

Pepperell Charter Review Committee Meeting Minutes April 22, 2020

Remote Meeting

1. Call to Order and Pledge of Allegiance

The meeting was called to order at 7:17 pm. The pledge of allegiance was said.

Matthew Jussaume acted as Chairman, in absence of Doug Adams

Attendance: Charter Review Committee Members attended via remote connection - Caroline Ahdab, Matt Jussaume (Vice Chair), John Ladik, Ramona Reed (Clerk), Harvey Serreze, Mike Tang

Absent: Doug Adams (Chair), Bob Newton, Marilyn Tremblay

2. Acceptance of Meeting Minutes - Review Minutes from Meeting on 4/8/2020 for Acceptance

John Ladik made a motion, seconded by Ramona Reed, to approve the meeting minutes of April 8, 2020.

These were accepted by the Committee members: Caroline Ahdab, Matt Jussaume, John Ladik, Ramona Reed. (this represented a quorum of Committee members at that meeting). Harvey Serreze abstained because he did not attend that meeting. Mike Tang did not vote because he joined the meeting after the vote.

3. Public Comments on the Agenda

Comments were heard from the following Pepperell residents at this meeting:

Ms. Cathy Lundeen asked if the Charter Review Committee would be bringing the question of a 3 vs. 5 BOS to a public forum for voting. She advised that this issue should be brought to the public, and that the Committee should not make a recommendation without doing this because many of the public are not following the Charter Committee. She also asked when the Committee would be done reviewing the Charter, and what other big Charter issues exist. She mentioned a concern about the Town Administrator's responsibilities.

Ms. Sandy Hartnett also asked how the Charter Review Committee would handle the 3 vs. 5 BOS issue and reminded that at prior meetings, the Committee mentioned we would seek to have a ballot vote at a Town election. She advised the Committee should get a larger public vote on this.

Mr. Dave Lavender advised that he supports the Committee's decision to vote on how to handle the 3 vs. 5 BOS question, rather than bringing this to a larger vote when the outcome might likely support not moving to a 5 member BOS. He mentioned that this issue has been discussed many times by the Committee and the public has had plenty of ways to provide feedback. He further commented that if we look to have votes on this, it could lead to request for votes on other issues, delaying the review process.

Matt Jussaume advised public attendees that the committee would not be bringing this question to a Town Election or Town Meeting because the deadlines for submitting a question for the upcoming Spring Town Election and Town Meeting had passed. The Committee attempted to request a Town

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Election ballot question after the deadlines in case they had been extended based on the election being postponed. Ramona Reed reported that Town Administrator, Andrew MacLean, advised the State of Mass. did not allow for extensions on the pre-election ballot process even though the Town Election would be postponed. Matt Jussaume further mentioned we had an item on this evening's agenda to discuss this and the committee would be taking a vote on how to handle Article 3.2. The larger public would have an opportunity to review this matter when the Charter is brought to a future Town Meeting for a vote. Matt also mentioned that the Charter review would continue as long as it takes to make the final review and revisions. Issues such as the Town Administrator responsibilities would be discussed when that Charter section is reviewed again at a future meeting. Ramona Reed added that our goal for the completion is for the 2020 Fall Town Meeting, but if it needed to go longer, we would take the time. She also mentioned that since the last CRC meeting on 4/8/2020, we have received much feedback on this one issue about the number of BOS, all of which was not in favor of moving to a 5-member Board. Details about this would be given later on tonight's agenda. To date, this committee has only received a few suggestions supporting a move to a 5 member BOS, even though the Committee has provided methods to give feedback electronically and via physical feedback boxes at 3 locations in Town.

4. Public Feedback Received

Since the last CRC meeting on April 8, 2020, 51 email messages were received giving feedback on Charter Article 3.2a, concerning the number of Board of Selection. All feedback recommended that the BOS should remain at 3, and many of the emails used the same text. Ramona Reed wrote up a summary document of this feedback, which included the dates, names, and address of every person who emailed.

Ramona Reed made motion to not read every email at this meeting, rather read the summary document she created, including the dates and names of each person who emailed. John Ladik seconded the motion.

