

# Charter Review Committee Meeting

5/5/2022 - Minutes

## 1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:20 pm. The pledge of allegiance was said.

Attendance (Charter Review Committee Members attended via remote connection): Matt Jussaume (Chair), Caroline Ahdab (Vice Chair) and acting Clerk for this Meeting, Rob Rand, Harvey Serreze, John Ladik and Marilyn Tremblay, Absent: Ramona Reed (Clerk)  
Attendance: Town Administrator Andrew MacLean

## 2. Acceptance Of Minutes

The minutes from meetings on April 27, 2022 were reviewed.

### April 27, 2022 Minutes

A motion was made by Marilyn Tremblay, and seconded by Caroline Ahdab, to accept the meeting minutes from April 27, 2022, as written. Rob did not have an opportunity to read the minutes. There was no discussion and the motion carried by everyone who was in attendance for that meeting. Yes: Caroline Ahdab, Matt Jussaume, Marilyn Tremblay, Harvey Serreze, Abstained: Rob Rand, John Ladik

## 3. Public Comments On The Agenda

Chuck Walkavich and Paula Terrasi in attendance – no comment from either.

## 4. Public Feedback Received

- Civic Engagement Night in Town. As a member of this group, Ms. Scarsdale responded to Matt via email, and they discussed potentially hosting a night to present the Charter changes in early June, however June 9<sup>th</sup> was not available. The Committee discussed various dates and Matt will coordinate with Ramona to propose dates for the next meeting.

## 5. Discuss Steps For Completing The Charter

### 5.1. Review Town Administrator Recommended Changes to Charter

On April 25, 2022 - Mr. Andrew MacLean emailed Matt Jussaume to provide the CRC a new set of his comments on the latest Charter draft provided to him on 4/21/2022. The Committee started reviewing his comments

SECTION 1-1: INCORPORATION

Changed by-law to “by law”

Caroline Ahdab requested a pause to ask if we were going to “re-review” comments that we already addressed, already decided and resolved, and she also asked if these were questions/comments from Town Council.

Town Administrator MacLean stated that the comments we received were only from him.

Caroline Ahdab asked if we should wait for Town Council and review all changes at once. The group discussed and decided to review Town Administrator’s MacLean’s comments, even if the Committee had already discussed, decided and voted on.

Town Administrator stated he was asked for feedback and supplied it and assumed we would want to discuss it. Caroline stated she thought the Committee submitted for Town Council. Town Administrator stated he was asked to distribute and ask for feedback and give to Town Council.

## SECTION 2-7: INITIATION OF WARRANT ARTICLES, Section c.i: Inclusion on Warrant, Annual Town Meeting

- In reference to Town Administrator comments: the number of registered voters (10) for a citizen's petition: Consider raising this limit. It was originally related to smaller populations. "Requiring a higher number may keep spurious articles from being moved forward."

Charter Review discussed. Marilyn asked if there was a certain formula for number of citizens petition based on number of people in town. She asked the Committee if people know if there has been too easy or difficult an with getting signatures. Andrew stated that the bar of "10" is too low of issues that should be taken to Town Meeting and that we haven't had issues so far, but he has seen issues in other towns. Caroline expressed her experiences with Town Meeting number of people that attended, and the number of citizens petitions she has seen. Additionally, the voters in attendance are the ones that determine voting up or down Citizen's petitions.

John made a motion to change the number of signatures required to "50". The motion was not seconded, thus defeated.

Caroline made a motion to keep "as is" and the motion was approved by Caroline, Marilyn, Rob and Harvey. John Ladik voted "nay" and Matt abstained. The motion carried

- In reference to the number of days advance publishing (14 days). Town Administrator comment: Articles shall be published a minimum of fourteen (14) days prior to Town Meeting: This needs clarification. The 45 day notice is to provide the town time to create a proper warrant with legal review and supporting documentation. Requiring publishing 14 days in advance could be difficult as the town doesn't control all aspects of the submissions/responses. It is required for a final warrant (but not all motions language and addendums / recommendations to be posted 7 days in advance (by the constable). This year's was posted on 04/25, for example, but various drafts have been on the Town website and in the hands of FINCOM and others for weeks.

