

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:04 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), Harvey Serreze

Absent: Bob Newton, Mike Tang, Marilyn Tremblay

2. Acceptance Of Minutes

The Charter Review Committee reviewed the minutes for meetings on May 6, 2020 and May 20, 2020 for acceptance.

May 6, 2020 Minutes: John Ladik made a motion, seconded by Matt Jussaume, to approve the meeting minutes of 5/6/2020. Under item 3, Public Comments on Agenda, Comment #2, Caroline Ahdab suggested adding a sentence referencing email dates to provide further context to the discussion on emails sent to the Board of Selectmen. After discussion, John Ladik withdrew the motion and the CRC agreed to defer acceptance of these minutes so the text could be added and reviewed at the next meeting.

May 20, 2020 Minutes: Matt Jussaume made a motion, seconded by Harvey Serreze, to approve the meeting minutes of 5/20/2020. These were unanimously accepted by the Committee members who were present at that meeting: Doug Adams, Caroline Ahdab, Matt Jussaume, John Ladik, Ramona Reed and Harvey Serreze.

3. Public Comments On The Agenda

None.

4. Public Feedback Received

Harvey Serreze advised that he was contacted by Sherrill Rosoff, a member of the Town LAN Committee, concerning the issue this Committee recently discussed where the Board of Selectmen voted to allow one of its members (Margaret Scarsdale) to remain serving on the LAN committee after she was elected to the Board of Selectmen. Ms. Rosoff asked Harvey a question that she said she also recently asked the Town Administrator. She was seeking clarification as to whether BOS members *could or should* recuse themselves from voting on committee items brought before the BOS if there was thought to be a conflict of interest on the items. She asked Harvey if this is covered in the Charter. Harvey advised her that because the LAN committee is an ad hoc committee, the Charter doesn't cover it.

Town Administrator, Andrew MacLean, who was in attendance at tonight's CRC meeting commented on Harvey's remarks. Mr. MacLean said in hindsight, the LAN committee work should have been assigned to the chartered By-law committee rather than having an ad hoc committee formed (this would have prevented the issue of a BOS member being allowed to serve on a separate committee). In this instance, Ms. Scarsdale's continued presence on the LAN Committee is legal (based on the current Charter which does not govern ad hoc committees). He pointed out that the Peter Fitz Feasibility Committee is another ad hoc committee where a BOS member served. Mr. MacLean commented that given a situation like this, he believes rather than the BOS member needing to recuse his/herself on every issue, the BOS member would need to consider each issue and the facts behind it in order to make a personal decision on when it's appropriate to recuse his/herself. He also mentioned that in his conversation with Ms. Rosoff, he recommended that in Ms. Scarsdale's case, it may be in her best interest to recuse herself from taking a public vote as a BOS member on work she did with the LAN Committee but he wasn't suggesting that it

was a legal judgement.

Doug Adams commented that a BOS member should be using the Code of Ethics (Board of Selectmen Code of Conduct) as a guiding reference, especially in cases where a vote could be perceived as a conflict of interest. Doug further suggested we consider adding something to the Charter to address ad hoc committees, placing some limited constraints and addressing any loopholes concerning a Board of Selectmen member. He also asked for a volunteer to research how this might be done. Matt Jussaume asked Harvey Serreze if he had noted anything in his research of committees that addressed where the BOS members could serve. Harvey advised he did not recall anything. Harvey also suggested that when we review adding verbiage for ad hoc committees we should include how to handle a BOS "split vote" if it happened that a BOS member serving on separate committee had to be recused from voting on something for that committee. The CRC agreed to revisit this and consider adding info to Article 5 about ad hoc committees and to Article 3 to address the Board of Selectmen's requirements pertaining to them.

Action: Caroline Ahdab agreed to review some other Charters for ideas.

5. Discussion / Action Items

5.1. Charter Revision Discussions - Starting With Article 4.2 Powers And Duties (Of Town Administrator), And Other Sections, Time Permitting

Revisions continued with Article 4.2 - Town Administrator - Powers and Duties

Article 4.2b -Removed 2nd sentence "Such appointments shall become effective on the 15th day ...". This text seemed too restrictive by unnecessarily delaying a TA's appointment and it could also delay an employee's benefits after starting. **Replaced with:** "Such appointments become effective upon a date included in a written agreement between the Town Administrator and the appointee".

Additionally, the CRC and Andrew MacLean had a discussion on feedback provided at the CRC meeting on 3/11/2020 by Robert Rand, Conservation Commission member. Mr. Rand requested that a change be made to this section requiring that the Town Administrator seek input from the Conservation Commission on hiring the Conservation Commissioner because those commission members would have the expertise to vet a candidate who has the specialized skills needed for the CC, and also be able to gauge the candidate's knowledge of applicable conservation laws.

Mr. MacLean gave input that he agrees that the TA should consult with citizens on committees/commissions/boards who directly work with Town government employees, however, the ultimate hiring decision still needs to be with the Town Administrator or other professionals responsible for hiring. Also, the requirement should be broadened to reference all committees/commissions/boards and not only the Conservation Commission.

John Ladik suggested it would be overkill to add such a requirement to the Charter because if the Town Administrator is not willing to work with the committees/commissions/boards without being required then the wrong TA was hired. There was other discussion around whether putting such language might be overly restrictive. Matt Jussaume expressed concern, commenting that it is the TA's responsibility to appoint the personnel. Ultimately it was agreed by most that if there's an expectation for the TA to consult or receive feedback on the hirings that affect certain committees/commissions/boards then it would be best if the Charter states this. Various ideas were discussed for the wording of this change.

Action: Andrew MacLean offered to draft text based on the discussion outcome concerning how the TA will work with a respective Town committee/commission/board when hiring an employee whose work affects one of these. This will be submitted to the CRC for review.

Article 4.2c - Matt Jussaume reviewed feedback previously submitted by Andrew MacLean recommending that references to the Personnel Board in this section be removed because it was disbanded. Mr. MacLean explained that the Town Personnel By-law is outdated in accordance with various modern human resource policies. Given that the Charter gave the Town Administrator certain

authorities over Town personnel, when it was written it should have also clearly stated that the Town Personnel By-law is revoked. Because this was not done there are conflicts between the Charter and the Personnel By-law and according to Charter Article 1.7 - Precedence of Charter Provisions, the outdated By-law would take precedence. Mr. MacLean reported that he is currently working on an extensive personnel policy document that will replace the Personnel By-law because periodically he will need to update policies based on changes in the laws. He will submit this to the Board of Selectmen for endorsement in the near future.

Doug Adams suggested that rather than trying to incorporate an entire policy into the Charter, it would be best to just refer to the policy that will govern Town personnel. After further discussion on terminology to use and the outdated Personnel By-law, the CRC agreed on the following revisions to clarify text and correct the issues concerning the Town personnel responsibilities:

- The **reference to "personnel by-law"** in the first sentence was **removed**
- A **sentence was added to the end** of the section to address all issues discussed: "The Personnel Bylaw and Personnel Board (Pepperell Code, Chapter 6, Article 12) are superseded by personnel policies and procedures to be maintained by the Town Administrator."

Article 4.2d - This was discussed and no changes were recommended.

The next meeting's discussion will start with Article 4.2e.

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

None.

7. Adjournment

Harvey Serreze motioned to adjourn the meeting, which was seconded by John Ladik. By unanimous vote, the meeting adjourned at 8:52 pm. The next Charter Review Committee Meeting will be scheduled for Weds, June 17, 2020, at 7 pm. This will be a remote on-line meeting.

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