

Charter Review Committee Meeting

6/22/2022 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:09 pm. The pledge of allegiance was said.

Committee Vice Chair, Caroline Ahdab, took the role of Chair for the meeting in Matt Jussaume's absence.

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

2. Acceptance Of Minutes

The minutes from meetings on June 1, 2022 and June 15, 2022 were to be reviewed. It was determined that there was not a quorum to approve the minutes from either meeting.

Motion: Caroline Ahdab made a motion, seconded by Ramona Reed, to defer the meeting minutes until next meeting with a quorum. There was no discussion and the motion carried unanimously.

3. Public Comments On The Agenda

None

4. Public Feedback Received

The Committee discussed feedback received about action items from the prior meeting:

-Marilyn Tremblay checked with the Senior Center about posting some information about the upcoming Charter Civic Engagement Night. Susan McCarthy, Director of the Senior Center, agreed that something could be posted in the July Senior Center Newsletter, if submitted on time. Marilyn will give her a short write-up.

-Ramona Reed emailed the Library Director, Deb Spratt, about putting a link to the 6/13/2022 Charter summary video on the library website. Deb agreed to post the information. Ramona will provide the necessary links.

5. Discuss Steps For Completing The Charter

5.1. Review Charter Draft Feedback From Town Counsel

The Committee continued with the review of the Charter draft feedback from Town Counsel, Attorney David Doneski. The Charter draft with Attorney Doneski's comments is included with the agenda packet for this meeting. Comment reference numbers mentioned in these minutes can be found in the document with the cross-referenced Charter section.

Article 3: Elected and Appointed Officials

Section 3-1 In General

Comment DD12 - Section 3-5 does not use this word; it refers to free public library. Is "Lawrence" necessary here?

Motion: Caroline Ahdab made a motion, seconded by Marilyn Tremblay, to accept the suggestion made in comment DD12.

Ramona Reed commented that it would be fine to remove the library name, Lawrence, from the description of the Library Board of Trustees in this section. Other Committee members agreed.

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

Comment DD13 - Statutory terminology is housing authority member. G.L. c. 121B, §5

Motion: Marilyn made motion, seconded by Ramona Reed, to modify the text for section 3-1, item vii to be: "Housing Authority: see section 3-4."

The Committee discussed what was best to list here because the Housing Authority is a different entity than other Town multiple member bodies because it is state regulated. Marilyn Tremblay advised that it would be best to simply reference the Housing Authority details in section 3-4 to avoid confusion on the Housing Authority's elected vs. appointed members.

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

Comment DD14 - The statutory provision for a board of public works specifies 3 elected members. G.L. c. 41, §69D (requires Town's acceptance of sections 69C to 69F; such acceptance should be confirmed) Question to answer: how did arrangement of elected and appointed come into existence?

The Committee decided to leave this as is for now; we may review it later if there needs to be an answer to the attorney's question.

Section 3-1b

Comment DD15 – There may be instances in which a governmental body is established by means other than the General Law.

Motion: Marilyn Tremblay made a motion, seconded John Ladik, to approve the attorney's comment for section 3-1, item xi, to change "MGL" to "law".

During the discussion, the Committee agreed that we should accept the suggestion based on Attorney Doneski's reasoning.

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

Section 3-3 North Middlesex Regional School District School Committee

Prior to moving on from Article 3, it was noted that the title of section 3-3 for the school committee should be updated to reflect the name that we previously agreed on for section 3-1. This is: North Middlesex Regional School District School Committee.

Motion: Ramona Reed made a motion, seconded by Marilyn Tremblay, to change the title of section 3-3 to "North Middlesex Regional School District School Committee" to match the name of the committee in section 3-1.

Comment DD16 – Attorney Doneski suggested changing a reference to the school committee name in section 3-3, item b to "The North Middlesex Regional School District Committee" but the CRC agreed the name should be stated according to what the school committee officially uses which is "The North Middlesex Regional School District School Committee".

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

Section 3-4 Housing Authority Board of Commissioners (current draft)

Comment DD17 – Related to Housing Authority comments in section 3-1; remove terminology, “Board of Commissioners”.

John Ladik made a motion, seconded by Marilyn Tremblay, to update the title of section 3-4 to “Housing Authority”, deleting “Board of Commissioners” from the title.

Comment DD18 - This is contrary to the statute, which provides for 5-year terms, and the DHCD guidance document, Public Housing Notice 2021-01, available at <https://www.mass.gov/doc/2021-01-tenant-board>

Motion: Marilyn Tremblay made a motion, seconded by Rob Rand, to accept the attorney’s comments to change the Housing Authority’s appointed tenant’s term to 5 years (from 1), because the law was recently updated to this.

Comment DD19 - Recommend only citing the statutory provision; applicable regulations could change, but statutory basis for housing authorities is less likely to be changed by the Legislature.

Motion: Marilyn Tremblay made a motion, seconded by Ramona Reed, to accept the attorney’s changes to this section 3-4b, striking the reference to the law we previously cited because the law could change.

There was no discussion because this is driven by the law. A vote was taken, and the motion carried unanimously.

Section 3-7 Filling of Vacancies item ii

DD20 - This paragraph is based on G.L. c. 41, §11, which uses the terminology of “month” and “week.” Recommend retaining the one week (sic) phrase.

Motion: John Ladik made a motion, seconded Ramona Reed, to keep the terminology as “5 business days”.

Discussion: The Committee made deliberate changes in the Charter to make terminology referencing “week” or “month” more specific to ensure the Charter requirements for timeframes are clear when an action is taken. If we are later advised that the Charter must match the MGL’s more ambiguous terminology, we will revert changes where required.