Caroline asked for a pause again and wanted to think about time and the number of comments we have to go through. Matt noted there were 177 comments, though many were minor grammar or typographical errors, and estimated about 30 to go through. Caroline recommended doubling up our meetings to meet a Citizen's engagement night of June, meaning 2 meetings per week.

Charter Review discussed. Caroline Commented that we purposely put in the 14 days advance in the original Charter and discussed at length in the revision. Caroline commented that people wait until the last minute. The prep time is to give the Select Board, Fincomm and the public the opportunity to review the Warrant Articles prior to Town Meeting. Marilyn wanted clarification from Caroline to see if the 14 days and the 7 days if that is what she was referring to. Caroline commented yes, and she stated that she felt this still wasn't enough time. Matt asked if that was a motion from Caroline to "leave as is". Marilyn asked if the FinComm representative John had any comments. John commented that he felt that we aren't getting the correct wording on the motions in front of us. Rob asked if the 14 days was enough or should it be longer? John stated the 14 days was enough.

Town Administrator said the 45 day deadline should be lengthened. Deadline should be middle of March for say a Town Meeting in May is too short, as the Warrant Articles are not in good shape at that time. John questioned why people can't write them up in a timely manner. Town Administrator MacLean said that it would be a short Town Meeting, all the unique ones come in various forms of readiness. By-laws need legal review, which takes longer than 20 minutes. Marilyn commented that what "you" were saying that some warrant articles need legal review. Town Administrator said we could do a better way of review. Marilyn made a motion to leave this section "as is" with the 45 day deadline and the 14 days. Motion approved unanimously, no dissensions or abstainments.

## SECTION 2-7: INITIATION OF WARRANT ARTICLES, Section c.ii: Inclusion on Warrant, Annual Town Meeting

In reference to: Citizen petitions must be accompanied by the signatures of at least one hundred (100) registered voters to be included on the warrant.

Town Administrator comments: Same as comment above for articles to annual meeting but this number is more reasonable, in my thinking than the '10' above.

Caroline requested a pause as she thought something got changed in the wording, as she thought the wording of 100 registered voters was to call a town meeting. Matt reread and checked changes in the document. Marilyn agreed and thought the same thing as Caroline. Town Administrator MacLean commented that if the people call a Town Meeting it is because of a purpose and commented that the bar is higher for a Special Town Meeting to be called and its called for purpose, a warrant, so it is one in the same for a Special. Matt questioned that a Fall Town Meeting is a Special Town Meeting called by 100 voters that must request it. Town Administrator answered Annual Town Meeting is the only one

that is required. Fall Town Meeting is Special. Any Town Meeting that is not an Annual is a "Special". Andrew discussed that if there was a Fall Town meeting and someone had a warrant to add, then this statement of 10 signatures is not clear enough. Caroline is leaning towards leaning as is and referenced two examples of obtaining 100 for the non-binding Warrant Article against Reclamation Projects and she stated she as the driver of that. Also noting that Regional Dispatch was another good example as Special Town Meeting. Town Administrator MacLean supplied the dates.

Matt restated that the Select Board can call a Special Town Meeting anytime they want. And restated the looseness of number of citizens required for adding a warrant article to a Special Town Meeting called by Select Board. John commented that the 100 voters required for STM was stated above, so we could just remove this sentence. Additional discussion of the 10 number. Matt was the opinion to leave as is. Caroline made a motion to remove the sentence of 100 signatures as we have that covered above. John seconded the motion. Motion approved unanimously, no dissensions or abstainments.

Sentence to be removed: Citizen petitions must be accompanied by the signatures of at least one hundred (100) registered voters to be included on the warrant.

SECTION 2-11: REPORT: REPORTS TO THE VOTERS; section b;

Town Administrator Comments in reference to: "and goals for the current fiscal year. The Annual Town Report may also include reports from boards and committees, election results and Town Meeting information."

