum of members who attended that meeting was not present.

## **3. Public Comments On The Agenda**

At this meeting, Cathy Lundeen, 3 Province St - Reiterated comments from an email she sent to the CRC on March 10, 2020 - She supports the CRC having a Town Meeting warrant article or Town Election ballot to get public feedback on having a 3 or 5 member Select Board. She disagrees with the non-partisan issue, and supports that more research is needed prior to considering this for the Charter. She commented that Social Media is a good way to gauge public opinion and appreciates that members review it and that she is ok with having her emails made public. She doesn't feel this topic needs further discussion at CRC meetings. She also mentioned the Select Board Code of Ethics and suggested that an oversight board might be considered for this. Finally, the By-Law review section should be "firmed up" in the Charter to ensure they are periodically reviewed.

## **4. Public Feedback Received**

At this meeting, Robert Rand, 77 South Road - Commented that when the By-Laws review is done, the Conservation Commission (CC) should be consulted for feedback because they went to "Town Hall" 4 times to get their current By-Law (Wetlands Protection) passed. Also, he recommended a change to Charter Article 4-2b, Town Administrator - Powers and Duties, to indicate that the Town Administrator should seek the advice of the CC for the hiring of the Conservation Administrator, and not be solely responsible for this appointment. He advised the CC is familiar with Massachusetts' Wetlands Protection Act, and would be able to select the candidate with sufficient familiarity with this law. He mentioned a Town Administrator may not have the same level of familiarity with the Act. Mr. Rand's further suggestion was that the CC interview multiple candidates and then make recommendations to the Town Administrator and Board to make the final approval. He said that the CC gave this feedback to the last Charter Review Committee and thought there was an agreement that this info. would be added in the original Charter but this had not been done.

At this meeting, Sandra Hartnett, 1 Willow St - Asked if the CRC would be bringing anything to the Town Meeting for people to vote on. In particular she mentioned the issue of having a 3 vs. 5 member Board of Selectmen, commenting that it's important that the citizens have some way to actually vote on it vs. the CRC making a recommendation without a larger public vote.

**Emails were received from the following and read aloud at the meeting by Ramona Reed.**

Mar 2, 2020 - Nancy Steeves advised that she is in favor of maintaining a 3 member Select Board and not in favor of moving to a 5 member Select Board.

Mar 2, 2020 - Peter Stickel advised he is in favor of keeping the Select Board at 3 members. He mentioned Ayer as an example where this was "regretted".

Mar 2, 2020 - Renee D'Argento expressed concern that the Committee is considering changing the Charter to have Pepperell change from a 3 member Select Board to a 5 member Select Board. She mentioned the Town of Ayer as an example that went up to a 5 member board, then voted to return to a 3 member board. It was also mentioned that a 3 member Board is the right size for our small town. She expressed concern that there may not be enough people that run for a 5 member Board, which could allow someone to be voted in without a challenge or vetting, and that person may not be the best one for the job.

Mar 3, 2020 - Selectman Margaret Scarsdale advised that while she did not want to unduly influence the Charter Review Committee when commenting on the issue of 3 vs. 5 Select Board at a prior CRC meeting, she personally feels strongly about keeping the BOS at a 3 member Board. She advised she spoke with a former selectman from the Town of Ayer who noted to her that they returned from a 5 member to 3 member BOS due to "drama" and "dysfunction" that occurred after their Board expanded to 5. Also, as a smaller town like Pepperell, instead of having a couple of qualified candidates vie for a seat, candidates who otherwise would not have been elected were able to get on their Board. Ms. Scarsdale further advised she extensively reviewed the MA Municipal Directory, which includes information about how towns sort themselves along a 3 vs. 5 model for Select Boards. She mentioned there are many factors that push a town to 5 - including higher population, higher revenue, higher yearly expenditures, having additional personnel (e.g. assistants to the Town Administrator and Town Treasurer), having a Town Manager vs. a Town Administrator, etc.

March 10, 2020 - Catherine Lundeen and Sandra Hartnett - offered observations and recommendations on the following:

They support the CRC placing a question about 5 member Select Board on the April ballot or as a Warrant article at May Town meeting, mentioning that while the committee's due diligence is to put forth recommendations, the final decision is the citizen's.

Partisan vs. Non Partisan Politics - They "disagree on the issue other than the voters need to decide." They noted that the legality of placing a stipulation in the Town Charter has been raised, and prior to limiting any candidate's right to seek help from outside sources, the legal aspect of this needs to be investigated.

