

Charter Review Committee Meeting

7/27/2022 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:14 pm. The pledge of allegiance was said.

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

2. Acceptance Of Minutes

The minutes from meetings on the following dates were to be reviewed for approval.

June 15, 2022

It was determined that there was not a quorum from this meeting to approve the minutes. Their approval was deferred to a future meeting.

July 6, 2022

John Ladik made a motion, seconded by Marilyn Tremblay, to approve the minutes from the meeting on July 6, 2022. A vote was taken and the motion passed by a majority vote. Yes: John Ladik, Marilyn Tremblay, Ramona Reed, Rob Rand, Matt Jussaume. Abstained: Harvey Serreze

July 20, 2022

Marilyn Tremblay made a motion, seconded by John Ladik, to approve the minutes from the meeting on July 20, 2022. A vote was taken and the motion passed by a majority vote. Yes: John Ladik, Marilyn Tremblay, Harvey Serreze, Rob Rand, Matt Jussaume. Abstained: Ramona Reed

3. Public Comments On The Agenda

None.

4. Public Feedback Received

An email dated July 26, 2022 was received by Matt Jussaume from the Town Administrator, Mr. Andrew MacLean. Mr. MacLean asked if there was a final version of the Charter for the Select Board to review as they recently asked about it. Matt advised that at tonight's meeting, the Committee was working through the last of the feedback that the Town Counsel provided and we would prepare a final version after that.

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. the comment reference numbers mentioned in these minutes can be found in the document with the cross-referenced Charter section.

Section 5.1 Organization of Town Government

Comment DD34 (regarding section 5.1c) This is not an organizational provision. Also, the second

sentence reflects statutory language that could more likely be amended in the future. Edits made, but recommend removing this paragraph.

Motion: John Ladik made a motion, seconded by Marilyn Tremblay, that we move section 5.1c to the last section under the Finance section (Article 6). There was no discussion. A vote was taken, and the motion carried unanimously.

Motion: John Ladik made a motion, seconded by Ramona Reed, that we call the new paragraph in Article 6 "Fund Transfers". There was no discussion. A vote was taken, and the motion carried unanimously.

Matt Jussaume added the text to Article 6. A new section entitled **6-11 Fund Transfers** was created for this:

"The Town may, by majority vote at any Town Meeting duly held, transfer any amount previously appropriated to any other use authorized by by-law. Alternatively, under Section 16 of MGL, Chapter 39, the Select Board, with the concurrence of the Finance Committee, may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated, other than for a school department, to any other appropriation."

Section 7-8 Procedures Governing Appointed Multiple Member Bodies

Commented [DD56]: Recommend a time period be specified so as to avoid possible disputes on inability to 'make a decision.'

John Ladik had suggested that the time period be 60 days for the remaining members to fill the vacancy. If they cannot fill it, then the Select Board should make an appointment within an additional 14 days.

Motion: John Ladik made a motion, seconded by Marilyn Tremblay, to accept the modified text worked on by the committee. There was no further discussion. A vote was taken and the motion carried unanimously

The following sentence was added to the end of section 7-8e:

"If the remaining members do not fill the vacancy within sixty (60) days following delivery of the notice of vacancy to the appointing authority, the Select Board shall make the appointment within an additional fourteen (14) days."

Section 7-9 Notice of Vacancies

Matt Jussaume made suggested administrative/typographical edits from the attorney in section 7-9. The Committee agreed that voting for these was not necessary.

Section 7-11 Terms of Office

Commented [DD57]: This phrase, un-capitalized, is used in section 4-2.d. As used here is the phrase intended to refer to the Personnel Bylaw? The revision presumes that at least the stated positions of Clerk, Accountant and Treasurer-Collector are addressed in such policies and procedures. Suggested alternative phrase: "having served for the applicable initial term specified for the appointment in a full time appointed town office"

Commented [DD58]: See comments above re: Personnel Bylaw (handling the same as DD57)

The Committee discussed that our intention for using the term, Personnel Policies and Procedures, was to refer to the document drafted by the Town Administrator and department heads. This would be separate from the Personnel By-law.

Matt Jussaume suggested that we could cover this section by being less specific, following the attorney's recommendation.

Motion: Ramona made a motion, seconded by Marilyn Tremblay, to accept the attorney's comments as written.

This would remove a reference we made to the new Personnel Policies and Procedures document in an earlier Charter revision.

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

Matt Jussaume updated the section 7-11 text to the following: (updates made in **bold font**)

*"Notwithstanding any other provision of this Charter which may appear to be to the contrary, whenever a person after having served for the applicable initial term **stated in the Personnel Policies and Procedures** specified for the appointment in a full time appointed town office, including, but not limited to the offices of Town Clerk, Town Accountant and Town Treasurer-Collector, is reappointed to the same office to succeed herself/himself, such reappointment shall be for an indefinite term not subject to further periodic reappointment. All such offices shall be subject to removal and/or suspension in accordance with the procedures of Section 7-7 of this Charter."*

Section 8-1 Continuation of Government

Commented [DD59]: This section, as worded, has continuing 'life' and is a point of historical reference. Recommend against deletion.

