

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

Minutes - June 3, 2020

Matt Jussaume made a motion, seconded by Harvey Serreze, to accept the meeting minutes of June 3, 2020.

The CRC discussed Caroline's Ahdab's suggestion to remove the reference to the Board of Selectmen Code of Conduct document made in the minutes: " *Doug Adams commented that a BOS member should be using the Code of Ethics (Board of Selectmen Code of Conduct)...*" (1st sentence of the 3rd paragraph for Item 4, Public Feedback). Caroline advised she believes this document to be controversial and invalid after gathering feedback various times from the BOS so it should not be referenced. She also commented she did not believe that Doug Adams was referring to this document in his statement. Doug Adams confirmed that he was referring to the Selectmen Code of Conduct document and it was ok to leave the notation. After the discussion, the 6/3/2020 minutes were unanimously accepted as written by the Committee members who were present at that meeting: Doug Adams, Caroline Ahdab, Matt Jussaume, John Ladik, Ramona Reed and Harvey Serreze.

Minutes - June 17, 2020

John Ladik made a motion, seconded by Harvey Serreze, to approve the meeting minutes of 6/17/2020. These were unanimously accepted by the Committee members who were present at that meeting: Caroline Ahdab, Matt Jussaume, John Ladik, Ramona Reed and Harvey Serreze.

3. Public Comments On The Agenda

None

4. Public Feedback Received

Doug Adams advised he received an email dated 7/13/2020 from Pepperell resident, John "Pat" Harrington. Mr. Harrington requested that Doug contact him concerning the topic of a 3 vs. 5 member Selectboard. Doug advised he will report back to the Committee after he contacts Mr. Harrington.

5. Discussion / Action Items

5.1. Article 2-11 - Report To Voters - Review Additional Revisions (C.Ahdab)

The CRC reviewed and discussed suggested revisions made by Caroline Ahdab to Article 2-11 Report to Voters. The revisions are in **bold** font:

1. After the main paragraph, the sentence leading to the bullet points: "The Town Administrator shall provide a summary **document** of the work of the Capital Program Committee. The report shall include the following:"

2. The 3rd bullet point in this section, the text in **bold** replaced the word "discussion": "A **documented prospective future look** of potential large projects for the next 20 years"

John Ladik commented that he didn't think adding "document" was necessary. Caroline advised that during past years there has been little documented for the Capital program and she feels this should be done so that it can be posted for the public to view. She believes the public does not have enough information about the Town's current or 5-year Capital needs. Her other concern is that not all Town Administrators will be consistent about creating this document unless it's specified in the Charter. John Ladik commented he believes a document is overkill in comparison to what has been done and that this information can be obtained via Finance Committee meetings. Caroline reiterated that this information should be available more easily, and not all can attend various meetings. Doug Adams gave various examples during the past several years that showed the need for more visibility of the Capital plan, and commented that even since the Charter was developed, this still has not always happened. Caroline further commented that even at this past Town Meeting, it was difficult to see the presentation slides on the Capital plan and budget. John Ladik added he considers a document to be a written report. However, if a spreadsheet or another format is acceptable to the Committee, we should clarify this.

Town Administrator, Andrew MacLean, who was present asked to comment. Doug Adams granted this and Mr. MacLean mentioned that he agreed the presentation at the recent Town Meeting was problematic, however, all of the information Caroline commented on has been available for the past couple of years and continues to be available to the public on the Town website. That said, he agrees the Charter should require this. Mr. MacLean also pointed out that Article 2-11 makes reference to Article 6.7 Capital Improvement Plans, where the Capital Program is defined. He suggested that the CRC consider clarifying the details in 6.7. The Committee agreed this was a good idea. The Committee also decided to leave Article 2-11 as is for now and notate Article 6.7 to continue the discussion when that is reviewed.

5.2. Action Item Follow-Up: Review How To Address Ad Hoc Committees In The Charter (C.Ahdab, D.Adams)

Doug Adams commented that Caroline and he have not spoken about their research on Ad Hoc committees. He reviewed many other Charters, and noted the language seemed to be weak around Ad Hoc Committees. Caroline advised she found the same to be true. She suggested we consider making the current Charter verbiage stronger, but also mentioned she thought of examples where it could be helpful to have Selectboard members on certain committees. For example, there were instances with the Charter Committee where she thought the input from a Selectboard member would have been helpful concerning certain Town procedures, etc. Matt Jussaume commented that while the input from experienced BOS members would have value, he would not like to have opinions of a current Selectboard member cloud the positions of the Charter committee because much of the Charter governs their job. It was further discussed it could be valuable to have BOS members serve in consultation roles to some committees, but not as voting members. Doug Adams recommended that we table the discussion until the next CRC meeting. **Action:** Doug and Caroline will separately organize their findings and present them to the Committee.

