

Charter Review Committee Meeting

5/18/2022 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:12 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 May 5, 2022, and May 11, 2022, were to be reviewed.

Minutes for meeting May 5, 2022

Motion: Marilyn Tremblay made a motion, seconded by Rob Rand, to accept the minutes from May 5, 2022, as written.

During the discussion it was noted that a few minor updates were necessary. Caroline Ahdab, who wrote the minutes, advised she would make the changes.

Amended motion: Marilyn Tremblay, made a motion seconded by Rob Rand, to accept the minutes with the suggested amendments.

A vote was taken, and the motion was accepted by all who attended the meeting on May 5, 2022. Yes: John Ladik, Rob Rand, Harvey Serreze, Marilyn Tremblay, Caroline Ahdab, Matt Jussaume, Abstained: Ramona Reed

Minutes for meeting on May 11, 2022

The minutes from May 11, 2022, 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

Public Feedback Received:

1. Matt reported that Ms. Margaret Scarsdale, a member of the group who organizes the Civic Engagement Nights in Town, responded that she is reviewing some available dates.

2. Caroline Ahdab reported that she's heard more concerns around the community about Select Board members being allowed to serve on ad hoc committees.

The Committee discussed this. Another concern was that even if Select Board members cannot be members of another multiple-member body, they could influence decisions made by a multiple-member body if they are involved with those bodies in other ways, e.g., providing consultation.

As currently revised, section 3.2 in the Charter which mentions restrictions about Select Board members, states that Select Board members are not permitted to serve on any kind of multiple-member body (elected, nor appointed, including ad hoc committees).

It was discussed whether Select Board members should be able to serve on a body in an advisory, non-voting role. Caroline Ahdab commented that In some cases, it would be helpful to know where Select Board members stand on some of the issues discussed by other multiple-member bodies.

John Ladik reported that in some cases, a Select Board member is required by law to serve on other bodies. For example, for the Affordable Housing Trust, a member of the Select Board is required to sit on this board, as required by MGL.

After further discussion, Matt Jussaume updated the second to last sentence in section 3.2b. The sentence in the current draft Charter was:

“Members of the Select Board shall be ineligible to serve on ad hoc committees or multiple member bodies established by this Charter or by by-law to which the Select Board is the appointing authority.”

This was changed to:

“Members of the Select Board shall be ineligible to serve in additional elected or appointed town positions unless required by by-law or MGL.”

Motion: Caroline Ahdab made a motion, seconded by Marilyn Tremblay, to delete the sentence (in section 3-2b) and add new text: “Members of the Select Board shall be ineligible to serve in additional elected or appointed town positions unless required by by-law or MGL.”

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

5. Discuss Steps For Completing The Charter

5.1. Review Charter Feedback From Town Administrator (Email 4/25/2022) - Continue With Section 7-6a

The review of feedback on the draft Charter provided by Town Administrator, Mr. Andrew MacLean, on 4/25/2022, continued with section 7-6a.

The discussion began about whether it should be required that the Select Board be the appointing authority of candidates selected by elected multiple member bodies to represent them on the Charter Review Committee. Currently in section 7-6a, it states that the elected bodies choose their members for the Charter Review Committee, and in other places it references that the persons are “appointed” by these bodies.

Matt Jussaume advised that his position was that the elected body should have the ability to appoint their members, given there is already some text in the Charter that references they’re “appointing” their members.

Harvey Serreze commented that the Select Board should still have some ability to appoint or oversee an elected body’s choice for the committee, to ensure the appointment is appropriate.

Marilyn Tremblay commented that she agreed that the elected body should be able to appoint members, but then the Select Board should confirm them.

Ramona Reed commented that we should consider what the word “confirm” means relative to how the

Town government operates. Currently there is not an official procedure for the Select Board to “confirm” anything. They make appointments. Additionally, she pointed out that the letters we received confirming our appointments to this Charter Review Committee stated that we were “appointed” to this committee by the Select Board.

The suggested changes for this portion of section 7-6a are as follows. The word "**appointed**" replaces "**chosen**".

"The nine (9) members shall be appointed as follows:

One (1) member appointed by each of the following:

- i. North Middlesex Regional School Committee
- ii. Housing Authority
- iii. Library Board of Trustees
- iv. Town Moderator
- v. Council on Aging

Two (2) members appointed by each of the following:

- i. Select Board
- ii. Finance Committee"

Motion: John made a motion, seconded by Marilyn Tremblay, to accept changes to the part of section 7-6a to clarify that members of the specified multi-member bodies are “appointed” by the said agencies, and not the Select Board.