Motion: John Ladik made a motion, seconded by Marilyn Tremblay, to accept the attorney's suggestion.

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

Section 8-1 will be changed back to what it was in the original Charter, including the section title of "Continuation of Existing Government".

Section 8-2 Continuation of Government (section title from the original Charter)

Commented [DD60]: See comment above

The Committee began to discuss restoring the original Charter section 8-2, Continuation of Government.

Motion: Marilyn Tremblay made a motion, seconded by Ramona Reed, to accept the changes we've done for sections 8-1 and 8-2 (to restore them as suggested by Town counsel).

The Committee discussed that we originally changed section 8-2 to be section 8-1 because the original Charter's section 8-1 referred to the period before the Charter was approved. Since the Charter has been in effect for more than 5 years, it was previously thought that the original section 8-1 was no longer needed.

Harvey Serreze and Rob Rand commented that it was confusing and redundant to return the section 8-1 title as "Continuation of Existing Government" and the section 8-2 title as "Continuation of Government". It was suggested to remove these titles we are considering adding back, and that the paragraphs in 8-1 and 8-2 be combined into section 8-1. Ramona and Marilyn commented that it seemed like the attorney suggested this because there was a need for language to cover the existing government before the Charter was accepted, in addition to having a section with the language to cover how the government should carry on after the Charter was accepted. They agreed that since the attorney felt these concepts were important to note separately and to retain for historical reference, we should take his

recommendation. Matt Jussaume commented that he agreed, and since it didn't hurt anything to keep these sections as originally written, he was okay with accepting the attorney's suggestion.

Harvey commented that if we were to keep the text under section 8-1, we should change the language to past tense, as this would make more sense. Rob Rand commented that whatever wasn't changed in the original charter or during this review would stay in effect so it doesn't make a difference what went on before the original Charter. He believes that part should be deleted. Matt commented that the Town counsel mentioned that the Charter is only approved once and then it needs to be called something different (e.g., revised Charter). By keeping the language about the existing government, it has the continuing life referred to by the attorney. Harvey commented again that putting the language in past tense would be in line with the attorney's recommendations and would help the language make more sense.

The discussion concluded here, and a vote was taken. The motion passed by a majority of 3-2 votes, with 1 abstention. Yes: John Ladik, Marilyn Tremblay, Ramona Reed, No: Harvey Serreze, Rob Rand, Abstained: Matt Jussaume

Commented [DD61]: Note that a subsequently enacted special act could take precedence. It would be appropriate and/or necessary to include in such an act language such as "Notwithstanding any provision of . . . the charter to the contrary, .

Attorney Doneski's comment DD61 suggested these revisions to the original **section 8-2 Continuation of Government** (updates in **bold** font):

*"All town agencies shall continue to perform their duties until reappointed, or reelected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another town agency. Where provisions of this Charter conflict with provisions of town by-laws, rules, regulations and special acts, and **provisions of MGL accepted by the Town**, the Charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders, and special acts not superseded by this Charter shall remain in force."*

Section 8-3 Time of Taking Effect (the section as it exists in the original Charter)

Commented [DD62]: See comments above re: continuing 'life.'

Commented [DD63]: Same comment as for introductory sentence. Recommend against these revisions.

Commented [DD64]: Same comment as for paragraph a. (Terminology change to Select Board may be retained.)

Commented [DD65]: See comments above. Recommend against deletion.

Commented [DD66]: See comments above

Matt Jussaume explained that the comments DD62 through DD66 were similar to the attorney's previously recommended changes made this evening in original Charter sections 8-1 and 8-2 (about "continuing life" of the Charter).

Motion: John Ladik made a motion, seconded by Marilyn Tremblay to accept the attorney's comments DD62, DD63, DD64, DD65, and DD66.

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

Matt Jussaume reviewed the edits suggested for comments DD62 through DD66 and made them to the Charter draft. This also meant undoing some revisions we previously made to the original Charter section 8-3 Time of Taking Effect.

Commented [DD67]: See comments above. Recommend against deletions of the section 8-3 provisions. Town Counsel edits here are for purposes of new Glossary language.

Motion: John Ladik made a motion, seconded by Ramona Reed, to not accept comment DD67 for the Charter.

It was clarified that this motion was specifically pertaining to not accepting the attorney's recommendation to keep the original Charter's language in section 8-3 that discussed the transitional provision for hiring of the new fire chief, including the search committee for this new position. The Committee continued to agree that this language was no longer relevant and it was not important to keep this in the Charter.

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

Additional Comments made on Article 8 (as revised in the Charter draft version given to Town Counsel)

Commented [DD68]: Change "Board of Selectmen" to "Select Board."