Comment: Goals are not a requirement of GL on ATRs, they are by definition looking backward reports, not prospective. Master Plans and other processes are the place to document goals.

Town Administrator MacLean stated that goals are not part of the Annual Town Report

Motion made by John Ladik to delete: and goals for the current fiscal year. Caroline seconded the motion. Motion approved unanimously, no dissensions or abstainments.

SECTION 3-1: IN GENERAL section a: Elective Offices

Town Administrator comments: No changes recommended here? Elected positions are difficult to fill. Five year terms are problematic (planning Board) and a FT planner should be able to provide training and historic perspective for less experienced volunteers.

DPW needs review. Elected and Appointed on same board can present a challenge – what is the purpose?

Discussion started with John Ladik asking if we are allowed to make changes as we are a "Committee" and not a "Commission". Discussion continued about the Code of Pepperell needing to be updated and Caroline stated and reminded the Committee that, back in the initial Charter creation, the Department of Revenue recommended the Town of Pepperell update the Code of Pepperell. Matt Jussaume restated the clarification from Town Council regarding the difference between Committee and Commission, additionally noting that we did not hear or receive feedback that there were issues with the current makeup or terms for the elected positions noted in this section. Town Administrator MacLean further commented that the Planning Board 5 year term is difficult in the modern world and the makeup of the DPW Board with Elected and Appointed position creates a complexity in the Board of Public Works. Further discussion regarding boards made up of both Elected and appointed positions and Town Administrator MacLean noted he had never seen a DPW with both an Elected and Appointed positions. Town Administrator MacLean also noted that philosophically "we" should have few elected boards and feels we are stronger with appointed boards. And he would reduce the number of elected board on this list. Rob asked how people feel about the 5 year term for the Planning Board. Caroline commented that the list in this section is supposed to match what is in the Code of Pepperell, as that is the source of these and if it something different then we need to change it in the Charter to match. Caroline also commented that the Code of Pepperell is the "bible" and it is not prevue to change the Code of Pepperell. Continued discussion regarding the initial Charter and the Code of Pepperell.

Caroline made a motion to keep this section as is. Marilyn seconded. Additional comments from Rob that if we made changes that might force the community to make the changes. Caroline noted that she recommended to the previous Select Board to make these changes to the Code of Pepperell one section at a time and bring each change in front of Town Meeting. These changes should take approximately 15 minute of a Select Board meeting. Harvey commented and asked if there have been any problems with any of these elected and appointed boards. Further discussion regarding the term of the boards.

Motion approved unanimously, no dissensions or abstainments.

SECTION 4-2: POWERS AND DUTIES; section b

Comment from the Town Administrator comment regarding: To appoint, subject to the provisions of the civil service law and any; Town Administrator comment: We are not a civil service town

Discussion regarding the town not being a civil service town as well as this language was from the original Charter. Town Administrator stated that towns can use Civil Service or not, Pepperell does not use this. Further discussion regarding the history of civil service towns such as the Town of Reading and Maynard.

Matt additionally questioned the Town Administrator if there were problems leaving this as is since this was in the original Charter and approved by Town Council.

Marilyn motioned to leave the provisions of the civil service law as long as we leave "as may be applicable" and in section c. as well. Harvey commented "why don't we change the "and" to an "or". Marilyn commented that might be a good idea. Caroline (and Matt) noted the motion on the floor.

Marilyn rescinded her original motion and submitted a new motion to change section b and section c to change the "and" to "or": subject to the provisions of the civil service law and any other collective bargaining agreements as may be applicable

To: subject to the provisions of the civil service law or any other collective bargaining agreements as may be applicable  
Caroline seconded the motion and Harvey did as well.

Discussion started from John Ladik and he recommended removing things we don't need. Committee discussed.

