

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:07 pm. The pledge of allegiance was said.

Matthew Jussaume acted as Chairman, in absence of Doug Adams

Attendance (Charter Review Committee Members attended via remote connection): Caroline Ahdab, Matt Jussaume (Vice Chair), John Ladik, Ramona Reed (Clerk), Marilyn Tremblay, Harvey Serreze

Absent: Doug Adams (Chair), Bob Newton, Mike Tang

2. Acceptance Of Minutes

May 6, 2020 Minutes

John Ladik made a motion, seconded by Harvey Serreze, to accept the meeting minutes of May 6, 2020, as amended.

These were accepted by a vote of 6: Caroline Ahdab, Matt Jussaume, John Ladik, Ramona Reed, Marilyn Tremblay, Harvey Serreze

June 3, 2020 Minutes

John Ladik made a motion, seconded by Harvey Serreze, to accept the meeting minutes of June 3, 2020. The motion was subsequently withdrawn by John because after some discussion, the Committee agreed we should defer their review until the next CRC meeting. Caroline Ahdab suggested that the reference to the Board of Selectmen Code of Conduct document be removed from the 1st sentence of the 3rd paragraph under Item 4, Public Feedback on Agenda, because she believes this document to be controversial and invalid after gathering feedback various times from the BOS. Ramona Reed advised she included this to clarify a reference Doug Adams made to the "Code of Ethics". The CRC will review this with Doug to determine if the reference is accurate and to further discuss whether or not it should be included in the minutes.

3. Public Comments On The Agenda

None

4. Public Feedback Received

None

5. Discussion / Action Items

In response to a prior action item request for Charter Article, 4.2 b - Town Administrator Powers and Duties (appointments), Town Administrator, Andrew MacLean, forwarded Doug Adams the following text to be added to the first part of this section:

"To appoint, and in appropriate circumstances, to remove, subject to the provisions of civil service law and applicable collective bargaining agreements, all employees for whom no other method of selection is provided by this Charter. For employees who directly support the efforts of boards, committees, and commissions, the selection process of a new employee must include consultation with the respective board, committee, and commission that staff member will support. The board, committee, or commission

may endorse finalists for selection from which the Town Administrator has final selection authority of an appointee."

This was discussed by the CRC. Matt Jussaume advised he liked the text because it leaves the final selection with the Town Administrator. Caroline Ahdab suggested that she would prefer to see it mention a "joint appointment" where both the Board/Commissions and the Town Administrator must have the same agreement for the appointment. She further commented that this is what she understood the request to be from Mr. Robert Rand of the Conservation Committee (at the CRC meeting on 3/11/2020).

Andrew MacLean, who was in attendance at this meeting, suggested sending the verbiage to the Committees/Commissions/Boards that might be affected by such Town staff appointments to get their input. He believes that these entities and other ad hoc candidate Search Committees would naturally only recommend that the TA select from the candidates they approved. However, allowing them to see this verbiage could help ensure we have captured what they expect for the Charter.

The CRC agreed it would be a good idea to request feedback from the affected Committees, Commissions and Boards. We will wait to add the suggested text until after we receive such feedback.

Action items: Andrew MacLean advised he could provide Caroline a list of which Committees, Commissions, and Boards are supported by an appointed Town staff member. Caroline Ahdab volunteered to send this list and the proposed Charter text to Town Clerk, Brynn Montesanti, requesting that Brynn forward this text to the respective Chairs.

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

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

Article 4.2 e - Andrew MacLean suggested that the text in this section is very broad and he's unsure of its purpose. He advised that there are Town financial reports required by the State and those are available to the public on the State Dept. of Revenue website. As for any administrative reports, since the Charter mention is so broad, he suggested that maybe details of what is required could be agreed upon between the TA and the BOS for the TA's annual goals. Mr. MacLean further commented that these categories of reports are separate from the Town Annual Report, which is also mandated by the State, and required to be approved by the public at Town Meeting.

The CRC members discussed this feedback. John Ladik commented that the Town Clerk office does not publish any financial reports each year. There might be other financial revenue information that's not required on the state reports that could be posted (e.g. business certificates, # of requests for birth and death certificates, marriage licenses, dog licenses, etc.). Caroline Ahdab commented that State published reports can be difficult to find on websites so it would be good to have them more easily accessible on the Town website or via some other way. Mr. MacLean advised that some of the items John mentioned are part of Town Clerk published reports and the Town Annual Report.

