

Charter Review Committee

Remote Meeting via On-Line Link posted on the Town of Pepperell's website with this Meeting's agenda.

5/20/2020 - 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): Doug Adams (Chair), Caroline Ahdab, Matt Jussaume (Vice Chair), John Ladik, Ramona Reed (Clerk), Marilyn Tremblay, Harvey Serreze Absent: Bob Newton, Mike Tang

2. Acceptance Of Minutes

Caroline Ahdab made a motion, which was seconded by John Ladik, to postpone a vote on the acceptance of the minutes from the Charter Review Committee meeting on May 6, 2020 to give members more time to review them. The motion was unanimously accepted.

3. Public Comments On The Agenda

None.

4. Public Feedback Received

Feedback received since the meeting on May 6, 2020 via email:

1. Ramona Reed read from an email dated 5/11/2020, sent by Town Administrator, Andrew MacLean. Mr. MacLean provided a response to a question brought up at the CRC meeting on 5/6/2020. The Committee asked for an explanation from Town Legal as to why they advised it was appropriate for the Board of Selectmen to vote to allow one of its members to serve on a separate Town committee even though the Charter states that they are ineligible to do this. The response from Legal was that the Charter states that the BOS may not serve on multi-member bodies established by this Charter or those established by By-law to which the BOS appoints members. The committee in question, the LAN Committee, is neither, so the BOS acted within the Charter's provisions. Mr. MacLean further explained that the LAN Committee is an ad hoc committee, not in the Charter or Town By-laws. If for instance, the work of the LAN was assigned to the existing By-Law Review Committee, a BOS member could not serve on it.

2. Doug Adams presented feedback from an email dated 5/6/2020, sent by Board of Selectmen member, Joe Radwich, who offered input on behalf of himself, and not as a BOS member. Mr. Radwich suggested the following for the Charter:

- Consider holding one of the Town meetings on a Saturday (e.g. Town of Westford holds the Fall meeting this way)
- Should there be a limit to the number of Town committees one person can serve on?
- Review Powers of the Town Administrator - For example, Section 4-2 Duties and Powers of TA. G- states he is responsible for town maintenance, repair, rental and use of all Town buildings and facilities. Mr. Radwich commented that mowing, fertilizing, roof repair etc. are fine but starting a project (walking path) on Town property is not.
- There should be a monetary limit to what the TA can spend without the Town's input.
- There needs to be some oversight in regards to the TA's power. Mr. Radwich mentioned an example where a past TA "started us down the toxic dirt path" and things like this shouldn't happen in the future.

5. Discussion / Action Items

5.1. Review Charter Article 2-3 Committees, Especially Item B, Finance Committee

The CRC discussed Article 2-3 - Committees, in reference to an email sent by Andrew MacLean. The following concern and information was provided by Mr. MacLean. This will be further discussed when the CRC reviews Article 2-3 in more depth in the future.

- The Charter indicates that FINCOM members cannot serve on other committees, except the CRC, Article 2-3b.
- However, the charge for the Capital Program Committee from 1979, calls for a FINCOM member and we have a FINCOM member on it as well as on the Affordable Housing Committee. (documents listing the names of the current members of both these committees were attached to the email for reference).
- Additionally, the BOS created a Building Committee this year and appointed a FINCOM member to it. The Town is also interested in adopting the Community Preservation Act, and if it does, it's likely a Finance Committee appointee is required by statute.

Mr. MacLean further added that he believes the above committee assignments are appropriate and suggested the Charter may need to be revised to cover them. He offered the following as possible ways to handle this:

- Expand the FINCOM to seven members as the requirement to serve on multiple committees can be too much for some members.
- Allow the FINCOM to appoint a non-FINCOM representative who will report back/liaison with FINCOM on certain matters.
- Eliminate the restriction on FINCOM members serving on other Committees.

or

- Make the target committee report back to FINCOM. For instance, Capital Program Committee MUST submit a report to FINCOM every January 31st.