During discussion of the motion, Caroline Ahdab suggested that every date and name not be read because this would still take a lot of time. Instead she suggested, including the emails with the minutes. Ramona Reed suggested that rather than attach every email with the minutes which would be time consuming and could be provided to the public upon request, that the summary document of the emails be attached to the minutes. Ramona would remove the addresses from this document before attaching them.

As a result, Ramona Reed amended her motion to not read every email at this meeting, instead, a document that contained a summary of the feedback along with the dates and names of the people who emailed would be attached with the minutes of his meeting. This was seconded by Harvey Serreze. By unanimous vote, the motion was accepted.

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5. Discussion / Action Items

5.1. Charter Committee to Vote on Charter Article, 3.2 Board of Selectmen, Concerning Whether to Increase the Board of Selectmen from a 3 to 5 Member Board

A motion was made by Harvey Serreze, seconded by Mike Tang to keep the number of Board of Selectmen as it currently is, at 3. During discussion of this, Ramona Reed suggested that the motion also reference the Charter Article 3.2a, where this information is stated.

Harvey Serreze asked if we should consider adding additional verbiage to the motion suggesting that we would revisit this if we received more feedback from the public that showed most people wanted a 5-member board. Caroline Ahdab and Ramona Reed recommended that this not be included in this motion because this issue has been much discussed and current data/public feedback received suggests that many people want the BOS to remain at 3. If in the future we were to receive so much feedback supporting a change to 5, we could review it again, and ensure it was announced on a future CRC agenda so the public could be made aware.

Harvey amended the motion, seconded by Mike Tang, to recommend that Charter Article 3.2a not be revised, keeping the number of Board of Selectmen at 3, as opposed to 5. The motion passed by a vote of 5 -1.

John Ladik - No

Harvey Serreze - Yes

Caroline Ahdab - Yes

Ramona Reed - Yes

Mike Tang - Yes

Matthew Jussaume – Yes

5.2. Charter Revision Discussions - Starting with Article 3.2, Board of Selectmen, and Subsequent Sections, Time Permitting

Given the remaining meeting time was short, Matt Jussaume suggested to switch this agenda item with item 5.3, for which research was already done. Review of the remainder of Article 3.2 and subsequent articles will begin at the next meeting.

5.3. Discuss Adding Text to the Charter on Creation of By-laws, Info on Pepperell Code Book, and General Laws and Special Acts Accepted by the Town of Pepperell

John Ladik presented his research about how the Pepperell By-laws are created, and information about the documents, Code of the Town of Pepperell (aka Pepperell Code book) and the General Laws and Special Acts accepted by the Town (of Pepperell).

- John reported that he reviewed the Mass General Laws (MGL) and learned that the MGL allow for towns to establish their own By-laws through the Town Meeting. His

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understanding for Pepperell is that this would mean a warrant for the By-law is created and presented to the Board of Selectmen for review, they would pass it by Legal, and then it would go to Town meeting for a vote. John's recommendation was to include a short description of this process somewhere in the Charter.

- In 1987, the Pepperell Code Book was voted in to consolidate the list of By-laws into one document. However, it's his understanding that this document currently only includes By-laws in place when it was created in 1987 and has not been updated since. John recommended to include a statement in the Charter that describes the purpose of the Pepperell Code Book and names the entity responsible for keeping it updated.
- Also, John advised that the Pepperell Code Book covers information about the various Town committees and commissions but does not mention anything about requiring alternates for their members. He suggested this idea be kept on a list for later review and possible inclusion in the Charter.
- John reported that the document, General Laws and Special Acts accepted by the Town of Pepperell, had been created to provide a list of all applicable MGL that the Town of Pepperell accepted as part of its rules and regulations. John mentioned he wasn't sure why this document was created because he would expect that the Town is automatically required to abide by the MGL, rather than needing to accept specific ones at a Town Meeting. John advised this will need to be further researched with someone who understands the law/purpose of this document.