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

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

4.2 j - No revisions

4.2 k - This section will be changed to mention that all procurement shall be done according to MGL Chapter 30B, and 3 other laws. Andrew MacLean will provide the 3 other MGL references. The rest of the statement will mention "and any other laws that may apply". Also, it was discussed among the Committee, with feedback from Mr. MacLean, whether or not it should be required that the Town Administrator be certified as a "Massachusetts Certified Public Procurement Officer". Matt Jussaume suggested if the intent of this section is to abide by the MGL, and the certification is required by a State law, then this would drive the decision to require it. However, it was determined that the certification is

not required by law. It is only required by law that the Town Administrator be the Chief Procurement Officer for a town. The Committee also examined whether we should provide leeway that the Town Administrator does not need to be certified, if another Town employee appointed by the TA is certified. It was also discussed whether the certification is that necessary, as currently the TA's certification is lapsed and we've continued to operate. Given that the Charter states the TA must be certified within a reasonable time, this has been acceptable for now. Perhaps a time frame for being certified needs to be better defined. Mr. MacLean commented that perhaps this requirement could be changed to a recommendation. Some background was provided by Doug Adams that at the time the Charter was written, it was thought that having a certified Procurement Officer was necessary. Caroline added that her recollection was because at the time, there was no one in Town that had the knowledge/experience in this area, and it was thought that it would be the TA who should be certified. However, as the requirements of certification were reviewed, including that it must be renewed every 3 years, the Committee also considered that valuable time could be taken away from the TA regular duties to maintain this certification. Mr. MacLean advised that the certification process for the MCPPO is 9 days training in Boston, in 3 day increments, spread over a year, along with field experience to get the 3 different certifications. It was also discussed whether or not this requirement could limit the pool of future TA candidates. Caroline Ahdab commented that she believes this to be an important requirement of the TA role and disagreed that it should be removed. She mentioned that the verbiage about the TA being certified at the time of the initial appointment or within a reasonable period after could be made more specific (i.e. a year or similar). She also didn't feel it should be a concern that the candidate pool would be limited, as the Hiring Committee would find the necessary candidates.

After the discussion, a motion was made by Matt Jussaume to eliminate the sentence from Article 4.2 k stating that the Town Administrator is to be certified as a Massachusetts Certified Public Procurement Officer. This was seconded by Harvey Serreze. The motion was accepted by a vote of 5 - 1: John Ladik, Matt Jussaume, Ramona Reed, Harvey Serreze, Doug Adams voted yes to accept the motion. Caroline Ahdab voted no on the motion.

4.2 l - No revisions

4.2 m - verbiage "operation of office" was eliminated because the Committee agreed it was redundant.

4.2 n - No revisions

4.2 o - Andrew MacLean noted that Article 4.2 o seems to be inconsistent with Article 5.1 b. Article 4.2 o mentions the TA can reorganize town agencies under his supervision, however Article 5.1 b states that reorganizations should be voted on at Town Meeting. He advised he would leave this to the CRC to decide. Mr. MacLean's recommendations:

1. 4.2 o - Allow the TA to organize to the best use of staffing needs and resources but non-staff reorganization, as well as adding additional employment requires at least approval of the BOS, and Town Meeting when appropriate.
2. Strike Section 5.1 b from the Charter, as 5.1 a already empowers the Town Meeting to take actions that the TA is not empowered to do.

The CRC agreed that we would wait on revisions to this and reconsider when we next review Article 5.
Action: Committee will closely review Article 5.1 to prepare for the discussion and make recommendations.

4.2 p - The word "town" was changed to upper case for the 3 bullets.

4.2 q - No revisions

4.2 r - On the 4th line of the current text, after "purpose", add text "and the By-Law Review Committee (See Sec. 7-6 b)". On the 2nd to last line, after "published," the word "all" was eliminated.

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

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

None

7. Adjournment

John Ladik motioned to adjourn the meeting, which was seconded by Caroline Ahdab. By unanimous vote, the meeting adjourned at 9:02 pm. The next Charter Review Committee Meeting will be scheduled for Weds, August 5, 2020, at 7 pm.

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