John Ladik commented that the Town Annual Report is not always published each year and it should be. Mr. MacLean further clarified that the Town is required to make an Annual Report, which is then required to be accepted at a Town Meeting in order to be finalized, however the State statute does not specify a deadline for when it needs to be accepted. Also, the BOS do not take a position (vote) on the report, they make the decision to move it to the Town Warrant for the public vote. For 2019, the Board of Selectmen opted not to put the Town Annual Report on the Warrant for this Spring's annual Town Meeting in order to streamline the process. He further advised that as of now, all Town Annual Reports except for the 2019 report are posted, but he would post the 2019 draft version, if requested.

Mr. MacLean's suggestion for Article 4.2 e was that it be broad enough so that it includes types of reports that would not change over time, but also that the specific reports be named to ensure the Town is providing what is expected.

Matt Jussaume asked the CRC if anyone could provide examples of the kinds of administrative/operational yearly reports to which this section is referring. John Ladik suggested reports about departmental activities reported by the Police and Fire departments. Ramona Reed asked if some of this was already included in the Town Annual report. Mr. MacLean advised some departmental activities are reported in the Town Annual Report (e.g., grants received and how they're used), but not all. He mentioned that there are some police reports that are submitted to the Federal government. Matt Jussaume asked if links to these could be added. Mr. MacLean advised that he's not opposed to adding reports to the Town website, however, he has limited resources and would be concerned that it could become unmanageable to post a long list of detailed reports. Matt clarified that he would mainly be looking for reports that were required to be compiled by various departments for other reasons (e.g. federal or state mandates) to be posted. Mr. MacLean advised that this would not be unreasonable. He added that if the state provides the Town's reported financial information in a PDF form, that can also be easily added to the Town's website. His additional suggestion for Article 4.2 e was to include something like "financial and administrative reports of the Town shall be publicly posted", and then his team would determine how to do this.

Action: John Ladik will review the known State, Federal and Town reports to determine if there is any other information not included in these that would be important to publish for the public to easily access. The CRC will revisit the revisions to Article 4.2 e after this.

Article 4.2 f - Reviewed, no revisions recommended.

Article 4.2 g - With regard to the Town Administrator's responsibilities under the Charter which are for the maintenance and repair, rental and use, of all town buildings and facilities (except NMRSD buildings), Andrew MacLean suggested adding "including parks, fields, and other lands" after the word "facilities" in this section. He explained this is because there was a debate in Town last year as to who has responsibility for the playing fields. The CRC also reviewed feedback from Mr. Joe Radwich who commented on his own behalf, and not as a Selectman. In his email dated May 6, 2020, sent to Doug Adams for the CRC, Mr. Radwich commented that there should be some oversight and better definition of power included in Article 4.2 g for the TA. Mr. Radwich gave the example that "...Mowing, fertilizing, roof repair etc. are fine, but starting a Project (walking path) on town property is not."

The CRC reviewed the feedback from Mr. MacLean and Mr. Radwich and discussed various ideas about how the verbiage might be revised.

Harvey commented that 4.2 g doesn't make mention of additions or modifications to existing Town buildings/lands, so it would seem that adding a walking path would be out of the purview of what's covered in this section for the TA. He questioned whether the section should be expanded to include "improvements" as part of the TA responsibilities because Mr. MacLean's suggestion did not include a specific mention of this. Caroline Ahdab questioned this as well, asking whether the text should include responsibility to "build and create".

Mr. MacLean suggested that if he is to be in charge of Town facilities, it should include all aspects of what he's being asked to manage such as the parks, fields, and other lands because the Town's budget is responsible for the upkeep of the fields, parks and lands and this ultimately filters up to the Town Administrator's responsibilities as manager of the budget and other areas of the Town administration. He is not looking to make unilateral decisions on major projects affecting buildings or Lands, such as building additions, etc. These things would continue to be run through various checks and balances in the Town. He further explained that the Walking Path project (which is part of a playing field) became an issue because he had approved the project (which was privately funded) after he believed he had an agreement with the Recreation Commission. He had not been attempting to make a unilateral decision on this. The misunderstanding on this was ultimately resolved, and by mutual agreement with the concerned parties, the Walking Path project was completed.

