

Charter Review Committee Meeting May 11, 2022 - Minutes

1. Call To Order and Pledge of Allegiance

The meeting was called to order at 7:03 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 the meeting on May 5, 2022, were to be reviewed. These are still being prepared so they will be deferred for review until a future meeting.

3. Public Comments on the Agenda

None

4. Public Feedback Received

Matt Jussaume reported that he sent an email to the Civic Engagement Committee in Town to request potential dates for a Charter Presentation.

5. Discuss Steps for Completing the Charter

5.1. Review Charter Feedback from the Town Administrator (email 4/25/2022), starting from Section 4.2 i

Mr. Andrew MacLean, Town Administrator, joined the meeting to help review his feedback on the Charter draft that he sent the Committee on April 25, 2022.

Part of this was reviewed at the CRC meeting on 5/5/2022. This evening's discussion began with Charter section 4.2r – Powers and Duties (of Town Administrator).

Section 4.2r Powers and Duties (of Town Administrator)

The paragraph for section 4.2r in the current draft Charter is:

"To seek and review, by initiative or upon request of any town officer, those state, federal, regional and all other grants which may be of benefit to the Town of Pepperell. The Town Administrator shall be the authority responsible for reviewing all applications for such grants which require the approval of the Select Board of Selectmen."

Mr. MacLean suggested that the last sentence of section 4.2r, be updated to add the text: **"including those which require the approval of the Select Board"**. This is because sometimes there might be a review of something received by Town staff/department heads who may not have the resources or authority to approve, without Town resources. In these cases, the requests would need to also be reviewed by the Town Administrator.

This was discussed by the Committee.

Motion: Caroline Ahdab made a motion, seconded by Ramona Reed, to remove the last part of the sentence, and end it at *"...for such grants."*

During motion discussion, John Ladik suggested the further modification to the last sentence. The new text is in **bold** font.

*"To seek and review, by initiative or upon request of any town officer, those state, federal, regional and all other grants which may be of benefit to the Town of Pepperell. The Town Administrator shall be the authority responsible for reviewing **all grant applications.**"*

Amended Motion: Caroline amended the motion, seconded by John Ladik, to change the text as John recommended.

There was no further discussion. A vote was taken, and the motion passed unanimously.

Section 4.2 s – Mr. MacLean's comment was that the task is technically done by the Town Clerk. The Committee acknowledged the comment, but agreed that no changes were necessary.

Section 4-5 Selecting a Town Administrator

Section 4-5, first paragraph:

For selecting a Town Administrator, Mr. MacLean suggested to update the first paragraph to change the number of days by which the Select Board is required to appoint a search committee for a vacant Town Administrator position. The Charter requires that they appoint a seven-person committee not more than 30 days after the position becomes vacant, and that committee shall meet within 14 days to organize a plan for the search.

The section was slightly reorganized and updated as follows, with the changes made in **bold** font.

*“**Not more than thirty (30 calendar days)** following a notice of resignation or a vacancy in the office of the Town Administrator, the Select Board shall establish a screening committee to review applicants for the position of **Town Administrator**. The screening committee is to consist of seven (7) persons representing as nearly as possible the demographic and occupational base of the Town and include a Select Board member as a non-voting advisor. The seven (7) person make-up shall consist of two (2) staff (non-Department Heads), two (2) Department Heads, and three (3) Town citizens. **Not more than fourteen (14) calendar days** after appointment, the Town Administrator screening committee shall meet to organize and to plan a process for the selection of the Town Administrator.”*

Motion: John Ladik made a motion, seconded by Marilyn Tremblay, to accept the changes. There was no further discussion. A vote was taken, and the motion carried unanimously.

Section 4-5, second paragraph:

Mr. MacLean’s comment was that a search committee should not have the responsibility to search a candidate’s background. This should be conducted by trained individuals (such as HR staff) after a release is secured from a candidate.

The Committee discussed this and agreed that the human resources function should be involved with the screening process.

The updates were made to the second paragraph of section 4-5. They are in the **bold** font as follows:

*"The Screening Committee shall select a chairperson, advertise the position, engage an independent, professional search organization if necessary, and review all applications received, screen all such applicants by checking and verifying work records, qualifications, and other credentials, **partnering with the town human resources function to ensure consistency with town HR policies and practices. Partnering with the town human resources function, the Screening Committee shall provide for interviews to be conducted with such number of candidates the Screening Committee deems to be necessary, desirable, and/or expedient.**"*

Motion: A motion was made by Marilyn Tremblay, seconded by Rob Rand, to accept the changes. There was no further discussion. A vote was taken, and the motion carried unanimously.

Section 4-5, third paragraph:

Mr. MacLean's comment was that the time constraints and other provisions for finding suitable Town Administrator candidates was overly restrictive.

The Committee discussed this. Caroline Ahdab commented that she agreed that the 90-day timeframe is difficult to find a candidate, based on her prior experience on a TA search committee. Although, it was also noted that a subsequent paragraph provides the ability to reopen the process, should the 90-day timeframe pass without suitable candidates being found.

Motion: Caroline Ahdab made a motion, seconded by John Ladik, to increase the number of calendar days for the search from 90 to 120 calendar days.

