

Charter Review Committee Meeting

3/23/2022 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:06 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

The minutes from meetings on March 9 and March 16 were to be reviewed. The minutes from March 16 are still being prepared so those will be deferred for review until a future meeting.

The minutes from March 9, 2022 were reviewed. A motion was made by Marilyn Tremblay, and seconded by John Ladik, to accept the meeting minutes from March 9, 2022, as written. There was no discussion and the motion carried unanimously.

3. Public Comments On The Agenda

None.

4. Public Feedback Received

Ms. Maureen Bolger, Pepperell Resident and Town Assessor, speaking for herself, wanted to confirm if the Personnel Board was referenced in the Charter draft, as she thought it was discussed at a meeting last Fall. She also emailed Matt Jussaume earlier today, March 23, asking if the Personnel Policy Advisory Group could meet with the CRC to compare what's been included about a Personnel Board in the Charter and in the new Personnel Policies and Procedures document. Matt Jussaume searched the Charter document to determine what was referenced with regard to personnel. In section 7-11, Terms of Office, Matt commented that the Personnel Board was mentioned, but there was no specific reference to its composition. This was done to allow for flexibility related to the Personnel Board in other documents such as the new Personnel Policies and Procedures. Given this, Ms. Bolger confirmed there would be no need to meet further about this.

Ms. Bolger also mentioned that in the latest draft of the Personnel Policies and Procedures document, she was tasked with revising the compensation step tables, but beyond this, the employees in the Personnel Advisory Group were ready to bring this to Spring Town Meeting. She also commented that she was asked to request that the CRC give support to the Personnel Policies and Procedures document at Town Meeting.

Matt Jussaume advised that after we receive the final version of the Personnel Policies and Procedures, the CRC members could review it and take a vote at a future meeting regarding whether the CRC would formally endorse the policy as a committee.

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

5.1. Review Charter Sections As Needed To Complete Revisions

The CRC discussed the following Charter sections in order to complete the Charter draft.

Section 7-11, Terms of Office

Matt Jussaume noted that in Charter section, 7-11 Terms of Office, when we made our revisions, we removed language about a double probationary period for a full time appointed town office. While doing that, we also added text to reference the Personnel By-law. Matt suggested that we could remove this reference so that these policies could be made in other documents, such as a personnel policy, a by-law, or individual contract.

Ms. Bolger commented that there is text in the Personnel Policy and Procedures document about the probationary period, which suggested a full time appointee would have a double probationary period due to needing to be re-appointed after an initial term. This concern had been discussed with the Town Administrator because after someone is appointed and passes a probationary period, they should not have to be appointed again. The original versions of the Charter and personnel policies may have had the stipulation for requiring re-appointments because previously many department heads such as the Tax Collector, Treasurer, and Clerk were elected positions, which would require a new appointment. Now department heads are appointed so there is no need for additional re-appointments at a later time.

The Committee discussed this and some members felt that the Charter should state where this information about appointments is defined. A suggestion was made to change it from the Personnel By-law to the Personnel Policies and Procedures.

As this was further discussed, John Ladik questioned why a requirement was left in section 7-11, Terms of Office, for reappointments who had not been reappointed at least once. The specific text is: *"...provided however, that the reappointment provision shall apply only to those incumbents in such offices who have been reappointed at least once, and the reappointment provision shall expire upon the vacating of the office of any such incumbents..."*

As the discussion continued, it was agreed that this should no longer be required, and maybe the language had originally been borrowed from another town charter or was in reference to appointments to offices that were previously also elected.

Motion: John made motion, seconded by Marilyn Tremblay, that the phrase (referenced above from section 7-11 text) be deleted.

Section 7-11 was updated to the following. The new text is in **bold** font.

*"Notwithstanding any other provision of this Charter which may appear to be to the contrary, whenever a person after having served for the initial term **stated in the Personnel Policies and Procedures** in a full time appointed town office, including, but not limited to the offices of Town Clerk, Town Accountant and Town Treasurer-Collector, is reappointed to the same office to succeed herself/himself, such reappointment shall be for an indefinite term not subject to further periodic reappointment. All such offices shall be subject to removal and/or suspension in accordance with the procedures of Section 7-7 of this Charter."*

There was no further discussion and the motion carried unanimously.

Section 3-7 Filling of Vacancies (elected bodies) and Section 7-8 - Procedures Governing Appointed Multiple Member Bodies

Rob Rand commented that he had questions and concerns about the days required for the filling of vacancies for multiple member bodies. The number of days before the Select Board is unilaterally permitted to fill a vacancy is inconsistent between section 3-7, which covers filling vacancies for elected multiple member bodies, and section 7-8, which covers filling vacancies for non-elected multiple member bodies.

For section 3-7a, item ii, the current Charter text states that if notice of a vacancy is not provided (to the Select Board) within one month following the vacancy, after 5 business days' notice, the Select Board

can fill the vacancy without participation of the remaining members of the elected multiple member body.

The committee discussed that the text as previously revised should be fine because in the case of an elected body, the Select Board should be able to take a corrective action to fill the vacancy so that the elected multiple member body can adequately continue their work.

For section 7-8e, for non-elected multiple member bodies, the currently revised paragraph mentions that if after 30 days notice of a vacancy to the appointing authority, if the appointing authority has not filled the vacancy, the remaining members of that multiple member body can fill the vacancy for the remainder of any unexpired term, by a majority vote of the remaining members. If the remaining members cannot make a decision, the Select Board shall make the appointment.

Rob's concern for section 7-8e was that 30 days didn't seem like enough time for the non-elected multiple member body to find an appropriate candidate. He also questioned the idea of not allowing a multiple member body to have input on initially filling a vacancy.

The Committee discussed the requirements for filling this type of vacancy. It was discussed whether the 30-day requirement should move to 60 days. Ultimately, it was decided that 30 days was appropriate to allow input from the remaining members. The Select Board is not required to fill the vacancy at 30 days, just to help make a decision for the appointed multiple member body. Also, leaving the days at 30, versus extending them to 60, allows the multiple member body to partake in the decision making for the vacancy sooner.

5.2. Review/Edit Charter Draft Based On Proofreading Feedback

Article 8 Continuation Provisions (revised from "Transitional Provisions")

No typographical issues were mentioned. No further changes were made.

Glossary (new section)

The Committee discussed where the glossary should be placed in the Charter, and also reviewed the list we previously created to correct typographical issues and alphabetize it. It was agreed the glossary would be placed at the end of the Charter.

Next steps to bring the Charter to Completion:

1. Format drafts - clean copy and red-lined
2. Share with Town counsel via the Town Administrator, and department/committee heads
3. Post both drafts on the Charter page of the Town Website

The next CRC meeting is planned for 4/6/2022. We'll discuss the presentation for Spring Town Meeting.

It was noted that we can hold in-person meetings for public engagement, however, if this is done, a virtual link must still be provided.

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 Rob Rand. By unanimous vote, the meeting adjourned at 9:04 pm.

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