No action was taken on this comment because it referred to the Figure 1, a Town government organization chart, which is outdated and not included in the Committee's revised Charter draft.

The final comments by Attorney Doneski, DD69 through DD76, pertained to the glossary that the Committee created for the revised Charter.

Commented [DD69]: Recommend against including this provision in the Charter. It singles out a particular body without a stated basis for doing so.

Commented [DD70]: This is addressed in section 2-11.b. Recommend against additional language here.

Commented [DD71]: Addressed in body of document

Commented [DD72]: Recommend against this provision. By-laws have a broader meaning than a 'set of rules.' In my view, the subject is sufficiently addressed in section 2-12.

Commented [DD73]: See comments above at section 3-4. Recommend deletion of this item

Commented [DD74]: Recommend a more generic, all-inclusive definition. "multiple member body" is the term used in the Charter.

Commented [DD75]: This is a generally understood term, so recommend a simpler definition.

Commented [DD76]: This is already addressed in section 2-6. Recommend against repeating here.

Motion: Harvey Serreze made a motion, seconded by John Ladik, to remove the whole glossary section.

Harvey Serreze commented that he didn't see the purpose of the glossary because the original Charter did not have one, and it's not required. Ramona Reed said she would be against deleting the section because the Committee had many discussions through our few years of review about the defining the terminology that was included. Since we often questioned their meaning, we decided it would be helpful to include the glossary for the public.

Amended Motion: Harvey Serreze amended his motion, and this was seconded by Ramona Reed, to keep the glossary, but make sure the Figure 1, showing an outdated government organization chart, was not kept.

Discussion: John Ladik requested that the motion contain one item at a time; Ramona Reed advised that the Figure 1 is not included in the current Charter draft. Due to the way MS Word displays the deletions of the figures (which is to strikeout only the figure title), it appears that the figure is still in the draft. This is causing the confusion.

As the Committee continued to discuss the value of the glossary, it was ultimately decided that some of the terminology is either defined in other Charter sections (e.g., administrative code, Town annual report, warrant), or is something that is generally understood (e.g., voter)

Given this information about the figure, Matt Jussaume suggested that the motion, which includes deleting Figure 1, which isn't even included, needs to be reassessed. Matt also mentioned a concern about addressing the remaining comments (referenced above).

The Committee discussed how to most efficiently handle the comments. Harvey suggested he could retract the motion, then we could return to discuss each comment individually. Matt agreed it might go faster if we did one at a time. Ramona suggested we could continue with the motion about the glossary, and still discuss each comment. Matt suggested the fastest way would be if we eliminated all of the glossary, but he's not sure if that's how a vote would go. Harvey and Ramona then suggested that given the attorney's comments, it might be best to remove the glossary.

Motion: Harvey requested to amend the motion again— to eliminate the glossary and remove Figure 1.

John Ladik requested that the motion only include one part, then make a new motion for the second part.

Motion: Harvey made the motion to eliminate the glossary, and John Ladik seconded this motion.

Ramona opened the discussion to remind that the Figure 1 is not in the Charter. We deleted it, so there does not need to be a discussion or motion for this. We might only consider a motion if the attorney suggested that this be kept.

The Committee reviewed the comments DD69 through DD76. They all concerned the glossary. We confirmed that Attorney Doneski recommended deleting most of them, and for the remaining, he suggested they were unnecessary.

Marilyn Tremblay commented that the attorney didn't suggest that any of the glossary items were illegal, but agreed that since only a few would be left after his recommended deletions, perhaps it's not worth keeping the glossary.

After the discussion a vote was taken, and the motion carried by a majority vote of 4-1, with 1 abstention. Yes: Harvey Serreze, Marilyn Tremblay, Ramona Reed, Rob Rand No: John Ladik, Abstained: Matt Jussaume

Motion: Marilyn Tremblay made a motion to keep the Figure 1 chart entitled, but then withdrew it.

Various Committee members confirmed that we deleted this because it's outdated, and we had previously made the decision to add this type of organizational information to the Administrative Code document.

Action Items:

1. Matt and Ramona will collaborate on making new clean and redline versions of the updated Charter draft.

2. Review Matt's latest revisions on the PowerPoint slides for the Civic Engagement Night. The committee discussed when we should request to hold the Civic Engagement night.

- John Ladik recommended Sept 22, as this would be after the State primary elections. The Committee agreed
- Marilyn will send information to the Senior Center to post the CEN date in their September newsletter
- John and Rob volunteered to review the PowerPoint to ensure it's up to date according to recent updates we made for the Charter draft

3. Warrant language and ballot language—John Ladik volunteered to reach out to the Town Clerk to

The next meeting CRC meeting will be determined in the future.

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 Harvey Serreze. By a unanimous vote, the meeting adjourned at 9:04 pm.

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