There was no further discussion, and a vote was taken. The motion carried by a majority vote, 6-1. Yes: Caroline Ahdab, Harvey Serreze, John Ladik, Ramona Reed, Rob Rand, Matt Jussaume, No: Marilyn Tremblay

The Committee also discussed the Charter requirement concerning how many TA nominees a TA search committee must submit to the Select Board.

Motion: Caroline Ahdab made a motion, seconded by Marilyn Tremblay, to leave the number of TA nominees required to be submitted to the Select Board as *"...not less than 3, and no more than 5 persons."*

There was no further discussion. A vote was taken, and the motion carried unanimously.

Section 4-5 fourth paragraph:

Mr. MacLean's comments regarding the 30-day timeframe for a Search Committee to submit a list of nominees to the Select Board, was that this also can be too restrictive, or in some cases, not necessary. He questioned including this in the Charter.

This was discussed. The Committee agreed that requiring the timeframe is necessary or the task might not be completed.

Motion: Marilyn Tremblay made a motion, seconded by Caroline Ahdab, to leave the timeframe as is.

There was no further discussion. A vote was taken, and the motion carried unanimously.

Section 5.4 Merit Principle (Town Organization)

Mr. MacLean questioned the descriptor "civil service" in the opening sentence of section 5-4: "Subject to any collective bargaining agreements as may be applicable, or to the provisions of the applicable **civil service** laws..."

He commented that the Town of Pepperell is not a civil service community and he questioned why this section is in the Charter, as it is covered in CBAs (collective bargaining agreements) and in Town personnel policies.

The Committee discussed this and agreed that no change was necessary, as the section in general, should still apply to Town employees.

Section 6.5a Action on the Proposed Budget– Joint Budget Review

Mr. MacLean's comment was that this joint review has not been a recent practice and asked if the CRC had vetted this paragraph with the Select Board and Finance Committee.

John Ladik, current chair of the Finance Committee, said this was the first year that this joint review had not been done, and he believes it should be done.

Motion: Caroline made motion, seconded by Ramona Reed, to leave this section as is.

There was no further discussion. A vote was taken, and the motion carried unanimously.

Section 6.7 Capital Improvement Plan – Regarding the first paragraph and related details: *“The Capital Program Committee shall develop a Capital Improvement Plan jointly with the Town Administrator including...”*

Mr. MacLean commented that this paragraph and following details are redundant with information in the Town Administrator duties section and may cause jurisdictional issues. The Charter should choose one agent, the Town Administrator or Capital Program Committee, to take the lead.

The committee agreed we do not wish to reopen this section, and the draft text should stay as is.

Section 7-6 Periodic Review (of the Charter)

Mr. MacLean suggested that the Select Board shall create a Charter Review Committee to conduct a periodic review of the Charter after every decennial census. The makeup of the CRC should reflect a demographic and organizational structure of the town and include representatives from the schools, local government, boards, committees and commission members, and the public at-large.

The Committee agreed that the current requirements for representatives from the specified Town organizations is appropriate and necessary, so no change will be made for this.

It was also discussed that changing the text for when the Charter should be reviewed would be helpful. The first paragraph of 7.6a was updated at this meeting. The new changes are in **bold** font:

*“Charter - The initial review committee **convened** five (5) years after the **initial** adoption of this Charter. **The Charter Review Committee shall convene after each decennial national census**, 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, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable within the constraints of the MGL, Chapter 43B. 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.”

Motion: A motion was made by Marilyn Tremblay, seconded by Harvey Serreze, to approve the changes made to section 7.6a (first paragraph).

Another edit discussed based on Mr. MacLean’s suggestion was to clarify the item under 7.6a that specifies that two members for a Charter Review Committee are chosen by each of the Select Board and Finance Committee. Current Select Board members cannot serve on other multiple member bodies, so the Committee added text to specify that the Select Board cannot choose a current Select Board member.

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

Motion: A motion was made by Marilyn Tremblay, seconded by Caroline Ahdab, to accept the edit to the second part of section 7.6a.

The discussion continued with a question on text that describes the Charter Review Committee members as being chosen or appointed by the agencies specified in section 7.6a. This was also a question Mr. MacLean included in his comments. It is not clear in the Charter whether the agencies are appointing representatives who the Select Board is then required to approve/appoint, or if the agencies are choosing representatives and the Select Board has the power to appoint or not appoint them, at their discretion.

After much discussion, it was determined that this could not be resolved at this meeting. Mr. MacLean offered to ask Town Counsel to review the issue to help the Committee clarify the Charter text.

Motion Withdrawn: Marilyn Tremblay made a motion to withdraw her motion, and Caroline Ahdab seconded this.

Motion: Caroline Ahdab made a motion, seconded by Ramona Reed, to pause this discussion until we receive further information.

There was no further discussion. A vote was taken, and the motion carried unanimously.

The next CRC meeting is planned for Weds, May 18, 2022, and the Committee will return to the section 7.6 comments.

5.2 Review Presentation – Slide Deck, Committee Roles, etc.

There was no time to review this, so it was deferred until a future meeting.

5.3 Review Charter Draft Feedback from Town Counsel – TENTATIVE – on feedback being ready

The Town Counsel has not supplied feedback yet, so nothing was done for this at this meeting.

6. Other Matters which could not be Reasonably Anticipated 48 Hours Prior to Meeting

None

7. Adjournment

John Ladik made a motion to adjourn, which was seconded by Harvey Serreze. By a unanimous vote, the meeting adjourned at 9:14 pm.

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