Motion was approved by Caroline, Marilyn, Rob and Harvey. John Ladik voted "nay" and Matt abstained. The motion carried

#### SECTION 4-2: POWERS AND DUTIES; section d

Town Administrator commented on: This process shall include access to a binding independent third-party mediator if satisfactory conclusion from the Personnel Board is not received. His comment: Needs review.

Town Administrator MacLean stated that half of the employees are in unions and the personnel by-law is subservient. In union environment goes into mediation often.

Town Administrator would like to withdraw his comment. We would not need to change anything in the Charter if the Personnel By-law passes.

#### SECTION 4-2: POWERS AND DUTIES; section h

Town Administrator commented on: The Town Administrator's responsibilities do not include the initiation of any new building, facilities, or grounds projects without following proper town procedures.

His comment: This is oddly specific. New construction cannot be initiated without appropriation of capital or other financing. It is subject at a minimum to a capital program committee, Building Committee, and FINCOM recommendation, and a Town Meeting vote to fund, possibly debt exclusion ballot vote.

I can't help but think this sentence is directly related to Selectman Tony Beattie being unaware of a two-year process that led to the construction of an EMD garage shortly after his election. Changes to the Charter should not be knee-jerk reactions to something one person disagreed with. In any case, it is impossible for a TA to do what this sentence is implying a TA could do were it not for this sentence.

Discussion: John Ladik explained that someone came to us talking about the walking path. Town Administrator MacLean stated that the Select Board requested him to do that. Further discussion and the Town Administrator explains that it feels reactive. Marilyn explained that we were just trying to close loopholes and the Town Administrator states that there are no loopholes. Further discussion regarding the specific scenario. Town Administrator MacLean states again that it is reactive and directed at him and not related to any other Town Administrator. Town Administrator explains the process. Caroline states she does not see the harm in this sentence and supplies some additional examples of scenarios. She also explained that we are tightening many areas in the Charter. Town Administrator states that it was put in because Alan Leao and Tony Beattie came to the committee and complained about specific situations that weren't done the right way. More discussions and explanations.

Caroline motioned to leave the sentence as is. Rob seconded. Motion was approved by Caroline, Marilyn, Rob, Harvey and John Ladik; Matt abstained. The motion carried.

SECTION 4-2: POWERS AND DUTIES; section i

Town Administrator commented on: To prepare and present, in the manner provided in Article 6, an annual operating budget and Capital Improvement Plan for the Town

His comment: What is the role of the Capital Program Committee? If the TA is superseding this, should the CPC be disbanded?

Town Administrator explained that is this the TA's job or the Capital Program committee. We just need to be clear on this and also the corresponding section in the Charter. Discussion continued. John commented that he believes the CPC would do the grunt work, but the TA is responsible for presenting it to the public. Town Administrator commented that it could become a territorial issue if not clarified. Committee discusses possible changes to this and 6.7.

Marilyn Motioned and Rob Seconded to change this section to reflect the same verbiage in 6-7 from:  
To prepare and present, in the manner provided in Article 6, an annual operating budget and Capital Improvement Plan for the Town

Marilyn Amended her motion to include the word develop and the appropriate Section  
To develop and present, in the manner provided in Article 6-7, an annual operating budget and Capital Improvement Plan for the Town.

Motion approved unanimously, no dissensions or abstainments.

Charter Committee Meeting to ensure Section 6-7 is stated as reviewed in this meeting.

## **5.2. Review Charter Draft Feedback From Town Counsel - TENTATIVE -On Feedback Being Ready**

This was deferred to a future meeting because the CRC has not received the Town Counsel's feedback.

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

None.

## **7. Adjournment**

Caroline Ahdab motioned to adjourn and Marilyn Tremblay seconded. By unanimous vote, the meeting adjourned at 8:57 pm.

Motion was withdrawn, to set up next meeting. Next meeting set for 5/11/2022.

Marilyn Tremblay motioned to adjourn and Harvey Sereze seconded the motion. By unanimous vote, the meeting adjourned at 9:01 pm.

Minutes respectfully submitted by Caroline Ahdab, Clerk, Charter Review Committee