The CRC also discussed how Committees are referenced in the Charter under Article 5-5, Organization of Town Government. Harvey Serreze submitted a draft of a suggested table listing the various Town Committees, Commissions, and Boards, along with the number of members, and term durations. Caroline Ahdab suggested that given that some of this data could change within a 10 year period, perhaps another Town document such as the Code of the Town of Pepperell, might be a better place to house this. This will be further discussed when the CRC reviews Article 5 again.

5.2. Review Charter Article 2-11 Report To Voters - Discuss Clarifying Report Definitions And How Capital Report Section Should Be Handled

The CRC discussed Article 2-11-Report to Voters, and the related, 2-12, General Powers and Duties of the Town Meetings.

John Ladik submitted a suggested re-write of the 2nd paragraph in Article 2-11, to clarify how the Capital Program report can be discussed at Town Meeting. The following revision was included.

The Town Administrator shall provide a summary of the work of the Capital Program Committee. This report shall include the following:

- Review of capital expenses incurred during the current fiscal year*
- A review of the current 5-year plan*
- A discussion of potential large projects for the next 20 years.*

It was also discussed that this paragraph continue to reference the expectations for the Town Administrator's presentation of the Capital Program information and it was questioned how to enforce that

this should be done. Andrew MacLean suggested that if the CRC considers this important, perhaps a suggestion could be made to the Board of Selectmen to include it as a goal in the TA's annual review, rather than having it stated in the Charter. Caroline Ahdab suggested maybe it could be included in the TA's job description.

Action: Also, after discussion on the first paragraph of Article 2-11, John will draft some revisions to simply/clarify how the various reports are referenced.

For Article 2-12, John submitted the following suggested revision:

Massachusetts General Law (Part 1, Title VII, Chapter 20, Section 21) assigns to the voters at Town Meeting the authority to pass local by-laws. Potential by-laws must follow the warrant process described in Sec 2-6 and 2-7. It is recommended that during the origination process of by-law, the author(s) consult with the appropriate board, commission, etc. to minimize conflicts with current regulations and by-laws.

Caroline Ahdab commented it might be good to further document examples of the kinds of warrants, and what happens at Town meeting with them as part of this section. She mentioned that the Town of Barnstable's Charter may have text that could be used. Matt Jussaume mentioned we'll need to ensure that we don't add examples that make things too restrictive so that it seems like only the warrants referenced are the ones discussed at Town Meeting. Doug Adams commented the examples could likely be added in such a way that they provide clarity.

5.3. Charter Revision Discussions - Starting With Article 4 Town Administrator, And Other Sections, Time Permitting

Revisions for some of the initial sections of Article 4 - Town Administrator were made to the Charter.

4-1

- The TA term duration in the second sentence was changed from "not more than (3)" to "not more than (5)".
- The two requirements for a TA (bachelor's degree, 3 years of management experience) were removed, as these could be fluid within a 10 year period and this would allow the Screening Committee to define them as necessary.
- Second to last sentence of the section - Changed "At least three months prior to the expiration of any contract term..." to "Not less than three months prior to the expiration of any contract term..."
- Removed the last sentence of the section - "If the vote of the Board of Selectmen to reappoint fails, the appeal process of Section 4.4." because Section 4.4 is in reference to removing the TA for other reasons outside of the contract process (and potentially contentious ones), and this last paragraph of Section 4.1 is only discussing whether or not the TA will be reappointed after the term of his/her contract expires.

The CRC will continue with Charter Revisions starting at Article 4-2 at the next meeting. **Action:** Doug Adams requested that Committee members review our past notes and recommendations for this Article and forward any to Matt Jussaume so that he can incorporate them into our working document as draft text to help the flow of the review.

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 Matt Jussaume. By unanimous vote, the meeting adjourned at 8:56 pm. The next Charter Review Committee Meeting will be scheduled for Weds, June 3, 2020, at 7 pm. This will be a remote on-line meeting.

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