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

In addition to the comment made for section 3-7, item ii, Attorney Doneski suggested a change in wording to the last sentence: (change made in **bold** font)

*“The appointment will be made by vote, **which shall require and carried by** a simple majority”*

Motion: John Ladik made a motion, seconded by Marilyn Tremblay, to accept this suggested change to item ii.

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

Section 3-7d

There was also a suggested word change to the last part of section 3-7, item d. The Committee agreed to make the change in **bold** font:

*“North Middlesex Regional School Representative - If there is a failure to elect or, upon receiving written notification from the Regional School Committee of vacancy in the **representation office of representative** for the Town of Pepperell, then the Select Board and the remaining resident members from the Town of Pepperell shall, by majority vote, appoint a successor member to fill the vacancy to*

complete the present term.”

Section 3-8 Recall of Elected Officials, item b

Comment DD21 - Recommend retaining the original language (“with regard to”)

This is the last sentence in 3-8, item b; the change is in **bold** font.

*“The Registrars of Voters shall, within ten (10) business days thereafter, certify such affidavit ~~regarding~~ **with regard to** the sufficiency and validity of the signatures of voters. “*

Motion: Ramona Reed made a motion, seconded by Rob Rand, to make the attorney's suggested change to return to the original wording.

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

Article 4 Town Administrator

Section 4-2 Powers and Duties, item b

Comment DD23 - Question: What is the ‘approval’ that is referenced here? Have the applicable ‘requirement’ provisions of the Charter, Administrative Code and by-laws been identified?

Motion: Marilyn Tremblay made a motion, seconded by John Ladik, to not accept the comment.

After initial discussion of the motion, it was realized that the comment wasn't related to any action or change that the attorney made to the section. However, there were some edits that he made to the first part of section 4-2, item b, independent of the comment, which the Committee agreed were appropriate and helpful.

Amended Motion: Marilyn Tremblay amended her motion, seconded by John Ladik, to accept the changes.

The Committee discussed this and agreed the additional verbiage suggested by the attorney is helpful.

Section 4-2b (first part); Suggested changes are in **bold** font.

*“To appoint, subject to the provisions of the civil service law and any ~~other~~ collective bargaining agreements as may be applicable, all department heads, officers, agents, members of boards and commissions, and employees for whom no other method of selection is provided by this Charter, the Administrative Code, ~~and or~~ Town bylaws. Where **approval of an appointee by a Town board, commission or committee is** required by this Charter, the Administrative Code, ~~and or~~ Town by-laws, the Town Administrator shall appoint a qualified individual from the candidate/candidates approved by **applicable such** boards, commissions, or committees.”*

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

Comment DD24 - Change reflects fact that only a few town positions other than a town administrator or town manager are eligible for an employment agreement: police chief, fire chief, treasurer, assessor, tax collector. See G.L. c. 41, §§108, 108N1/2, 108O

Section 4-2b (second part); Suggested changes are in **bold** font.

*“Such appointments become effective upon **at the date specified included** in a notice of appointment signed by ~~written agreement between~~ the Town Administrator ~~and the appointee~~. Copies of the notices of all such proposed appointments shall be posted on the homepage of the Town's municipal website when submitted to the Select Board. Notices ~~can~~ **shall** also be **made available for viewing** at the Town Clerk's office during normal business hours.”*

Motion: Rob Rand made a motion, seconded by Ramona Reed, that we approve the changes suggested

by the attorney in item b, starting with second section beginning with "Such appointments...".

The Committee discussed what we thought was meant by the comments. Ramona Reed mentioned that she thought the comment referred to the fact that not all appointments made by the Town Administrator have a written employment agreement, so the attorney made the language more general by striking out "written agreement". According to the attorney's comments, the MGL states that only certain Town positions are eligible for written agreements. Rob Rand advised that he also understood the attorney's comments to mean this.

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

Comment DD25 - there is a personnel policy document, looking to have adopted this month; 80 pages, mostly boilerplate but some particular to PEPP. There is a proposal to shorten the bylaw and just have it 'point to' policies – the policy document

Section 4-2c (in current Charter Draft); Suggested changes are in **bold** font.

"In appropriate circumstances to remove, subject to the provisions of the civil service law and any ~~other~~ collective bargaining agreements as may be applicable, and the Personnel By-Law, all department heads, officers, agents, members of boards and commissions, and employees for whom no other method of selection removal is provided by this Charter, the Administrative Code, ~~and or~~ Town by-laws. Where **approval of a Town board, commission or committee is** required by this Charter, the Administrative Code, ~~and or~~ Town by-laws **for such a removal**, the Town Administrator shall not remove an appointee without **such approval of applicable boards, commissions, or committees.**"

Motion: Marilyn Tremblay made a motion, seconded by John Ladik, to accept the changes section 4.2c.

During the discussion it was determined that some text that the CRC purposely kept intact from the original Charter was suggested to be stricken by the attorney, with the intention that it might be covered by the new personnel policy.

Motion Withdrawn: Based on this, Marilyn requested to withdraw the motion, and John Ladik seconded this.

The committee agreed these suggested changes needed closer review. Since the meeting time was late, we did not want to decide now.

Motion: Marilyn Tremblay made a motion, seconded by Harvey Serreze, to put his section on hold until the next meeting. There was no discussion and the motion carried unanimously.

The Committee discussed that we would next meet on July 6, 2022, to continue with the review of Attorney Doneski's feedback.

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 unanimous vote, the meeting adjourned at 9:03 pm.

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