The motion carried by a majority vote of 4-3. Yes: John Ladik, Caroline Ahdab, Marilyn Tremblay, Matt Jussaume, No: Harvey Serreze, Ramona Reed, Rob Rand

Matt Jussaume confirmed that he would follow up with the Town Administrator (who will confirm with Town Counsel) on the question of whether appointments can be made by bodies other than the Select Board or Town Administrator.

During continued review of this part of section 7-6a, it was questioned whether a prior suggested change stating that current Select Board members can't be chosen for the Charter Review Committee should remain.

It was agreed that because we made a change to section 3-2b, strengthening the statements that a Select Board cannot serve in other Town elected or appointed positions, these changes were no longer necessary in section 7-6a.

Motion: John Ladik made a motion, seconded by Caroline Ahdab, to delete the previously added text to section 7-6a, that current Select Board members may not be chosen.

Harvey Serreze suggested minor changes to a sentence in 7-6a. The text was updated according to Harvey's suggestions. Revisions are in **bold** font.

"Priority shall be given to at least two (2) prior members of the original Charter Commission, or the <delete "the"> Charter Review Committees thereafter."

The Committee agreed this change was appropriate.

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

We reviewed the rest of section 7-6 and agreed that no further updates were needed.

Section 8-2 Time of Taking Effect

Mr. MacLean commented that he believes the revisions are subject to the Attorney General review.

Matt Jussaume suggested we make some minor changes to the first paragraph of the section to clarify a few points.

Changes are in **bold** font:

*"This Charter revision shall become fully effective upon its approval by the voters, **the Commonwealth of Massachusetts, and the town voters at a regular municipal election**, except as otherwise provided in this section."*

Motion: Marilyn Tremblay made a motion, seconded by Harvey Serreze, to accept this text as written.

Caroline Ahdab began discussion of the motion by commenting that it should be stated that if the Charter revisions are voted down, the current committee should not be immediately dispersed, and permitted to continue to make updates to try and bring the Charter to something that would be approved, since that committee would have the background on the revisions made to date.

John Ladik made the point that if this Charter is not accepted, since language like this is not in the original Charter, this suggested provision would not be required to be taken by the Town.

This said, it was noted that a statement along this line was already added to Charter section 7-6.

Matt Jussaume suggested making an additional change to the above revised text, to eliminate the duplicate occurrence of the words, "*by the voters*", for better sentence flow.

The following was suggested:

*"This Charter revision shall become fully effective upon its approval by Town Meeting, **the Commonwealth of Massachusetts, and the town voters at a regular municipal election**, except as otherwise provided in this section."*

Amended motion: Marilyn Tremblay amended her motion to incorporate the new changes, Rob Rand seconded the motion.

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

Section 4-5 Selecting a Town Administrator - follow up from the prior meeting's discussion based on the TA's comments that a screening committee should not be doing background checks.

Rob Rand advised that he met with the HR Generalist, Ms. Judy Palumbo O'Brien, to discuss a question we had on section 4-5, regarding what role HR should have in the screening process for the Town Administrator candidate search.

He advised that some of their discussion was around what the future of the HR role in Town would be.

Rob reported that Ms. Palumbo-O'Brien advised that she would be willing to work with a screening committee but given the current responsibilities and limited time allotted for her role (as a part time position), she wouldn't expect to have a large part in screening/hiring. This would be left with the Town department heads.

Rob asked if we should review what we previously added in section 4-5 to ensure it covers what we expect, and to review the use of the term, "human resources function."

The committee discussed this, but it was ultimately determined that what we previously revised for section 4-5, paragraph two, was sufficient. Also, the use of "human resources function" was deliberate to describe any other Town personnel or agency who would need to cover the human resources functions if ever the new Human Resources Generalist position needed to be eliminated.

Section 4-5 will remain as follows, with prior draft updates in **bold** font:

*"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: John Ladik made a motion, seconded by Marilyn Tremblay, to keep section 4-5 as previously revised.

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

This concluded the review of the Town Administrator's Charter draft feedback from April 25, 2022.

5.2. Review Presentation - Slide Deck, Committee Roles, Etc

The Committee briefly discussed the best approach to review the presentation with current input from Matt Jussaume and John Ladik, but it was decided not to discuss this in depth at this meeting because the time was late. Each committee member will review the latest changes prior to the next meeting to provide feedback.

We also hope to have the expected feedback from the Town Counsel in the coming weeks.

5.3. Review Charter Draft Feedback From Town Counsel - TENTATIVE -On Feedback Being Ready

We have not received feedback from the Town Counsel yet so this will be deferred to a future meeting.

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

None

7. Adjournment

Marilyn Tremblay made a motion to adjourn, which was seconded by Rob Rand. By a unanimous vote, the meeting adjourned at 8:55 pm.

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