Matt Jussaume asked if a CRC member would put forward a motion about the suggestion to include a short description of how a By-law is created in the Charter. No motion was made, but this was discussed by the Committee. Caroline Ahdab advised that Charter Article 2.7a describes the Warrant process and suggested that the Charter would not be the right document to discuss the By-Law creation process as creating new By-laws is a complicated issue with many variables and legal aspects that go beyond what the Charter should cover. She further recommended that the Committee continue to review whether an appendix with descriptions of important Charter terminology be included instead, and this might be a place to define the term "Warrant", possibly describing the various types of Warrants, the By-law being one of the types. In attempt to clarify the intent of any By-law description for the Charter, Matt Jussaume and Harvey Serreze asked questions on whether a description of the By-law creation process would be short and not include much detail so that it would be clear that the Charter is not attempting to fully define the By-law creation process. **Action Item:** John Ladik advised he would write a short description such as this for further review and discussion. **Motion:** Ramona Reed made a motion, seconded by Mike Tang, to table this discussion until a future meeting after John presents a draft description about the By-law process. By unanimous vote, this motion was accepted by the Committee. **Action Item:** Caroline Ahdab advised she would further review other Charters to find examples with an appendix or summary that defines Charter terminology.

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

None

7. Adjournment

Mike Tang motioned to adjourn the meeting, which was seconded by Caroline Ahdab. By unanimous vote, the meeting adjourned at 9:08 pm. The next Charter Review Committee Meeting will be scheduled for Weds, May 6, 2020.

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

Attachment 1:

Summary Document of Emails Received by CRC since the last meeting on April 8, 2020

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Attachment 1:

Emails received since the last Charter Review Committee Meeting on April 8, 2020 from Pepperell citizens advising the Charter Review Committee that they are not in favor of increasing the number of Pepperell Board of Selectmen to 5 members.

*Denotes names at same addresses received on the same email

Date Received: Weds, 4/15/2020

1. David M. Carney
2. Andrea Peavey-Frasé
3. Mark Spengler

Date Received: Thurs, 4/16/2020

4. Pete Steeves
5. Brian Hutchinson*
6. Krissy Hutchinson*
7. Robin Anthony
8. Steve Zimmelman
9. Nicholas Moore
10. Kathleen Bennett
11. Margo M. Granfors
12. Nancy Steeves
13. Karen Tarr
14. Christopher Boeing
15. Christopher Spindler*
16. Patricia Spindler*
17. Suzanne Conley
18. Gary Ruprecht*
19. April Babbitt*
20. Deborah Fountain
21. Patricia A. Peavey*
22. Paul R. Peavey*
23. Ron Karr
24. Allen Butturini
25. Ruth Stevens
26. Katherine Pecorelli
27. Christins Heald
28. Roseanne Dzubinski
29. Judith M. Lorimer
30. Mary DeCaprio
31. David E. DeCaprio
32. Jaymee Hemenway
33. William B Van Lennep (Susan listed under her separate 4/17 email)
34. Ania Obrien*
35. George Obrien*
36. William A. Butts (email sent 2x)

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Date Received: Fri, 4/17/2020

- 37. Mark Fountain
- 38. Ronald Monteiro*
- 39. Ann Monteiro*
- 40. Kathleen Cormier
- 41. Susan Bell*
- 42. David Bell*
- 43. Alan Bell*
- 44. Kevin Bell*
- 45. Jason Bell*
- 46. David Barton*
- 47. Bette Barton*
- 48. Kathryn Pries
- 49. Erin O'Bryan
- 50. Susan Van Lennep
- 51. Bob Smaldone
- 52. Phil Dzubinski
- 53. Marianne Butts

Date Received: Sat, 4/18/2020

- 54. Robert Palmer
- 55. James F. Yennaco

Date Received: Sun, 4/19/2020

- 56. Kathy Livingston
- 57. Eileen Augustus
- 58. Donald Augustus
- 59. Jack Howard*
- 60. Christina Howard*

Date Received: Mon, 4/20/2020

- 61. Nannene Gowdy
- 62. Cynthia Yennaco
- 63. Megan Booth Mailman