By-Laws - They hope the CRC will recommend a By-Laws Review Panel because many of the By-Laws are "outdated and ineffective". It was suggested that it might be helpful to have a dedicated section for By-Laws reviews in the Charter to clarify that there will be a periodic process to address, change or remove By-Laws before they are "forgotten and obsolete".

Emails - Regarding the CRC's ongoing discussions on emails and social media conversations, they have no problem with their emails going public and are glad to see members reading and staying on top of social media discussions.

## **5. Discussion / Action Items**

Discussion on Public Feedback received at this meeting:

Article 3.2 Select Board Composition (3 vs. 5 Select Board) - The CRC advised that we were looking into getting a non-binding ballot question added for the next Town Election to have the public vote on this.

Article 4.2b Town Administrator Powers/Duties - The CRC observed that rather than update Article 4.2b to include specific requirements about the Conservation Administrator, we could consider adding a "specific method of selection" for this appointment to another section of the Charter. Article 4.2b gives the duties of appointments to the TA "for whom no other method of selection is provided by this Charter". It was also discussed reviewing Article 5.5 to consider updates for the Conservation Administrator. It was noted that Article 4.2b currently has a checks and balances provision where the Board of Selectmen can vote to reject appointments.

### **5.1. Action - Follow-Up On Submitting A Non-Binding Question For A Town Election About 3 Vs. 5 Member Board Of Selectmen (C.Ahdab)**

This will be further discussed at the next CRC meeting.

### **5.2. Action - Research Charters With Partisan Free Election Info (Melrose/Orleans) (C.Ahdab)**

Caroline Ahdab emailed the CRC on March 10, 2020 with her research results on the Melrose and Orleans Charters concerning partisan free elections. She included pdf copies of both Charters for reference. Ramona Reed read the info at this meeting for reference. It will be discussed at a future meeting.

Orleans, MA Charter, reference Page 26 for the Section and the top of Page 27 for the verbiage. From the Orleans, MA Charter:

§ 5. Town Elections to be Nonpartisan

7-5-1 All town elections shall be non-partisan in that election ballots shall be printed without any party mark or designation, and no candidate or candidate's committee for elective town offices shall accept contributions - monetary or in-kind - from any political party committee.

Melrose, MA Charter, reference Page 29 and Section 7-2 for the verbiage. From the Melrose, MA Charter:

SECTION 7-2. NON-PARTISAN ELECTIONS.

All elections for city offices shall be nonpartisan and election ballots shall be printed without any party mark, emblem or other designation.

### **5.3. Town Website Document Center - Discuss Storing CRC Feedback And Research Docs (R.Reed)**

Ramona Reed mentioned that there is a folder available via the Town Website where Charter Review Committee work documents and written feedback can be stored if the CRC decides to use this. Any documents placed in this folder would be viewable by anyone who accesses the Town Website. No decision was made on this and the CRC will discuss at a future meeting.

### **5.4. Action - Follow-Up On Section 5-5 Organization Of Town Government (H.Serreze)**

Harvey Serreze presented a revised spreadsheet of the Town Government organization. He met with the Town Administrator again to further identify which committees and boards are appointed vs. elected and to further categorize parts of the organization. There are still many items that need clarification. The CRC agreed to discuss further when Section 5-5 is reviewed for edits. Bob Newton made a motion to table the discussion until a future meeting, and to dedicate an entire meeting to this section. Ramona Reed seconded. The motion was unanimously accepted.

## 5.5. Continue Charter Review - From Article 7 (Section 8) And Other Sections As Time Permits

7-8, 7-9, 7-10, Procedures governing multiple member bodies, their vacancies and absences: No changes have been identified for consideration but these sections will be reviewed again to confirm.

**Action:** Ramona Reed will look at other Town Charters to determine if any have additional language about how long-term excused absences are handled.

7-11 Terms of Office -The CRC will further review this with Article 4, concerning the TA, to see if language can be consolidated/eliminated.

Article 8 Transitional (Continuation of Government) Provisions- Review of the entire article was completed. For Section 8-3, this section needs to be completely updated because it references actions that would take effect after the original Charter was approved. These are now outdated.

With the completion of the review of Articles 7 and 8, the CRC's first pass of the entire Charter is done. In addition to spending a future meeting on Section 5.5, it was also suggested that we make a list of items for which further feedback is needed from the Town Administrator and invite him to a meeting to discuss them all at once. This will be further discussed.

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

None

## 7. Adjournment

Bob Newton motioned to adjourn the meeting, which was seconded by Harvey Serreze. By unanimous vote, the meeting adjourned at 8:32 pm. The next Charter Review Committee Meeting is scheduled for Weds, March 25, 2020.

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