After this discussion, Caroline Ahdab made a motion, seconded by Harvey Serreze, to revise Article 4.2 g to include the text as suggested by Mr. MacLean. There was no further discussion on the motion and it was accepted by unanimous vote by the CRC in attendance - John Ladik, Caroline Ahdab, Ramona

Reed, Harvey Serreze, and Matt Jussaume. Marilyn Tremblay did not vote because she needed to leave the meeting before this. Matt Jussaume revised the text for Article 4.2 g.

Article 4.2 h - Concerning the TA's responsibility for preparing the Town annual operating budget and capital improvement plan, Andrew MacLean proposed revising this section to simply state: *"To prepare and present, in the manner provided in Article 6, an annual operating budget and capital improvement plan for the Town."* The 2nd part of the sentence concerning the capital improvement plan will be covered in Article 6.

John Ladik made a motion, seconded by Ramona Reed, to accept Mr. MacLean's suggested revision. There was no further discussion on the motion and it was accepted by unanimous vote by John Ladik, Caroline Ahdab, Ramona Reed, Harvey Serreze, and Matt Jussaume. Matt Jussaume added the revision to the Charter.

Article 4.2 i - Andrew MacLean advised that the Town does not have a property inventory except where it overlaps with capital (vehicles and major equipment). He mentioned he's not opposed to creating one, but it won't be easily done and has it on a future "To Do" list. He also believes it would be quickly outdated. He considers the text in the section to be broad, and does not believe that the mention of the Library inventory would include all the catalog materials. John Ladik asked how it's determined when things should be replaced. Mr. MacLean advised that items of little value can be disposed of, but surplus property with value is supposed to be managed differently. For example, an auction was held for some Town vehicles. The main concern is to ensure certain items purchased (e.g. laptop computers) are accounted for so they don't "disappear". There is no set rule as to when certain technology items are disposed of, as the useful life of hardware/software can vary. Matt Jussaume asked for clarification on what parts of Library inventory would be relevant. Ramona Reed advised this was likely referencing donated items to the Library entrusted to the Library Board of Trustees through the MGL. Andrew MacLean added there are things like art work and Town historical documents.

The CRC discussed potential revisions for Article 4.2 i. Matt Jussaume suggested identifying an inventory plan that would be limited so every little item was not required to be counted. Caroline Ahdab suggested that the Town Department Heads could be made responsible for doing their inventories, rather than one person being responsible to do it all. It was also questioned what is meant by "personal" property currently in the text. Mr. MacLean commented that the phrasing is unusual, but suggested that "real" and "personal" may be assessor's terms. "Real" might refer to property like land and buildings and "Personal" property may refer to commercial-related items. For example the Town Assessor could review a company's equipment and assess a personal property tax on the value of it. He advised that he could confirm this with the Assessor, and if this is the case, get a list of items that qualify to be taxed. This could help avoid having to count minor items (pens and binders) but would cover larger valued items like furniture. He also agreed that compiling the inventories could be delegated to Department heads so that a reasonable Town inventory could be more easily done every year.

After the discussion, Matt Jussaume asked for a Committee member to make a motion to determine whether or not the Committee feels it's important to keep Article 4.2 i in the Charter. Caroline Ahdab made a motion to keep Article 4.2 i in the Charter and this was seconded by John Ladik. This was briefly discussed where Matt explained he was looking to know if there was an intent for an inventory in the Charter, and if so, the text details could be worked out after. He asked Caroline if the motion was to keep Article 4.2 i in the Charter as written. Caroline confirmed this was her motion, with the possibility of adding text to specify it be a yearly inventory. After additional discussion Caroline amended the motion for for Article 4.2 i for the text to state: *"To assure that a full and complete annual inventory of all property of the Town, both real and personal, is kept, including all property under the control of the library trustees"*. John Ladik seconded the amended motion.

There was no further discussion on the motion and it was accepted by unanimous vote by John Ladik, Caroline Ahdab, Ramona Reed, Harvey Serreze, and Matt Jussaume. Matt Jussaume added the revision to the Charter.

The next meeting's discussion will start with Article 4.2 j. Additional items for the next meeting's agenda will include the continuation of the discussion on how ad hoc committees should be handled in the

Charter (Caroline Ahdab and Doug Adams researching) and the review of minor edits Caroline Ahdab made to Charter Article 2-11 - Report to Voters.

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 9:05 pm. The next Charter Review Committee Meeting will be scheduled for Weds, July 8, 2020, at 7 pm.

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